

PROCEEDINGS OF THE BOARD OF TRUSTEES OF THE TOWN OF CICERO

The Board of Trustees of the Town of Cicero met Tuesday, January 26, 2010 at 6:00 P.M., in the Town Hall, Town of Cicero.

On roll call there were present:

President: Dominick

Clerk: Colpo

Trustees: Cundari, Garcia, Punzo-Arias, Raleigh, Reitz, Virruso, Walsh.

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 Raleigh seconded by Trustee Punzo-Arias, the minutes of the Meeting held Tuesday, January 12, 2010 at 10:00 o'clock A.M., were approved, the reading being dispensed with, each member having received a copy.

PRESENTATIONS

Town President Larry Dominick, Board Members and the Military Families of Cicero United Committee honored Specialist Alejandro Alvarez for his dedicated service to our country and presented him with a welcome home basket, flowers and a special recognition certificate.

("R" 8-10)

On motion of Trustee Punzo-Arias seconded by Trustee Raleigh, the resolution honoring Town Attorney Michael Del Galdo who was recently selected by the Super Lawyers Magazine for the Illinois "Rising Star" 2010 Honor in the field of Law, was unanimously accepted, placed on file and approved for adoption.

On motion of Trustee Raleigh seconded by Trustee Garcia, the minutes of the 2010 Appropriation Public Hearing held Tuesday, January 12, 2010 at 10:00 o'clock A.M., were approved, the reading being dispensed with, each member having received a copy.

APPROVAL OF BILLS

(8-10)

On motion of Trustee Virruso seconded by Trustee Walsh, the list of bills itemized in Warrant #2, dated January 25, 2010, in the total amount of \$1,541,428.56 and the list of manual checks dated January 12 thru January 25, in the total amount of \$20,000.00, were accepted, placed on file and approved for payment; action taken by the following vote:

Ayes: Cundari, Garcia, Punzo-Arias, Raleigh, Reitz, Virruso, Walsh.

Nays: None.

(9-10)

On motion of Trustee Raleigh seconded by Trustee Garcia, payroll (*Estimated Corporate \$1,290,235.44 & Library \$23,008.00*) was approved for the active employees listed on the printout dated 01-25-10; action taken by the following vote:

Ayes: Cundari, Garcia, Punzo-Arias, Raleigh, Reitz, Virruso, Walsh.

Nays: None.

(10-10)

By Trustee Punzo-Arias:

RESOLVED, that the list of medical claims listed on the printout for the month of December/09, prepared by Blue Cross & Blue Shield of Illinois, in the total amount of \$806,860.58, be accepted, placed on file and approved for payment.

Which was on motion of Trustee Punzo-Arias seconded by Trustee Raleigh, approved by the following vote:

Ayes: Cundari, Garcia, Punzo-Arias, Raleigh, Reitz, Virruso, Walsh.

Nays: None.

(11-10)

By Trustee Virruso:

BE IT RESOLVED, that the attached pay request for the month of December, 2009, submitted by K.R. Miller Contractors, Inc., covering expenses relative to the Town of Cicero Municipal Complex in the total amount of \$496.03, be accepted, placed on file and approved for payment; and

BE IT FURTHER RESOLVED by the President & Board of Trustees of the Town of Cicero that the Treasurer is hereby authorized and directed to transfer from the Tax Increment Financing Fund the sum of \$496.03 to Greater Illinois Title Company for disbursement of the checks.

Which was on motion of Trustee Virruso seconded by Trustee Raleigh, approved for adoption by the following vote:

Ayes: Cundari, Garcia, Punzo-Arias, Raleigh, Reitz, Virruso, Walsh.

Nays: None.

(12-10)

By Trustee Raleigh:

BE IT RESOLVED, that the attached pay request for the month of December, 2009, submitted by K.R. Miller Contractors, Inc., covering expenses relative to the Town of Cicero Maintenance Facility in the total amount of \$350,749.85, be accepted, placed on file and approved for payment; and

BE IT FURTHER RESOLVED by the President & Board of Trustees of the Town of Cicero that the Treasurer is hereby authorized and directed to transfer from the Tax Increment Financing Fund the sum of \$350,749.85 to Greater Illinois Title Company for disbursement of the checks.

