

MICHAEL A. O'CONNOR
MAYOR

THOMAS J. PAVLIK
CITY CLERK

MINUTES
BERWYN CITY COUNCIL
FEBRUARY 28, 2006

- 1) The regular meeting of the Berwyn City Council was called to order at 8:25 pm. 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.
- 2) The Pledge of Allegiance was recited and the Mayor called for a moment of silence in memory of Carla Pechous.
- 3) The open forum of the meeting was announced. Amiee Sordelli, 1516 Wesley thanked Lori DiMenna for 24 years of dedicated service to the City of Berwyn. The Mayor also recognized Attorney Burt Odelson for his successful argument in front of the Illinois Supreme Court with a historical favorable decision and was also recognized in the Chicago Law Bulletin.
- 4) The minutes for the Berwyn City Council meeting held February 14, 2006 were submitted. Thereafter, Chapman made a motion, seconded by Skryd, to reconsider item #17 & #18.

Item # 17 was a communication regarding the notice of retirement for Lori DiMenna, and also the retirement buyout as submitted for approval of payment. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.

Item #18 was a communication regarding the appointment of Louise Sommese as Deputy City Clerk and for the minutes to include, waiving the hiring freeze and concur in the appointment and to approve the salary of \$39,846.00 and to direct the Mayor to sign the payroll documentation. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Thereafter, Brocato made a motion, seconded by Skryd to approve the minutes as amended, and place same on file. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Phelan, Lovero, Erickson. Nays: none.

- 5) The bids for the 16th Street Community Center roof were presented. Ramos made a motion, seconded by Skryd, to publicly open bids and authorize the Law Department and any other interested parties to proceed to the conference room to tabulate and return same to the Council Chambers for public reading. The motion carried by a voice vote.

- 6) Phelan made a motion, seconded by Lovero, to suspend the rules and bring forward item K-1. Joe Vallez, from the North Berwyn Park District presented a ceremonial bugle to the Combined Veterans of Berwyn in appreciation for their services to our community. Thereafter, Phelan made a motion, with a unanimous second to accept and file as informational. The motion carried by a voice vote.
- 7) Deferred communication from the Mayor's office regarding highway authority agreements, for properties located at 6333 & 6229 Ogden Ave. After discussion, Chapman made a motion, seconded by Weiner, to concur, adopt the agreement as presented and authorize the appropriate 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.
- 8) The Mayor submitted a resolution recognizing "NEA's Read Across America", a celebration of Dr. Seuss's 102nd birthday on March 2, 2006. Thereafter, Lovero made a motion, with a unanimous second, to concur and adopt the Resolution as presented. The motion carried by a unanimous roll call vote.
- 9) The Mayor submitted a proclamation proclaiming the 80 year celebration for Piper Elementary School. Brocato made a motion, seconded by Erickson, to concur and adopt the proclamation as presented. The motion carried by a voice vote.
- 10) The Mayor submitted a communication regarding the appointment of the Finance Director. Thereafter, Chapman made a motion, seconded by Lovero, to waive the reading, motion carried by a voice vote. After discussion, Chapman made a motion, seconded by Lovero, to deny the appointment request and to direct the Human Resource Department to conduct an appropriate search for the position of Finance Director. The motion carried by the following roll call: Yeas: Chapman, Ramos, Phelan, Lovero, Erickson. Nays: Weiner, Skryd, Brocato. Thereafter, the Mayor temporarily appointed John Dolazinski as Finance Director and questioned Alderman Chapman as to what would constitute an appropriate search. Thereafter, Chapman expressed her feelings why this search was inadequate. After discussion, Burt Odelson gave an opinion why the Mayor need not make a re appointment every 30 days. Lovero expressed concerns because there is a local ordinance which applies to Mayoral appointments. Odelson stated he would research the ordinance.
- 11) The Mayor submitted a communication concurring in the appointment of Timothy Berwick as probationary Firefighter. Thereafter, Brocato made a motion, seconded by Weiner, to accept as informational. The motion carried by a voice vote.
- 12) The Mayor submitted a communication regarding the recognition of Detective Joseph Green. Thereafter, Lovero made a motion, seconded by Erickson, to accept the matter as informational. The motion carried by a voice vote.

