

MICHAEL A. O'CONNOR
MAYOR

THOMAS J. PAVLIK
CITY CLERK

MINUTES
BERWYN CITY COUNCIL
JUNE 28, 2005

- 1) The regular meeting of the Berwyn City Council was called to order at 8:00 p.m., with Mayor O'Connor presiding. Upon the call of the roll, the following members responded present: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Absent: none. Thereafter, the Mayor declared a quorum present and the meeting duly convened for further business.

The Pledge of Allegiance was recited and the Mayor called for a moment of silence for the betterment of the community and for those serving our country overseas.

- 2) The Open Forum portion of the meeting was announced. Joann DeWig, 6949 26th St. announced the Bungalow Walk. Frank Amaro, 3625 Wenonah commented about Youth in Ministries concert and the great job the Police Department did. B. Pszczola, 2239 Elmwood gave her opinion on the Occupancy Affidavit. R. Mayers, 3745 Wisconsin, requested permission to hold a rally. Mary Sein commented on business license issues, Felix M. Cerei, representing a Spanish newspaper.
- 3) The minutes of the Berwyn City Council meeting held on June 14, 2005, were submitted. Chapman made a motion, seconded by Ramos, to bring forth items 2, 3 and 4, minutes of the Committee of the Whole for May 14, 17th and June 7, 2005. The motion carried by voice vote. Thereafter, Brocato made a motion, seconded by Chapman, to approve all of the minutes as presented and place same on file. The motion carried by voice vote.
- 4) The bids for the 16th Street Community Center were presented. Chapman made a motion, seconded by Lovero, to authorize the Finance Director and any interested parties to open, tabulate and return same to the City Council for public reading. The motion carried by voice vote. Thereafter, the Mayor requested the bids be opened in the Council Chambers.
- 5) The Mayor submitted a Proclamation proclaiming June 28, 2005, as Alba Lovero Day in Berwyn. Brocato made a motion, seconded by Skryd, to adopt the proclamation as presented. The motion carried by voice vote.

- 6) The Mayor submitted a Proclamation proclaiming June 30, 2005, as Louis Stillo Day in Berwyn. Ramos made a motion, seconded by Skryd, to adopt the proclamation as presented. The motion carried by voice vote.
- 7) The Mayor submitted a Proclamation proclaiming June 30, 2005, as Thomas M. Martirano Day in Berwyn. Brocato made a motion, seconded by Chapman, to adopt the proclamation as presented. The motion carried by voice vote.
- 8) The Mayor submitted a communication requesting concurrence in his appointment of Debi Suchy as the City Collector effective July 1, 2005. Chapman made a motion, seconded by Ramos, to concur in the Mayoral appointment as presented. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 9) Chapman made a motion, seconded by Lovero, to suspend the rules and bring forth H-15 and H-16, appointments in the Police Department. The motion carried by voice vote.
- 10) The Board of Fire and Police Commissioners submitted a communication appointing George Janacek to the position of Police Sergeant, effective June 1, 2005. Chapman made a motion, seconded by Lovero to concur in the appointment as presented. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Thereafter, the City Clerk proceeded to give the oath of office to George Janacek.
- 11) Chief of Police Carl Dobbs submitted a communication appointing the following officers to supervisory positions within the Police Department:

Lt. J. Johnson	Division Commander of Line Services
Lt. C. Paolucci	Support Services Division Commander
Sgt. M. Hasler	Watch Commander on the 2 nd Watch
Sgt. M. Cimaglia	Watch Commander on the 3 rd Watch

Brocato made a motion, seconded by Chapman, to concur in the recommendation as presented. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: Weiner. Thereafter, the City Clerk gave the officers the oath of office.

- 12) The Mayor submitted a communication requesting concurrence in the following appointments:

Gary Pater	911 Board
Tom Pavlik & Gary Pater	Firemen's Pension Board
Gary Pater	Police Pension Board

Thereafter, Chapman made a motion, seconded by Ramos to concur in the recommendation as presented. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.

