

MICHAEL A. O'CONNOR
MAYOR

THOMAS J. PAVLIK
CITY CLERK

MINUTES
BERWYN CITY COUNCIL
AUGUST 23, 2005

- 1) The regular meeting of the Berwyn City Council was called to order at 8:05 pm 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. The Mayor declared a quorum present and the meeting duly convened for further business.
- 2) The Pledge of Allegiance was recited and the Mayor called for a moment of silence for the safety of our troops overseas.
- 3) The open forum portion of the meeting was announced. Joanne DeWig, 6949 W. 26th St. announced a Special Committee of the Whole meeting on Wednesday, August 31, 2005, at the Police Station.
- 4) The minutes of the Berwyn City Council meeting held on August 9, 2005 and the Committee of the Whole minutes from August 9th and 11th 2005 were submitted. Chapman questioned items 14 and 39 as to what committees were referred. After discussion, Chapman made a motion, seconded by Lovero, to approve the minutes as amended. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 5) A deferred communication was submitted by the Mayor requesting the extension of restricted parking on the 3800 block of Kenilworth Avenue. After discussion, Chapman made a motion, seconded by Lovero, to defer generally. The motion carried by voice vote.
- 6) The Mayor submitted a communication requesting concurrence in his appointments of Diego Estrada and Jan Galbraith (Rep. from School Dist. 100) to the Citizen Advisory Board. Chapman made a motion, seconded by Skryd, to concur in the recommendation as presented. The motion carried by voice vote.
- 7) The Mayor submitted a communication requesting the termination of legal services of Onesto/Onesto, Meltreger & Associates. After discussion, Chapman made a motion, seconded by Weiner 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.

- 8) Alderman Chapman made a motion, seconded by Skryd, to suspend the rules and bring forth item I-3. The motion carried by voice vote.

A communication was submitted by the Law Department pertaining to the draft of a Redevelopment Agreement with Sedgwick Properties Development Corporation. Thereafter, Brian Pabst and Tom Benson from the Berwyn Development Corporation discussed the project. After discussion, Weiner made a motion, seconded by Skryd to concur, approve the draft and move forward with the redevelopment project as presented. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.

- 9) Alderman Chapman made a motion, seconded by Lovero to suspend the rules and bring forth items J-1 and J-2. The motion carried by voice vote.

A deferred communication was submitted by the Berwyn Development Corporation regarding a TIF request for Buona Beef at 6745, 6801, 6833-39 W. Roosevelt Road redevelopment/facade assistance. After discussion, Ramos made a motion, seconded by Chapman to refer the matter to the Committee of the Whole. The motion carried by the following roll call. Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Erickson. Nays: Lovero.

- 10) The Berwyn Development Corporation submitted a communication regarding Applebees Superblock Redevelopment project, requesting a reduction in the sale of the property (bank building on the SW corner of Cermak Road and Oak Park Avenue) on the original amount agreed upon by \$250,000. After discussion, Weiner requested to be excused from the vote.

Thereafter, Lovero made a motion, seconded by Chapman to excuse Weiner from voting and concur in the recommendation to approve the sale of said property in the amount of \$1,250,000.00 and to go forward with the project as presented. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.

- 11) City Clerk Pavlik submitted a communication regarding the Dollars for Scholars Scholarship program stating that the applications are available in the Clerk's office and the deadline for turning them in is October 14, 2005. Chapman made a motion, seconded by Lovero, to accept the matter as informational. The motion carried by voice vote.

- 12) The City Clerk submitted a communication regarding settlement agreements previously discussed at a closed Committee of the Whole

meeting held on August 9, 2005 with the consensus of Council members to settle case number 04C4389 and CHG01-S0805. Lovero made a motion, seconded by Chapman 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.

