
PROCEEDINGS OF THE BOARD OF TRUSTEES OF THE TOWN OF CICERO

The Board of Trustees of the Town of Cicero met Tuesday, October 12, 2021 at 10:00 A.M., in the Town Hall Council Chambers, Town of Cicero.

On roll call there were present:

President: Dominick
Clerk: Punzo-Arias
Trustees: Cundari, Garcia, Porod, Reitz, Virruso.
Absent: Trustee Banks – Excused, Trustee Cava - 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 Porod seconded by Trustee Garcia, the minutes of the Regular Meeting held Tuesday, September 28, 2021 at 10:00 o'clock A.M., were approved, the reading being dispensed with, each member having received a copy.

APPROVAL OF BILLS

(135-21)

On motion of Trustee Virruso seconded by Trustee Garcia, the list of bills itemized in Warrant #19, dated October 7, 2021, in the total amount of \$2,991,391.22, were accepted, placed on file and approved for payment; manual check request totaling \$42,000.00; action taken by the following vote:

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

Nays: None.

(136-21)

On motion of Trustee Garcia seconded by Trustee Porod, payroll (*Estimated Corporate \$1,559,474.92 & Library \$27,265.75*) was approved for the active employees listed on the printout dated 10-06-21; action taken by the following vote:

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

Nays: None.

PERMITS

(137-21)

On motion of Trustee Garcia seconded by Trustee Porod, permission was granted resident Maria Regalado to host their an “America Needs Fatima” event to be held on Town owned property located at 34th Street & Laramie Avenue on Saturday, October 16th, from 12:00 PM (Noon) to 1:30 PM.

(138-21)

On motion of Trustee Virruso seconded by Trustee Garcia, permission was granted Mary Queen of Heaven Parish to close 53rd Avenue from 24th Street to 24th Place and 24th Place from 53rd Avenue to 5310 W. 24th Place for their “Day of the Dead / Dia de Muertos Festival” event on Tuesday, November 2nd, 2021 from 9:00 AM to 11:59 PM.

(139-21)

On motion of Trustee Garcia seconded by Trustee Reitz, permission was granted Our Lady of the Mount Parish to host their annual Noche Mexicana Dance event to be held in their parish hall on Saturday, October 23rd, from 6:00 PM to 1:00 AM.

(140-21)

On motion of Trustee Porod seconded by Trustee Garcia, permission was granted St. Mary of Czestochowa to host a Fall Family Dance event to be held in their social center on Saturday, November 13th, 2021 from 6:30 PM to 11:59 PM.

REPORT

(141-21)

On motion of Trustee Virruso seconded by Trustee Porod, the Collector’s Office Report (\$2,892,769.01) and the Revenue Summary Report (\$942,508.59) for the month of September/2021, submitted by Fran Reitz, Collector, was accepted and placed on file; action taken by the following vote:

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

Nays: None.

ORDINANCES

("O" 58-21)

On motion of Trustee Virruso seconded by Trustee Porod, the Ordinance authorizing and approving certain regulations related to year-round outdoor seating at restaurants in the Town of Cicero was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

(Purpose of Ordinance)

(The purpose of this ordinance is to implement certain regulations related to year-round outdoor seating at qualified business establishments within the Town.)

YEAR-ROUND OUTDOOR DINING PERMIT

A. Year-Round Outdoor Dining Permit Qualifications.

Business establishments must meet the following qualifications to apply for a Year-Round Outdoor Dining Permit:

- (1) Location must be a Historic Site as designated by the Cicero Historical Society and recognized as such through Town Board approval.
- (2) Business must be located in an existing R-3 zoning district prior to 2010.
- (3) Business must be located on a corner lot.
- (4) Lot must be less than 4,400 Sq. Ft.
- (5) Building must be less than 3,100 Sq. Ft.
- (6) Business must have existed continuously in the same location prior to 1971.
- (7) Business must have allowed outdoor seating continuously prior to 2000.
- (8) Business must be located on at least one (1) side by a two (2) way right of way with a traffic count of less than 10,000 average daily vehicles.
- (9) Business must sell a mix of fresh prepared as well as prepackaged goods.
- (10) Business must not be located within one hundred fifty (150) feet from any existing school property.
- (11) Business must be located at an "all way traffic stop sign."