- 13) The Mayor submitted a communication informing Council that donations from MacNeal Hospital, City Attorney Burt Odelson and Garv's Inn were received to cover the remaining \$4,000.00 cost for the 4th of July Fireworks display, and also expressed his thanks to Aimee Sordelli for her donation. Chapman made a motion, seconded by Phelan, to accept the matter as informational. The motion carried by voice vote.
- 14) The Mayor submitted a communication recommending the release of funds to the Berwyn Development Corporation for the administration of the TIF Districts which was included in the 2005 Budget. Weiner made a motion, seconded by Skryd, to concur and accept the matter as informational. The motion carried by voice vote.
- 15) The Mayor submitted a communication requesting the Law Department draft a redeveloping agreement with Homewerks-Voight Development, LLC. for the proposed project at the corner of East Avenue and Roosevelt Road. Chapman made a motion, seconded by Skryd, to refer the matter to the Law Department. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 16) The Mayor submitted a communication regarding traffic patterns around Morton High School. Lovero made a motion, seconded by Chapman, to include a handicapped cut out for wheelchair accessibility and to refer the matter to the Ordinance/Resolution Committee. The motion carried by voice vote.
- 17) The Mayor submitted an agreement between the City and Township with Awesome Pest Service for rodent treatment of all commercial areas including railroad tracks, city parking lots and residential problem areas. After discussion, Chapman made a motion, seconded by Lovero, to concur, adopt and authorize the corporate authorities to affix their signatures thereto. The motion carried by the following roll

call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.

- 18) The Mayor submitted communication recommending the creation of a Community Outreach Department. Chapman made a motion, seconded by Brocato, to concur in the recommendation. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 19) The Mayor submitted a communication appointing Jeanmarie Hajer to the position of Director of Community Outreach. Chapman made a motion, seconded by Ramos, to concur in the Mayoral appointment as presented. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 20) The Mayor submitted a communication requesting executive session to discuss pending litigation. Chapman made a motion, seconded by Skryd, to approve authorization for retirement settlements for case number 03CH07101 and 04WC3075 as discussed in closed session by the Committee of the Whole. At this time Lovero asked to be excused from this vote. Thereafter the motion to approve the aforementioned settlements carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Erickson. Nays: none. Excused: Lovero.
- 21) Item #21 concerning Neighborhood Affairs was withdrawn by Order of the Chair.
- 22) The Mayor submitted a communication appointing Alderman Weiner to represent the City on the Mass Transit Board, to fill the vacancy created by the resignation of James Zitzer. Chapman made a motion, seconded by Skryd, to concur in the appointment as presented. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 23) The Mayor submitted a communication regarding the proposed Depot District parking garage and recommended alternative bids with and without the inclusion of retail space on the first floor. After discussion, Chapman made a motion, seconded by Lovero to refer the matter to the Committee of the Whole. The motion carried by voice vote.
- 24) The Mayor submitted a communication appointing the following to the Citizens Advisory Committee:

Marge Paul, MaryLu Hahn, Lee Ostrander, Tom Mclain, David Gonzales, Tony Trekas, Susan Anderson, Jeff & Vicki Pales, Alexandra Radtke, Dennis Stack, Brian Dillon, Bob Falconer, Don Miller, Paul Kevan, Gus Trujillo, Robert Haley, Ed Jicha, Carol Frankovich, Dorothy Chiero, Linda Fehr, Reps. Distr. 98, 100, 201, N. Berwyn Pk. Rep., BCD Rep, Sean & Carrie Gallagher, Roger Strader, Mary Wallace, Ray Fron, Brian Engle, Rick Toman, Russ McClintock, David Avila, Terri Shonder, Lori Theilen, Wayne Parthin, Frank Amaro, Ozzie Cruz, Robert Fejt and Rep. Berwyn Pk. Distr.

Chapman made a motion, seconded by Phelan, to concur in the appointments as presented. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.

- 25) The Mayor submitted a communication regarding the cleanup of Cermak Plaza on a regular basis including the "Spindle" and further that the Plaza has agreed to paint a mural on the rear of the building closest to Harlem. Lovero made a motion, seconded by Chapman, to refer the matter to the Committee of the Whole. The motion carried by voice vote.
- 26) Curt Nerenberg, President of the Cicero Chamber of Commerce submitted a request to hold the International Houby Festival beginning on September 30th and ending with the parade on Sunday, October 2, 2005. Chapman made a motion, seconded by Skryd, to concur and grant permission contingent upon compliance with all City Ordinances. The motion carried by voice vote.
- 27) The Clerk's office submitted a Resolution increasing the cost of Freedom of Information requests from .10 per copy to .25 per copy. After discussion, Chapman made a motion, seconded by Lovero, to concur and adopt the Resolution as presented. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Lovero. Nays: Brocato, Phelan, Erickson.
- 28) The Clerk's office submitted a communication and Resolution requesting permission to conduct a 4th of July parade beginning at 7:00 p.m. at the Public Safety Building and will conclude with a Fireworks Display at Morton High School. Lovero made a motion, seconded by Brocato, to concur, adopt the Resolution and grant permission contingent upon compliance with all City Ordinances. The motion carried by voice vote.
- 29) The Ordinance & Resolution committee submitted a communication recommending that comparisons be made between the current city