Which was on motion of Trustee Raleigh seconded by Trustee Punzo-Arias, approved for adoption by the following vote:

Ayes: Cundari, Garcia, Punzo-Arias, Raleigh, Reitz, Virruso, Walsh.

Nays: None.

ORDINANCES

("O" 7-10)

On motion of Trustee Raleigh seconded by Trustee Punzo-Arias, the Ordinance amending Chapter 94 entitled "Traffic" Section 94-280, 94-282, 94-457, 94-486 and 94-487 of the Town Code to prohibit parking on specific streets at specified times throughout the year, was accepted, placed on file and approved for passage by the following vote:

Ayes: Cundari, Garcia, Punzo-Arias, Raleigh, Reitz, Virruso, Walsh.

Nays: None.

(Purpose of Ordinance)

(The purpose of this ordinance is to ensure that the Town can undertake street maintenance, street repair and other Town services)

Section 94-280 Prohibited on Certain Streets during Certain Town Activities Street Sweeping.

- (a) Purpose. The purpose of this Section is to prohibit parking on streets within the Town on specific days at specified times to better allow the Town to maintain public streets and property. The parking prohibition will enable the Town to undertake street maintenance, street repair and other Town services including, without limitation, tree trimming, tree removal, street cleaning, sewer repair, street paving, curb painting and repair, street sweeping and pothole repair.

(ab) [Definitions.] The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning. All terms used in the singular shall include the plural and all words used in the masculine gender shall extend to and apply to the feminine gender, when applicable.

(1) Major Street shall mean any of the following streets located within the corporate limits of the Town: 16th Street, 26th Street, 31st Street, 35th Street, 50th Avenue from Roosevelt Road to 26th Street, Laramie Avenue, Central Avenue, Austin Boulevard, Cermak Road, the south side of Roosevelt Road and the north side of Pershing Road.

(2) Residential Street shall mean any street located within the corporate limits of the Town and that is not defined as a Major Street.

(bc) Unlawful Parking on Major Streets. It shall be unlawful for any person to park any vehicle for a period of time longer than three minutes for loading and unloading of passengers or 15 minutes for loading and unloading of property on any Major Street within the corporate limits of the Town, whether such Major Street is designated as a loading zone or not so designated, where the Superintendent Commissioner of Public Works has designated, by appropriate signs, that there is "No Parking." street sweeping operations will be conducted. Such signs shall designate the day and hours of the day during which the no parking regulation is in effect such street sweeping operations will be conducted, and this Section shall be in effect only on such designated days and hours of the day.

(1) Year round Between April 1 and November 30, inclusive, of each year, vehicles parked in violation of Subsection (bc) of this Section shall be towed and/or issued citations, as determined by the Town Collector's Office. The towing charges in each case shall be borne by the owner of the vehicle.

(2) Any person who violates Subsection (bc) of this Section shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined not less than \$50.00 and not more than \$100.00 for each violation. Any citation issued pursuant to Subsection (bc) of this Section that is not paid to the Town within thirty (30) calendar days after payment is due shall be turned in to a collection agency. The Director of the Department of Financial Affairs shall be responsible for the oversight of the collection program and ensure that the collection process is

commenced in compliance with the provisions of this Subsection.

(~~ed~~) Unlawful Parking on Residential Streets. It shall be unlawful for any person to park any vehicle ~~for a period of time longer than three minutes for loading and unloading of passengers or 15 minutes for loading and unloading of property~~ on any Residential Street within the corporate limits of the Town, whether such Residential Street is designated as a loading zone or not so designated, where the ~~Superintendent~~ Commissioner of Public Works has designated, by appropriate signs, that there is "No Parking". ~~street sweeping operations will be conducted.~~ Such signs shall designate the day and hours of the day during which the no parking regulation is in effect ~~such street sweeping operations will be conducted~~, and this Section shall be in effect only on such designated days and hours of the day.

(1) ~~Year round Between April 1 and November 30, inclusive, of each year,~~ vehicles parked in violation of Subsection (~~ed~~) of this Section shall be issued citations.