- 13) The Mayor submitted a communication regarding an agreement modification with AmAudit. Thereafter, Chapman made a motion, seconded by Skryd, to waive reading, to concur, and adopt the agreement 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. Nays: Erickson.
- 14) The Mayor submitted a communication regarding the RTA's \$100,000 grant for the Corridor Project Plan submitted by the BDC. Thereafter, Lovero made a motion, seconded by Erickson, to accept and file as informational. The motion carried by a voice vote.
- 15) The Mayor submitted a communication regarding Youth in Crisis funding request. After discussion, Chapman made a motion, seconded by Skryd, to refer the matter to the Budget Committee. Motion carried by a voice vote.
- 16) The Mayor submitted a communication regarding Metro Revenue Associates, Inc. contract. After discussion, Erickson made a motion, seconded by Skryd, to refer to the end of the meeting to discuss in closed executive session. Motion carried by a voice vote.
- 17) The Mayor submitted a communication regarding the review of Cermak Road District Retail Overlay ordinance. After discussion, Chapman made a motion, seconded by Erickson, to refer the matter to the Bldg/Zoning/Planning Committee for a joint meeting with the Berwyn Development Corporation. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 18) The Mayor submitted a referral from the Committee of the Whole regarding the property 6548 W. Cermak Rd. with the recommendation that the owner be required to present their request for a variation to the Zoning Board of Appeals. Thereafter, Skryd made a motion, seconded by Weiner, to refer the matter to the Zoning Board of Appeals. Motion carried by a voice vote.
- 19) The Mayor submitted a resolution regarding the Berwyn Playground Recreation Commission's Annual Baseball Parade on Saturday, April 28, 2006. Thereafter, Lovero made a motion, seconded by Chapman, to concur and adopt the resolution as presented. The motion carried by a voice vote.
- 20) The Mayor submitted a communication regarding the water rate study. After discussion, Chapman made a motion, seconded by Skryd, to refer the matter to the Committee of the Whole. The motion carried by a voice vote.
- 21) The Mayor submitted a communication regarding the Copier and Fax Lease and expressed thanks to Dawn Rinehart, his assistant for her hard work in recovering

up to \$51,014.21 from billing errors. Skryd made a motion, seconded by Brocato, to accept the matter as informational. The motion carried a voice vote.

- 22) The Clerk submitted a resolution proclaiming February 28, 2006 as Lori DiMenna Day in Berwyn and best wishes for a Happy Retirement. Thereafter, Lovero made a motion, with a unanimous second, to concur in the recommendation and adopt the resolution as presented. The motion carried by a unanimous vote.
- 23) The Budget Committee submitted the Payroll Report for February 22, 2006, in the total amount of \$737,957.26. Thereafter, Chapman made a motion, seconded by Skryd, to approve for payment. The motion carried by the following roll call: Yeas: Chapman, Ramos Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 24) The Budget Committee submitted the Payable for February 28, 2006, in the amount of \$1,781,516.70. Chapman made a motion, seconded by Ramos, to approve for payment. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 25) The Police & Fire Committee submitted a communication regarding the Police and Fire Budget with the recommendation that the Police Budget has been examined by the committee. Thereafter, Weiner made a motion, seconded by Chapman, to accept the matter as informational. The motion carried by a voice vote.
- 26) The Police & Fire Committee submitted a communication regarding the renewal of Weimer Machine Maintenance Contract with the recommendation that Chief Kalivoda renew the contract. Thereafter, Weiner made a motion, seconded by Skryd, to concur in the recommendation, and approve as presented. The motion carried by the following roll call: Yeas: Chapman, Ramos Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 27) Building/Zoning/Planning Committee submitted a communication regarding the 2006 Budget Line items, with the recommendation that the figures be submitted to the Budget Committee. Thereafter, Skryd made a motion, seconded by Chapman, to accept the matter as informational. The motion carried by a voice vote.
- 28) A deferred communication submitted by the Berwyn Police Department regarding a handicapped sign for Norman Tuck, 2714 Ridgeland. Skryd made a motion, seconded by Brocato, to concur in the recommendation of the investing officer and deny said sign. The motion carried by a voice vote.
- 29) Chapman made a motion, seconded by Skryd to suspend the rules and bring forth item I-11. Motion carried by a voice vote. Public Works submitted a communication regarding the Pedestrian Walk for Public Works Drive. After

discussion, Brocato made a motion, seconded by Skryd, to defer and refer the matter to the Law Department for review. The motion carried by a voice vote.