- 13) The Zoning Board of Appeals submitted a Resolution and Ordinance for Rosetta Abel dba Honey Bee Child Development Center, Inc., at 6823 W. Roosevelt Road for conditional use to operate a child care center. After discussion, Erickson made a motion, seconded by Ramos, to concur, adopt the Resolution and 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, Erickson. Nays: Phelan, Lovero.
- 14) A deferred communication was submitted by Aldermen Skryd and Phelan requesting residential parking on the 2200 block of East Avenue. After discussion, Skryd made a motion, seconded by Phelan to concur but amend the request for residential parking to Monday through Friday. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 15) A deferred communication was submitted by Alderman Skryd requesting to bypass the Zoning Board of Appeals and grant Armando Martinez, 6536 W. 26th St. permission to change the status to a non-conforming conditional use for a three unit building. After discussion, Skryd made a motion, seconded by Chapman to concur in the recommendation and approve the communication as presented. The motion was defeated by the following roll call: Yeas: Chapman Ramos, Skryd, Erickson. Nays: Weiner, Brocato, Phelan, Lovero, O'Connor.
- 16) The Budget Committee submitted a communication requesting the deletion of referral item #37, dated June 28, 2005 regarding trash receptacles for businesses along 26th St. from the Budget referral list. Ramos made a motion, seconded by Weiner to concur in the recommendation. The motion carried by voice vote.
- 17) The Budget Committee submitted a communication regarding the 2nd half of the 2005 cash analysis scenario. Chapman made a motion, seconded by Brocato, to continue discussion. The motion carried by voice vote.
- 18) The Budget Committee submitted a communication recommending that item #15, dated April 12, 2005 (Tax Cap Ordinance) be deleted

from the budget referral list. Chapman made a motion, seconded by Weiner to concur in the recommendation. The motion carried by voice vote.

- 19) The Budget Committee submitted a communication regarding the status of the Board of Fire and Police Commissioner Secretary. Chapman made a motion, seconded by Weiner to refer the matter to the Mayor. The motion carried by voice vote.
- 20) The Budget Committee submitted a communication regarding referral item # 13, dated August 9, 2005 pertaining to the Human Resource person with a recommendation to accommodate the Mayor's direction. After discussion, Chapman made a motion, seconded by Erickson to accept the matter as informational and refer to the Administration Committee. The motion carried by voice vote.
- 21) The Budget Committee submitted a communication regarding referral item #14, dated August 9, 2005 pertaining to the Fleet Manager and one Fleet mechanic with a recommendation to accommodate the Mayor's direction. After discussion, Chapman made a motion, seconded by Erickson to accept the matter as informational and refer to the Administration Committee. The motion carried by voice vote.
- 22) Alderman Chapman made a motion, seconded by Weiner to suspend the rules and bring forth item H-18, a communication from Fire Chief Kalivoda, germane to H-9. The motion carried by voice vote.

The Budget Committee submitted a communication regarding referral item #15, dated August 9, 2005 pertaining to the purchase of new ambulances using the Arbitrage Rebate account of the \$65 million bond issue. After discussion, Chapman made a motion, seconded by Weiner to concur and approve for payment. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.

- 23) Alderman Chapman submitted a communication requesting the status of the Arbitrage Rebate of General Obligation Corporation Bonds, Series 1999 in the amount of \$626,886.88. After discussion, Chapman made a motion, seconded by Brocato to accept the matter as informational. The motion carried by voice vote.
- 24) The Budget Committee submitted a communication regarding the Berwyn Public Library lighting with a recommendation to use line item 11-5-22-8190 (repair maintenance) for \$7,155.70 including the grant money of \$24,495.30 and go out for bids as soon as possible. Chapman made a motion, seconded by Erickson to concur in the recommendation. The motion carried by the following roll call: Yeas:

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

- 25) The Budget Committee submitted a communication regarding referral item #17 dated August 9, 2005 pertaining to the Director of Neighborhood Affairs with a recommendation to accommodate the Mayor's direction and to restructure Department #33 (Community Relations) for mid-year adjustments. After discussion, Chapman made a motion, seconded by Erickson, to accept the matter as informational and refer to the Administration Committee. The motion carried by voice vote.
- 26) The Budget Committee submitted a communication regarding referral item #18 dated August 9, 2005 pertaining to the hiring of extra crossing guards. Chapman made a motion, seconded by Skryd, to concur in the recommendation and increase the guards to 62, (56 permanent and 6 floaters). The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 27) The Budget Committee submitted a communication regarding referral item #31 dated August 9, 2005 pertaining to the replacement hiring of a CDBG Rehab Specialist. Lovero made a motion, seconded by Chapman to concur in the recommendation and approve the line item for this position to be paid for by CDBG funds. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 28) The Budget Committee submitted a communication regarding referral item #36 dated August 9, 2005 pertaining to the hiring of a Youth Service Library Assistant II. Chapman made a motion, seconded by Erickson to refer the matter to the Administration Committee. The motion carried by voice vote.
- 29) The Budget Committee submitted the payroll report for August 10, 2005, in the total amount of \$758,628.04. Chapman made a motion, seconded by Brocato, 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.
- 30) The Budget Committee submitted the payables for August 23, 2005, in the total amount of \$1,163,976.09. Chapman 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.

- 31) Alderman Chapman submitted a communication regarding her disapproval of our current budget cycle stating that our current system of hiring by this administration violates Berwyn's own Appropriation Ordinance. Thereafter, Chapman made a motion, seconded by Skryd to accept the matter as informational. The motion carried by voice vote.
- 32) Alderman Chapman submitted a communication stating that the Library would like the approval to hire three part-time staff. After discussion, Chapman made a motion, seconded by Erickson to refer the matter to the Administration and Budget Committee. The motion carried by voice vote.
- 33) Alderman Ramos submitted a communication regarding landscaping problems. After discussion, Ramos made a motion, seconded by Skryd to refer the matter to the Ordinance and Resolution Committee. The motion carried by voice vote.
- 34) Alderman Ramos submitted a communication regarding unwanted soliciting. After discussion, Ramos made a motion, seconded by Chapman to refer the matter to the Collector's office. The motion carried by voice vote.
- 35) Alderman Phelan submitted a communication requesting 15 minute restricted parking for businesses located at 6421 and 6427 W. 16th St. Phelan made a motion, seconded by Brocato, to concur and refer the matter to the Ordinance and Resolution Committee. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 36) Robert Dwan, Grants Administrator (CDBG) submitted a communication for the first payout of the alley project in the amount of \$84,831.03. Brocato made a motion, seconded by Chapman, to concur and accept the matter as informational. The motion carried by voice vote.
- 37) The Law Department submitted a communication regarding an ordinance increasing surety bond requirements for contractors. After discussion, the matter was declared moot by order of the chair.
- 38) Building Director, Dan LeBeau submitted a communication regarding fences for residential swimming pools. Lovero made a motion, seconded by Chapman, to refer the matter to the Resolution and Ordinance Committee. The motion carried by voice vote.
- 39) Building Director, Dan LeBeau submitted a communication regarding six foot fences in residential districts. Lovero made a motion,

seconded by Weiner to refer the matter to the Resolution and Ordinance Committee. The motion carried by voice vote.

- 40) Building Director, Dan LeBeau submitted a communication regarding winter holiday decorations, which at his request was withdrawn.
- 41) The Public Works Department submitted a communication requesting permission to advertise for a secretarial position for Public Works. After discussion, Brocato made a motion, seconded by Weiner, to concur in the recommendation and refer the matter to the Human Resource Department. The motion carried by the following roll call: Yeas: Ramos, Weiner, Brocato, Phelan, Lovero. Nays: Chapman, Skryd, Erickson.
- 42) Assistant Finance Director Sharon Weilmuenster requesting permission to advertise for a part-time receptionist. Chapman made a motion, seconded by Erickson to refer the matter to the Administration Committee. The motion carried by voice vote.
- 43) City Collector Debi Suchy submitted an ordinance entitled:

AN ORDINANCE REVISING THE HOURS OF OPERATION FOR LIQUOR LICENSES AND AMENDING SECTION 804.17 OF THE CODE OF ORDINANCES OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

Lovero made a motion, seconded by Brocato 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.