(2) Any person who violates Subsection (~~ed~~) of this Section shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined not less than \$50.00 and not more than \$100.00 for each violation. Any citation issued pursuant to Subsection (~~ed~~) of this Section that is not paid to the Town within thirty (30) calendar days after payment is due shall be turned in to a collection agency. The Director of the Department of Financial Affairs shall be responsible for the oversight of the collection program and ensure that the collection process is commenced in compliance with the provisions of this Subsection. If any vehicle receives ~~(3) three or more no parking street sweeping citations, winter parking citations or a combination thereof~~ within one (1) calendar year, each subsequent violation of Subsection (~~ed~~) of this Section ~~and/or Subsection (c) of Section 94-282~~ within the same calendar year shall result in said vehicle being towed. The towing charges in each case shall be borne by the owner of the vehicle.

Section 94-282 ~~Parking on Certain Streets during Winter and After Snow has Fallen. Reserved.~~

Section 94-457 Towing of ~~Immobilized~~ ~~Vehicles~~.

Any vehicle which remains immobilized for a period of two (2) days or more is hereby declared to be a derelict vehicle and may be towed in accordance with the procedure set forth in ~~Section 94-487 33-112.1.~~ Immobilized vehicles which additionally qualify as no parking obstruction vehicles ~~snow emergency obstruction vehicles or street cleaning obstruction vehicles~~ as defined in ~~Section 94-486~~ are subject to immediate towing in accordance with the procedure set forth in ~~Section 94-487~~.

Section 94-486 Definitions

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

No parking obstruction vehicle means a vehicle located on a public way at a time or in such a manner as to be in violation of Section 94-280 of this Code.

~~Street cleaning obstruction vehicle means a vehicle located on a public way at a time or in such a manner as to be in violation of section 94-280.~~

Section 94-487 Authority to Remove Vehicles

(a) The Superintendent of Police is authorized to immediately and without prior notice tow away or cause to be towed away any vehicle on any public street, public place, or private property when the motor vehicle is:

(4) ~~A snow emergency obstruction vehicle, provided said vehicle is towed in accordance with the provisions of Section 94-282 of this Code. Reserved.~~

(5) A no parking street cleaning obstruction vehicle, provided said vehicle is towed in accordance with the provisions of Section 94-280 of this Code.

("O" 8-10)

On motion of Trustee Raleigh seconded by Trustee Punzo-Arias, the Ordinance amending Chapter 10 entitled "Alcoholic Beverages" Section 10-58 entitled "Classes designated; fee; number limited" of the Code of Ordinances of the Town of Cicero, was accepted, placed on file and approved for passage with an oral amendment authorizing and directing the Town Attorney to amend the ordinance to reflect that this ordinance is only applicable to New Liquor License Applicants and not applicable to any current Liquor Licensee upon renewal of its Liquor License: action taken by the following vote:

Ayes: Cundari, Garcia, Punzo-Arias, Raleigh, Reitz, Virruso, Walsh.
Nays: None.

(Purpose of Ordinance)

(The purpose of this ordinance to require that the original package portion and the consumption portion of premises issued class A-B liquor licenses each consist of a minimum of one thousand five hundred square feet in area and to authorize the President to take any and all action necessary to effectuate the intent of this Ordinance)

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

(c) Class A-B and class AAB licenses. Class A-B and class AAB licenses shall be subject to the following:

(3) A New Liquor License Applicant seeking a class A-B license on and after the effective date of this Subsection Upon the expiration, termination, revocation or cessation of business of any class A-B or class AAB license, no further class A-B or class AAB license shall not be issued a class A-B license unless: (a) the original package portion of the licensed premises is physically separate from the consumption portion of the licensed premises; (b) and the original package separate portion of the licensed premises is a minimum of one thousand, five hundred (1,500) square feet in area; and (c) the consumption portion of the licensed premises is a minimum of one thousand, five hundred (1,500) square feet in area. A New Liquor License Applicant seeking a class AAB license on or after the effective date of this Subsection shall not be issued a class AAB license unless; (I) the original package portion of the licensed premises is physically separate from the consumption portion of the licensed premises; and (ii) the original package portion of the licensed premises is a minimum of one thousand, five hundred (1,500) square feet in area.