Notwithstanding any other provision in the Town Code, it is unlawful for any person, firm, corporation, organization or association to use the public right-of-way for year-round outdoor seating as an extension of certain business establishments, or to provide entertainment in conjunction with such outdoor seating without obtaining a year-round 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 For Year-Round Outdoor Dining Permit.

All applicants for a Year-Round 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 year-round outdoor seating on the public right-of-way permit is sought.

- (2) A detailed and measured site plan approved by the Town's architectural review committee, Town designated staff, and consultants.
- (3) Permit applications for year-round 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 (elected and appointed), employees, agents and volunteers as additional insureds, and containing a statement that said policies shall not be changed or canceled without thirty (30) days written notice to the Town of Cicero; 2) Workers' Compensation—statutory amount.
- (4) 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 year-round 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.

C. Regulations.

All Year-Round 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, with the exception of certain elements required to be affixed for safety and approved by the Town as such. 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.
- (3) For year-round 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) Permit holders are responsible for keeping the sidewalk area between the property line and the street free and clear of any snow and ice.
- (7) Permit holders are required to maintain the parkway concrete in a safe state.
- (8) For year-round 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 must close by 8:00 p.m. daily.
- (10) Business must maintain compliance within the Smoke Free Illinois Act (410 ILCS 82, *et seq*).
- (11) Business must not sell any alcohol or tobacco/smoking products.
- (12) 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. Activity shall not disturb the lawful use and enjoyment of nearby properties.
 - d. Businesses shall allow for adequate and safe pedestrian and parking accessibility.
 - e. Adequate safeguards, including barriers, fencing, or vehicular safety guards around the outdoor seating area shall be provided for security, crowd control, lighting control and the protection of minors.
 - f. The area where service shall be provided shall be owned, leased, or licensed to the licensee.
 - g. The licensee must provide measures not to interfere with the operations of adjacent businesses and provide for the safety of its customers.
 - h. All food and beverages served must meet all required health and safety standards.
- 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 other equipment, appliances, or objects deemed unsafe by the Town or that may pose a risk of harm to the general public.
- 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” 59-21)

On motion of Trustee Virruso seconded by Trustee Reitz, the Ordinance amending Chapter 62, entitled “Offenses And Miscellaneous Provisions”, Section 62-36 and creating Chapter 10, entitled “Alcoholic Beverages”, Section 10-32 of the Code of Ordinances of the Town of Cicero, Illinois regarding the use of private security contractors by private businesses, including but not limited to businesses licensed to serve or sell alcoholic beverages for the Town, was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

(Purpose of Ordinance)

(The purpose of this ordinance is to update the Existing Regulations regarding employment of private security contractors. Also to require all liquor license holders that wish to provide private security ensure that the provider is licensed by the State of Illinois and the provider registers its business with the Town.)

Section 62-36: Employment of private security contractor or agency.

(a) Definitions.

(1) As used in this section, *private security contractor* means any person who engages in the business of providing a private guard, watchman, patrol service, or any like service by another title or name on a contractual basis for another person, firm, association or corporation for a fee or other valuable consideration and performing one or more of the following security acts:

(a) ~~(1)~~The prevention or detection of intrusion, entry, theft, vandalism, abuse, fire or trespass on private or governmental property.

(b) ~~(2)~~The prevention, observation or detection of any authorized activity on private or governmental property.

(c) ~~(3)~~The protection of patrons and persons lawfully authorized to be on the premises of the person, firm, association or corporation for whom he contractually is obligated to provide security services.

(d) ~~(4)~~The prevention of the misappropriation or concealment of goods, money, bonds, stocks, notes, valuable documents or papers.

(e) ~~(5)~~The control, regulation or direction of the flow or movement of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to assure the protection of property on property owned or controlled by the client.

(f) ~~(6)~~The protection of individuals from bodily harm or death (bodyguard functions).

(2) *Private security contractor agency* means any person, firm, association or corporation that engages in the private security contractor business and that employs one or more persons in conducting business similar to the "security acts" outlined in the definition of private security contractor, see above.

(3) Weapons shall include but not be limited to a firearm, loaded or unloaded; a bludgeon, black-jack, slung-shot, sand-club, sand-bag, metal knuckles or other knuckle weapon regardless of its composition; throwing star, or any knife, commonly referred to as a switchblade knife or a ballistic knife; a stun gun or taser; mace or pepper spray or any other dangerous or deadly weapon or instrument of like character.