ordinance and the State ordinance regarding motor vehicle noise. Lovero made a motion, seconded by Brocato, to accept the matter as informational. The motion carried by voice vote.

- 30) The Ordinance & Resolution committee submitted a communication recommending that more research should be done pertaining to how other municipalities regulate basketball hoops, portable or otherwise. Lovero made a motion, seconded by Brocato, to accept the matter as informational. The motion carried by voice vote.
- 31) The Ordinance & Resolution submitted an ordinance entitled:

ORDINANCE AMENDING THE PROCESSING FEE PURSUANT TO CHAPTER 888.025 WITH RESPECT TO THE REFUND SECTION OF THE REAL PROPERTY TRANSFER TAX OF THE BERWYN CODIFIED ORDINANCES

After discussion, Lovero made a motion, seconded by Chapman, to concur, adopt the ordinance as presented and authorize the corporate authorities to affix their signatures thereto. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.

- 32) The Budget Committee submitted a communication regarding gasoline usage, production of revenue and expense reports, the 2003 Audit and potential line item changes for the mid-year budget. Chapman made a motion seconded by Brocato to discuss the matters further and to accept all as informational. The motion carried by voice vote.
- 33) The Building, Zoning and Planning Committee submitted a communication recommending that comparison from surrounding communities are needed regarding a possible increase in Zoning Hearing Fees. Skryd made a motion, seconded by Brocato, to refer the matter back to the Building, Zoning and Planning Committee. The motion carried by voice vote.
- 34) Alderman Weiner submitted a communication requesting an ordinance be drafted that allows businesses to have a BYOB license. After discussion, Weiner made a motion to refer the matter to the Liquor Commissioner. The motion lacked a second and was referred to the Mayor's office by Order of the Chair.
- 35) Alderman Weiner submitted a communication regarding parking problems in the City. After discussion, Weiner made a motion, seconded by Skryd, to refer the matter to the Mayor's Advisory Committee. The motion carried by the following roll call: Yeas:

Chapman, Ramos, Weiner, Skryd, Lovero. Nays: Brocato, Phelan, Erickson.

- 36) Alderman Weiner submitted a communication requesting bike racks be placed in the Depot District. After discussion, Weiner made a motion, seconded by Chapman to refer the matter to the Berwyn Development Corporation, Public Works Committee and Budget Committee. The motion carried by voice vote.
- 37) Alderman Skryd submitted a communication requesting trash receptacles be placed in the 26th Street business area from Highland to Ridgeland and East to Euclid. After discussion, the motion failed for lack of a second. Thereafter, O'Connor made a motion, seconded by Chapman, to refer the matter to the Budget Committee and Public Works Committee. The motion carried by voice vote.
- 38) Alderman Weiner submitted a communication requesting enforcement of the laws concerning illegal fireworks in the City. Weiner made a motion, seconded by Skryd to accept the matter as informational. The motion carried by voice vote.
- 39) Alderman Chapman submitted a communication requesting a 501c3 foundation for the benefit of the Berwyn Library. After discussion, Chapman made a motion, seconded by Lovero to refer the matter to the Committee of the Whole. The motion carried by voice vote.
- 40) Alderman Chapman submitted a communication requesting that business owners be allowed to purchase seventeen business parking spaces along Kenilworth Avenue between Windsor and the alley (to the south). Chapman made a motion, seconded by Lovero, to amend the request from seventeen spaces to nine, concur and refer the matter to the Public Works Department for the installation of same. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 41) Alderman Chapman submitted the payroll report for June 15, 2005 in the total amount of \$752,380.19. Thereafter, Chapman made a motion, seconded by Skryd, to concur in the recommendation and approve for payment. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 42) Alderman Chapman submitted the payables for June 28, 2005, in the total amount of \$1,008,290.96. Chapman made a motion, seconded by Weiner, to concur in the recommendation and approve for payment. The motion carried by the following roll call: Yeas:

Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson.
Nays: none.