- 30) Public Works submitted a communication regarding property at 2812 Ridgeland and 6413 W. 28th Place. After discussion, Brocato made a motion, seconded by Skryd, to refer the matter to the Law Department. The motion carried by a voice vote.
- 31) Public Works submitted a communication regarding 8th ward residential signs. After discussion, Brocato made a motion, seconded by Erickson, to refer the matter to the Public Works Committee. The motion carried by a voice vote.
- 32) Public Works submitted a communication requesting permission to advertise bids for the Landscaping of Ogden Ave, Cermak Road, and Commuter Rail Way. After discussion, Chapman made a motion, seconded by Lovero , to defer and refer to the Berwyn Development Corporation for a detailed study. The motion carried by a voice vote.
- 33) The Berwyn Development Corporation submitted a communication regarding the Sedgwick Properties, Redevelopment of Block 3/Final Site Plan. After discussion, Chapman made a motion, seconded by Skryd, to accept the matter as informational. The motion carried by a voice vote.
- 34) The Law Department submitted an ordinance entitled:

AN ORDINANCE GRANTING TWO SIGN VARIANCES FOR THE CENTURY STATION DEVELOPMENT IN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

After discussion, Lovero made a motion, seconded by Skryd, to concur, and adopt the Ordinance as amended and authorize the appropriate 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.

- 35) The Law Department submitted an ordinance entitled:

AN ORDINANCE GRANTING A HEIGHT VARIANCE FOR THE CENTURY STATION DEVELOPMENT IN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

After discussion, Lovero made a motion, seconded by Skryd, to concur, and adopt the Ordinance as amended and authorize the appropriate 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.

36) The Law Department submitted an ordinance entitled:

AN ORDINANCE ESTABLISHING VEHICLE SEIZURE AND IMPOUNDMENT IN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

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

37) The Law Department submitted a communication regarding Tiered Approach to Corrective Action Objectives Agreement between A & R, Inc. and the City of Berwyn. After discussion, Lovero made a motion, seconded by Weiner, to concur and adopt the agreement as presented and authorized 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.

38) The Law Department submitted an ordinance entitled:

AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD IN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

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

39) The Law Department submitted an communication regarding the notification of written orders entered at the conclusion of Liquor License hearing proceedings. Brocato made a motion, seconded by Skryd, to accept the matter as informational. The motion carried by a voice vote.

40) The Law Department submitted a communication regarding Waste Management contract negotiation. Burt Odelson, City Attorney read a memorandum, thanking Dawn Rinehart for her diligent effort in the matter. Thereafter, Brocato made a motion, seconded by Weiner to accept the matter as informational. The motion carried by a voice vote.

41) The Berwyn Park District submitted a communication regarding an amendment to the current Intergovernmental Agreement between the Berwyn Park District and the City of Berwyn concerning the cooperative use for the trade of use of recreation facilities. After discussion, Lovero made a motion, seconded by Ramos, to concur, adopt the agreement as presented and authorize the

appropriate 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.

- 42) The Building submitted a communication requesting permission to advertise to receive bids for the rehabilitation of the 16th St. Community Center. Thereafter, Lovero made a motion, seconded by Skryd, to concur and approve as submitted. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 43) The Building Director submitted a communication regarding Pristine Motors, 7010 W. Ogden. After discussion, Chapman made a motion, seconded by Brocato, to concur. After discussion, the motion was withdrawn. Chapman made a motion, seconded by Ramos to concur and approve the request as amended to include an indemnification of the City for liability. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 44) The Berwyn Police Department submitted a communication regarding buy-back hours for Officer Michael Fellows. After discussion, Skryd made a motion, seconded by Chapman, 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) The Berwyn Police Department submitted a communication regarding buy-back of all accrued time for Officer Michael Romano. After discussion, Skryd made a motion, seconded by Chapman, 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) The Director of Human Resources submitted a communication regarding the Com/Sick time buy-back time for the Police, Fire, and Clerical employees. After discussion, Chapman made a motion, seconded by Ramos, to defer and refer to the Human Resource Department for a request for itemized amounts for each employee. The motion carried by a voice vote.
- 47) The Director of Human Resources submitted a communication regarding the 2006 salary increases for the Police officers. Thereafter, Chapman questioned the 1% increase. After discussion, Brocato made a motion, seconded by Weiner, to accept the matter as informational. The motion carried by a voice vote.
- 48) The Director of Community Outreach submitted a communication requesting permission to hire part-time drivers for vans. After discussion, Chapman made a motion, seconded by Erickson, to refer the matter to the Committee of the Whole. The motion carried by a voice vote.