(b) Employment of private security contractor or private security contractor agency. No person, business, firm, association or corporation shall employ a person, firm, association or corporation as a private security contractor or private security contractor agency unless such private security contractor or private security contractor agency (collectively, "Security Firms or Persons") is licensed pursuant to the private detective, private alarm, private security, and locksmith act of 1993, 225 ILCS 446/1 et seq. ~~or is exempt from such licensing requirements pursuant to section 30 of such act.~~ 2004, 225 ILCS 447/1, et seq., or is exempt from such licensing requirements pursuant to section 25-5 of such act. Any business employing Security Firms or Persons that are required to be licensed by the State shall be required to retain a copy of said license on or at the premises where the security is being provided. A business owner or operator's failure to ensure that the Security Firms or Persons are duly licensed by the State and/or a failure to keep a copy of the license on or at the premises shall be a violation of this section of the Town Code and may subject the business owner to a penalty as detailed herein.

(c) Private Security Carrying a Weapon. No private security contractor, as defined in this section of the Town Code, shall be permitted to carry a weapon while serving as a private security contractor (as enumerated in Section 720 ILCS 5/24-1 unless the private security contract verifies the specific contractor is also a licensed and sworn "Peace Officer," as defined in Section 725 ILCS 5/107-4(a)(2)) or has met the requirements set forth in Section 725 ILCS 5/24-2(a)(5) or is otherwise permitted under law to carry such item.

~~(d) Penalty. A minimum fine of \$250.00 and a maximum fine of \$750.00 shall be imposed for violations of this section. Additionally, a business violating this section may face suspensions and/or revocations of any and all licenses issued to a business by the Town of Cicero.~~

(d) *Registration Required.* Any and all Security Firms or Persons providing private security in the Town shall be required to register with the Town. An administrative fee of \$50.00 shall be charged to the Security Firms or Persons. The registration shall include disclosing or providing copies of the following information:

- (1) The name and address of the owner of the Security Firms or Persons; and
- (2) The name and address of the Security Firms or Persons' registered agent, if any; and
- (3) A 24-hour, seven (7) days a week contact number and person; and
- (4) The names and addresses of any and all businesses and/or locations where the Security Firms or Persons are providing security services; and
- (5) The name and phone number for the supervisor(s) on duty, if any, for the Security Firms or Persons; and
- (6) A copy of the Security Firms or Persons' State of Illinois issued license; and
- (7) A statement regarding whether the persons providing security will be carrying weapons, including firearms, Billy clubs, mace, pepper spray, tasers, or any other items, and a copy of the license for any individual carrying a weapon. The specific weapons being carried must be disclosed.

~~(e) Penalty. A minimum fine of \$250.00 and a maximum fine of \$750.00 shall be imposed for violations of this section. Additionally, a business violating this section may face suspensions and/or revocations of any and all licenses issued to a business by the Town of Cicero.~~

Section 10-32: Use of Private Security in Licensed Establishments.

A licensed premises may only employ private security contractors or agencies as provided for by Section 62-36. Any failure of a licensed premises or its owners and/or operators to comply with the provisions of Section 62-36 shall be deemed a violation of this Chapter as well as Chapter 62 and may subject the noncompliant party to a minimum fine of \$250.00 up to a maximum fine of \$750.00, as well as possible suspension and/or revocation of the noncompliant party's local liquor license.

("O" 60-21)

On motion of Trustee Garcia seconded by Trustee Reitz, the Ordinance authorizing and approving the disposal of an obsolete vehicle for the Town (*One (1) 2009 Ford Focus from the Water Department*) was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

("O" 61-21)

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

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

Nays: None.

(“O” 62-21)

On motion of Trustee Garcia seconded by Trustee Porod, the Ordinance authorizing and approving the purchase of vehicles for the Police Department of the Town (*Five (5) 2021 Ford unmarked utility vehicles from Currie Motors for the total amount of \$185,985.00*) was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

(“O” 63-21)

On motion of Trustee Porod seconded by Trustee Virruso, the Ordinance authorizing and approving the purchase of vehicles for the Town of Cicero Senior Services Department and the Office for People with Disabilities for the Town (*Two (2) 2022 Ford E450; (1) 25 passenger & (1) 16 passenger buses from Tesco Transportation Equipment Sales Corp. for the total amount of \$163,944.00*), was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

(“O” 64-21)

On motion of Trustee Virruso seconded by Trustee Garcia, the Ordinance granting a special use permit for the operation of a truck driving and training lot/facility at 1300, 1302 & 1304 S. 54th Avenue, was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

(“O” 65-21)

On motion of Trustee Garcia seconded by Trustee Reitz, the Ordinance granting a special use permit for the operation of an oil change business with a drive-thru at 2217 S. Cicero Avenue, was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

(“O” 66-21)

On motion of Trustee Virruso seconded by Trustee Garcia, the Ordinance granting a parking variance for the operation of an insurance agency at 6021 W. Cermak Rd, was accepted, placed on file and approved for passage by the following vote:

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

Nays: None.