("O" 9-10)

On motion of Trustee Raleigh seconded by Trustee Virruso, the Ordinance authorizing and approving certain Change Orders (General Contingency Adjustments #23 thru 27) in connection with the construction of the new Public Works Facility (Overall Decrease to the General Contingency Amount of \$6,385.11), was accepted, placed on file and approved for passage by the following vote:

Ayes: Cundari, Garcia, Punzo-Arias, Raleigh, Reitz, Virruso, Walsh.
Nays: None.

("O" 10-10)

On motion of Trustee Raleigh second Trustee Walsh, the Ordinance authorizing and approving an Intergovernmental Agreement between the Town of Cicero and the Clyde Park District (Town to provide trash removal services at various park locations), was accepted, placed on file and approved for passage by the following vote:

Ayes: Cundari, Garcia, Raleigh, Reitz, Virruso, Walsh.
Nays: None.
Pass: Punzo-Arias.

The following ordinances granting Zoning are based on recommendations by the Zoning Board of Appeals and leave was given to take the following three ordinances on one roll call:

ORDINANCES GRANTING ZONING AS LISTED ON THE FOLLOWING PROPERTIES:

- ("O" 11-10) 1) 5701 W Roosevelt - Parking Variance & Special Use - Retail Store for Telecommunications Equipment
- ("O" 12-10) 2) 4601,4781 W Cermak Rd & 2307 S Cicero - Subdivision Plat
- ("O" 13-10) 3) 1843 S 54th Avenue - Special Use - Telecommunications Equipment to an Existing Tower

Which three ordinances relative to zoning were on motion of Trustee Punzo-Arias seconded by Trustee Raleigh, approved for passage by the following vote:
Ayes: Cundari, Garcia, Punzo-Arias, Raleigh, Reitz, Virruso, Walsh.
Nays: None.

RESOLUTIONS

("R" 6-10)

On motion of Trustee Virruso seconded by Trustee Garcia, the Resolution authorizing and approving the settlement of litigation and the execution of a certain settlement agreement relative to Samuel Vargas v Town of Cicero (09 WC 022831 - \$27,354.45), was accepted, placed on file and approved for adoption by the following vote:

Ayes: Cundari, Garcia, Punzo-Arias, Raleigh, Reitz, Virruso, Walsh.
Nays: None.

("R" 7-10)

On motion of Trustee Raleigh seconded by Trustee Garcia, the Resolution appointing Mark Steinhagen to the position of Assistant Fire Marshal, was accepted, placed on file and approved for adoption by the following vote:

Ayes: Cundari, Garcia, Punzo-Arias, Raleigh, Reitz, Virruso, Walsh.
Nays: None.

Fire Marshal George Gregory administered the oath of office to newly appointed Assistant Fire Marshal Mark Steinhagen.

NEW BUSINESS

A Public Bid Opening was held 11/17/09 in the 1 Floor Conference Room for the 2009 Tree Removal Program. The following two bids were received and subsequently reviewed by the Town Engineer:

- | | | |
|----|------------------------------|-------------|
| 1) | Homer Tree Care | \$29,015.00 |
| 2) | Winkler's Tree & Landscaping | \$37,050.00 |

(13-10)

On motion of Trustee Raleigh seconded by Trustee Punzo-Arias, the board concurred with the engineer's recommendation to award the contract for the 2009 Tree Removal Program to Homer Tree Care, Inc, in the amount of \$29,015.00; action taken by the following vote:

Ayes: Cundari, Garcia, Punzo-Arias, Raleigh, Reitz, Virruso, Walsh.
Nays: None.

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

On motion of Trustee Virruso seconded by Trustee Punzo-Arias, the board adjourned to Executive Session at 6:35 P.M.

On motion of Trustee Punzo-Arias seconded by Trustee Virruso, the board reconvened at 7:20 P.M. to Open Session.

On motion of Trustee Punzo-Arias seconded by Trustee Raleigh, the minutes of the Executive Session held Tuesday, January 12th, 2010, were accepted and approved.

No action was taken on Agenda Item 1-23A "Abboud v Town of Cicero".

On motion of Trustee Raleigh seconded by Trustee Punzo-Arias, the board then stood adjourned to meet on Tuesday, February 9, 2010 at 10:00 A.M., in the Town Hall, Town of Cicero.

MARYLIN COLPO, TOWN CLERK