- 44) Frank Novotny & Associates submitted a communication regarding the 2005 Sidewalk and Curb & Gutter Repairs payment estimate No. 2 for Strada Construction in the amount of \$5,175.00. Brocato made a motion, seconded by Skryd, to concur and approve for payment. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 45) Frank Novotny & Associates submitted a communication regarding the 2005 C.D.B.G. Alley Improvements payment estimate No. 2 for G & M Cement Construction, Inc., in the amount of \$58,980.15. Brocato made a motion, seconded by Skryd, to concur and approve for payment. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.

- 46) Frank Novotny & Associates submitted a communication regarding the South Berwyn TIF Lighting Improvements payment estimate No. 1 for J.F. Edwards Construction Co., in the amount of \$129,696.97. Brocato made a motion, seconded by Skryd, to concur and approve for payment. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 47) The Berwyn Police Department submitted a communication requesting a handicapped sign for Rayas Sostenes, 1618 Ridgeland. Phelan 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.
- 48) The Berwyn Police Department submitted a communication requesting a handicapped sign for Virginia Clifford, 2313 Harvey. Brocato made a motion, seconded by Weiner to defer the matter. The motion carried by voice vote.
- 49) The Berwyn Police Department submitted a communication requesting a handicapped sign for Ivan Velez Millet, 1906 Elmwood. Phelan 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.
- 50) At this time, the Consent Agenda, items K-1 through K-6 were submitted.

K-1 Knights of Columbus Tootsie Roll Drive, Sept. 16, 17, 18, 2005

K-2 One For All-Paralyzed Vets solicitations-Sept. 8, 9, 10, 2005

K-3 Girl Scouts of DuPage County Council-various sales-Oct. 2005 through March 5, 2006

K-4 Block Alley Sale-3700 & 3800 blocks of Ridgeland & Cuyler-Sept. 10, 2005

K-5 Block Yard Sale-3800 block Maple-September 3, 2005

K-6 Block Party-3800 block Maple-September 3, 2005

Lovero made a motion, seconded by Brocato to concur and grant permission contingent upon compliance with all City Ordinances. The motion carried by voice vote.

- 51) The Mayor announced a TIF Seminar on Tuesday, September 13, 2005, at 5:00 p.m. conducted by the Berwyn Development Corporation.

- 52) The Mayor called a Committee of the Whole meeting for Tuesday, August 30, 2005 at 7:00 p.m. on referrals, and Wednesday, August 31, 2005 at 7:00 p.m. at the Police Station, as previously called.
- 53) Alderman Chapman called a Budget Committee meeting for Thursday, September 8, 2005 at 6:00 p.m. on referrals and also called a Joint Budget and Administration Committee meeting for Thursday, September 8, 2005 at 7:00 p.m. on referrals.
- 54) Alderman Ramos called an Education Committee meeting for Tuesday, September 27, 2005 at 6:00 p.m. on referrals.
- 55) Alderman Skryd called a Building, Zoning and Planning Committee meeting for Thursday, September 1, 2005 at 7:00 p.m. on referrals.
- 56) Alderman Phelan called a Recreation Committee meeting for Wednesday, September 7, 2005 at 6:00 p.m. on referrals.
- 57) Alderman Erickson called an Ordinance/Resolution Committee meeting for Thursday, September 15, 2005 at 7:00 p.m. on referrals.
- 58) There being no further business to come before the meeting, same was, after a motion by Brocato, seconded by Skryd adjourned at the hour of 10:25 p.m. by roll call vote.

Respectfully submitted,

Thomas J. Pavlik – City Clerk