RESOLUTIONS

(“R” 101-21)

On motion of Trustee Virruso seconded by Trustee Porod, the Resolution authorizing and approving the lease of certain equipment and authorizing the Town to enter into related agreements for the Town (*One (1) Xerox Office Finisher C8155 from Xerox Financial Services LLC*), was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

(“R” 102-21)

On motion of Trustee Porod seconded by Trustee Virruso, the Resolution authorizing and approving the purchase of gift certificates related to the Town of Cicero’s Holiday Food Assistance Program (*\$15.00 gift certificates from a local grocery store to assist eligible residents offset the cost of holiday meals*) was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

(“R” 103-21)

On motion of Trustee Virruso seconded by Trustee Reitz, the Resolution approving a proposal from Flock Group Inc. and authorizing the Town President to enter into an agreement with Flock Group Inc. to provide products and services to the Town (*To provide license plate reading software and camera equipment to the Police Department*) was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

(“R” 104-21)

On motion of Trustee Porod 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: Cundari, Garcia, Porod, Reitz, Virruso.

Nays: None.

(“R” 105-21)

On motion of Trustee Virruso seconded by Trustee Porod, the Resolution authorizing the Town President to renew the Town of Cicero’s Group Term and Voluntary Term Life Insurance with Dearborn National for certain employees of the Town, was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

(“R” 106-21)

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

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

Nays: None.

(“R” 107-21)

On motion of Trustee Virruso seconded by Trustee Reitz, the Resolution authorizing and approving an invoice from EHMS Mechanical Services, All Mechanical Industries, Inc. for services provided to the Town (*Repairs to the Municipal Complex Heating/Cooling system in the total amount of \$10,301.37*), was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

(“R” 108-21)

On motion of Trustee Garcia seconded by Trustee Virruso, the Resolution authorizing the Town President to enter into a revised Intergovernmental Master Agreements with the Illinois Department of Transportation for the Town (*Two (2) Intergovernmental Master Agreements: 1) for State maintained traffic signals & 2) for governmental body maintained traffic signals*) was accepted, placed on file and approved for adoption by the following vote:

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

Nays: None.

NEW BUSINESS

(142-21)

On motion of Trustee Porod seconded by Trustee Garcia, approval was granted for a curb cut for a driveway at 5211 W. 23rd Place, as recommended by the Town Engineer and Building Department; action taken by the following vote:

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

Nays: None.

(143-21)

On motion of Trustee Porod seconded by Trustee Garcia, the Board concurred with the recommendation of Board of Fire, Police and Public Safety Commissioners to hire the following seven (7) qualified Firefighter Candidates from the current eligibility list; action taken by the following vote:

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

Nays: None.

(144-21)

On motion of Trustee Virruso seconded by Trustee Porod, the Board concurred with the recommendation of Board of Fire, Police and Public Safety Commissioners to hire the following nine (9) qualified Probationary Police Officers Candidates from the current LATERAL eligibility list; action taken by the following vote:

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

Nays: None.

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

Fire Chief Piekarski announced the Fire Department will be having an Open House event on October 23, 2021 from 11AM to 3PM at the PSO Building located at 5410 W. 34th Street.

Cicero Public Library Director, Mrs. Sandra Tomschin invited all to attend their dedication ceremony in honor of the late former Director Patricia Ann Terracino on Thursday, October 14, 2021, Cicero Public Library, 5225 W. Cermak Road, Cicero, IL to begin promptly at 1:00 PM.

On motion of Trustee Virruso seconded by Trustee Garcia, the board then stood adjourned at 10:19 A.M. to meet on Tuesday, October 26, 2021 at 10:00 A.M., in the Town Hall, Town of Cicero.

MARIA A. PUNZO-ARIAS, TOWN CLERK