- 43) Joseph Vallez, Executive Director of the North Berwyn Park District submitted a communication requesting the closure of Wesley Avenue at 16th Street south to the alley from 12:00 noon to 11:00 p.m. on July 3, 2005 for the family fest celebration. Skryd made a motion, seconded by Chapman, to approve and grant permission contingent upon compliance with all City ordinances. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 44) Thomas Martirano, Director of Public Works submitted a communication requesting Council's approval for the purchase of thirty eight decorative planters for the Cermak Road TIF District at a cost of approximately \$8,600.00 for each of the TIF Districts. After discussion, Brocato made a motion, seconded by Erickson, to concur in the recommendation and approve for payment. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 45) Thomas Martirano submitted a communication notifying the Council that Burlington Northern Railroad has agreed to install a safety fence on Stanley and Windsor Avenue along the Commuter Right of Way at no cost to the City. Brocato made a motion, seconded by Chapman, to accept the matter as informational. The motion carried by voice vote.
- 46) A communication was submitted by Denis Duffy, Director of Community Development, regarding the 5 Year C.D.B.G. Capital Improvements and that it would be available for review in the City Clerk's office. Thereafter, Lovero made a motion, seconded by Weiner, to accept the matter as informational. The motion carried by voice vote.
- 47) The Berwyn Police Department submitted a communication requesting a handicapped sign for James Gagnani, 3601 Highland. Ramos made a motion, seconded by Brocato, to defer the matter. The motion carried by voice vote.
- 48) The Berwyn Police Department submitted a communication requesting a handicapped sign for Stephen Vargas, 3623 Harvey. Ramos made a motion, seconded by Brocato, to concur in the recommendation of the investigating officer and deny said sign. The motion carried by voice vote.

- 49) The Berwyn Police Department submitted a communication requesting a handicapped sign for Edmund Nowacki, 2834 Cuyler. Skryd made a motion, seconded by Brocato, to concur in the recommendation of the investigating officer and authorize the Public Works Department to install said sign. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 50) The Berwyn Police Department submitted a communication requesting a handicapped sign for Edward Dubsky, 2428 Kenilworth. Lovero made a motion, seconded by Brocato, to defer the matter. The motion carried by voice vote.
- 51) The Berwyn Police Department submitted a communication requesting a handicapped sign for Joann Moran, 1325 Clarence. Erickson made a motion, seconded by Chapman, to defer the matter. The motion carried by voice vote.
- 52) The Berwyn Police Department submitted a communication requesting a handicapped sign for Christina Wilson, 2228 Oak Park. Lovero made a motion, seconded by Skryd, to concur in the recommendation of the investigating officer and authorize the Public Works Department to install said sign. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 53) Dan LeBeau, Building Director, submitted a communication requesting that Gladis Beirne, 1501 Cuyler be granted permission to allow a 3' setback on the front and rear of a second floor addition to her home rather than a 6' foot setback on just one side. Brocato made a motion, seconded by Chapman, to concur in the recommendation and waive the Zoning process. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 54) Dan LeBeau submitted a communication requesting that the required amount for Surety Bonds for General Contractors be increased from \$10,000 to \$25,000. Thereafter, Chapman made a motion, seconded by Phelan, to refer the matter to the Ordinance and Resolution Committee for an amendment to the ordinance. The motion carried by voice vote.
- 55) Dan LeBeau submitted a communication requesting a change in the fees for reinspections of elevators, escalators, lifts, hoists and dumbwaiters from \$35.00 to \$50.00 for each additional reinspection. Chapman made a motion, seconded by Phelan, to refer the matter to

the Ordinance and Resolution Committee. The motion carried by voice vote.