- 49) The Director of the Berwyn Public Library submitted a communication requesting permission to hire a full-time Reader's Advisory Librarian II. After discussion, Chapman made a motion, seconded by Skryd, to waive the hiring freeze, and concur in the recommendation as submitted. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 50) Frank Novotny & Assoc., Inc. submitted a communication regarding the 2005 M.F.T. Maintenance Sidewalk & Gutter repairs payment estimate No. 4 to Strada Construction in the amount of \$8,775.00. Brocato made a motion, seconded by Phelan 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.
- 51) Frank Novotny & Assoc., Inc. submitted a communication regarding the 2005 C.D.B.G. Alley Improvements estimate No.5 for G & M Cement Construction, Inc., in the amount of \$23,817.85. Brocato made a motion, seconded by Phelan, 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.
- 52) The Berwyn Police Department submitted a communication requesting a handicapped sign for Jose Guerrero, 1334 Wisconsin. Erickson made a motion, seconded by Chapman, to defer the matter for 2 weeks. The motion carried by a voice vote.
- 53) Police Chief submitted a communication regarding Community Service officer staffing. After discussion, Lovero made a motion, seconded by Brocato, to waive the hiring freeze, and concur in the recommendation as submitted. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 54) The bids for the 16th St. Community Center roof were returned to the Council for public reading. Brocato made a motion, seconded by Weiner, to award the contract to National Roofing Corporation, the most qualified bidder in the amount of \$29, 200.00 and to refer the matter to the Building Director. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nay: none.
- 55) At this time, the Consent Agenda, items K-2, 3,4,5,6 were submitted.
- K-2 District 100 extend waiver on employee parking on unpaved lots.
 - K-3 Combined Vets. Poppy Day sale, May 25 thru May 29, 2006
 - K-4 Combined Vets., sale of flags June 30th thru July 3, 2006
 - K-5 Combined Vets-schedule of 2006 special holiday ceremonies
Memorial Day-May 28, 2006 Flag Day-June 14, 2006

4th of July-July 4, 2006 Houby Day- October 8, 2006
Veterans Day-November 11, 2006

K-6 Berwyn Bulldogs Tag day sales, April 1st & 2nd and June 24th & 25th, 2006.

The motion carried by a voice vote Phelan made a motion, seconded by Skryd to accept the matters as informational.

- 56) The Mayor called a Committee of the Whole meeting for:
Wednesday, March 1, 2006 @ 7:30 Pm – Berwyn City Hall
Tuesday, March 7, 2006 @ 7:00 pm on referral.
Thursday, March 9, 2006 @ 6:30 – Berwyn Police Dept. Closed to Public –
Fire Mediation.
Tuesday, March 14, 2006 @ 6:00 pm – Berwyn City Hall - referrals
- 57) Alderman Erickson-cancellation of the Administration Committee Meeting called for Monday, March 6, 2006.
- 58) Alderman Chapman called a Budget meeting for Tuesday, March 7, 2006 at 6:00 pm Berwyn City Hall on referrals
- 59) Alderman Skryd called a Building/Zoning/Planning Committee meeting for Monday, March 13, 2006 at 7:00 pm Berwyn City Hall on referrals.
- 60) Alderman Brocato called a Public Works meeting for Monday, March 6, 2006 @ 8:00 AM Public Works Building on referrals.
- 61) Alderman Phelan called a Recreation meeting for Thursday, March 2, 2006 @ 6:00 pm Berwyn City Hall on referrals.
- 62) Alderman Brocato made a motion, seconded by Skryd, to adjourn to a closed Executive session @ 10:00 pm for referred item E-10 Metro Revenue Associates, Inc. contract. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 63) Deferred item E-10, Metro Revenue Associates, Inc., contract. Brocato made a motion, seconded by Erickson, to approve and amend the contract and extend for 3 months. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none.
- 64) There being no further business to come before the meeting, same was, after a motion by Chapman, seconded by Skryd, adjourned at the hour of 10:26 pm by roll call vote.

Respectfully submitted,

Thomas J. Pavlik
City Clerk