- 56) Thomas Martirano submitted a communication pertaining to safety training courses relative to Municipal Trenching and Shoring that Public Works employees attended and received certificates of certification. Brocato made a motion, seconded by Phelan, to congratulate employees V. Comella, T. Martirano, L. DelFiacco, B. Jicha, S. Cione, and T. Martirano Jr., and accept the matter as informational. The motion carried by voice vote.
- 57) Richard Kalivoda, Berwyn Fire Chief, submitted a communication regarding ambulance service fees. After discussion, Lovero made a motion, seconded by Brocato, to refer the matter to the Fire and Police Committee. The motion carried by voice vote.
- 58) A deferred communication was submitted by the Berwyn Development Corporation for a façade rehabilitation project in the S. Berwyn Depot TIF District at 6727 Stanley Avenue. After discussion, Skryd made a motion, seconded by Ramos to waive the reading. The motion carried by voice vote. Thereafter, Chapman made a motion, seconded by Skryd, to concur in the recommendation and approve for payment. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Lovero. Nays: Weiner, Phelan, Erickson.
- 59) The Berwyn Development Corporation submitted a communication requesting (4) directional signs to the "Historic Berwyn Depot" district. Brocato made a motion, seconded by Chapman, to refer the matter to the Public Works Committee. The motion carried by voice vote.
- 60) The Berwyn Development Corporation submitted a communication requesting a retail overlay for the Berwyn Depot District. After discussion, Chapman made a motion, seconded by Lovero to refer the matter to the Law Department. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 61) The Berwyn Development Corporation submitted a communication requesting approval to hold the First Annual Berwyn Bungalow Walk on Sunday, June 4, 2006. Chapman made a motion, seconded by Erickson to refer the matter to the Committee of the Whole. The motion carried by voice vote.
- 62) The Berwyn Development Corporation submitted a communication requesting approval to hold the First Annual Cartopia Art Car Fair on Friday, June 23rd and Sunday, June 24th 2006. Chapman made a

motion, seconded by Weiner to refer the matter to the Outreach Committee. The motion carried by voice vote.

- 63) The bids for the HVAC 16th Street Community Center were returned to the Council Chambers for public reading. Chapman made a motion, seconded by Skryd to award the contract to Berwyn Western, 7100 Cermak Road, the sole bidder in the total amount of \$37,560.00. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 64) At this time, the Consent Agenda, items K-1 through K-12 were submitted. Brocato made a motion, seconded by Chapman to bring forth item K-7, a request by Harley Davidson to allow live music at the dealership at 1301 Harlem Avenue on Sunday afternoons from noon to 3:00 p.m. The motion carried by voice vote. After discussion, Brocato made a motion, seconded by Chapman, to concur and grant permission contingent upon compliance with all city ordinances. The motion carried by voice vote.
- 65) The remainder of the Consent Agenda is as follows:
- K-1 Pav YMCA Rummage Sale-August 27, 2005
 - K-2 Block Party-3500 block of Clinton, August 20, 2005
 - K-3 Block Party-3600 block of Wesley, August 13, 2005
 - K-4 Block Party-3600 block of Maple, July 9, 2005
 - K-5 Block Party-6400-6500 block 28th Place, July 9, 2005
 - K-6 Ax Computers-Summer Tent Sale, 7/11 to 7/16 & 8/8 to 8/15
 - K-8 St. Frances of Rome Street Mass, July 18th & July 21, 2001
 - K-9 Fire Dept.-reimbursement for training classes from 7/1/04 to June 30th 2005-\$8,757.14
 - K-10 Block Party-3400 block Clinton, July 23, 2005
 - K-11 Block Party-3400 block Home, July 30, 2005
 - K-12 Combined Vets, sale of flags-4th of July weekend

Chapman made a motion seconded by Phelan to concur, grant permission contingent upon compliance with all city ordinances and accept as informational. The motion carried by voice vote.

- 66) The Mayor called a Committee of the Whole meeting for the following dates on referrals: Tuesday, July 5th at 6:30 p.m., Thursday, July 7, 2005 at 7:00 p.m. and Tuesday, July 12, 2005.
- 67) Weiner called a Fire and Police Committee meeting for Wednesday, July 13, 2005, at 7:00 p.m. on referrals.

- 68) Brocato called a Public Works Committee meeting for Tuesday, July 5, 2005, at 9:00 a.m. on referrals.
- 69) Phelan called a Recreation Committee meeting for Wednesday, July 6, 2005, at 6:00 p.m. on referrals.
- 70) Erickson called an Administration Committee meeting for Wednesday, July 6, 2005, on referrals.
- 71) There being no further business to come before the meeting, same was after a motion by Brocato, seconded by Chapman, adjourned at the hour of 9:50 p.m. by roll call vote.

Respectfully submitted,

Thomas J. Pavlik – City Clerk