

MICHAEL A. O'CONNOR
MAYOR

THOMAS J. PAVLIK
CITY CLERK

MINUTES
BERWYN CITY COUNCIL
MARCH 28, 2006

1. The regular meeting of the Berwyn City Council was called to order 8:10 p.m. Upon the call of the roll, the following members responded present: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Absent: Weiner. Thereafter, the Mayor declared a quorum present and the meeting duly convened for further business. Thereafter, Skryd made a motion, seconded by Chapman, to excuse Weiner. The motion carried by a voice vote.
2. The Pledge of Allegiance was recited and the Mayor called for a moment of silence for our Armed Forces overseas.
3. The open forum portion of the meeting was announced. A representative from Sedgwick Properties Development, Corporation presented the City and the Mayor with a Rendering of the Century Station Development. Vito Campanile, 1443 Kenilworth and Angel Colon, 1320 East Ave, spoke on behalf of the Berwyn Little League, seeking sponsors. Larry Carlson, 2506 Harvey, spoke on the delay of the Parking Ban ordinance.
4. The minutes of the Berwyn City Council meeting held on March 14, 2006, and the Committee of the Whole minutes of February 28, 2006 were presented. Brocato and Ramos questioned the Committee of the Whole minutes of February 28, 2006. Thereafter, Brocato made a motion, seconded by Ramos, to approve the minutes as amended and place same on file. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.
5. The bids for the 16th Street Community Center were presented. Lovero made a motion, seconded by Skryd, to publicly open the bids, and authorize the Law Department and any other interested parties, to proceed to the Conference Room, to tabulate and return same to the City Council Chambers for public reading. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.

6. Skryd made a motion, seconded by Ramos, to suspend the rules, and bring forth Item J-1 thru J-3. Skryd made a motion, seconded by Ramos, to make Item J-3 germane to J-1.

Item J-1- The Berwyn Development Corporation submitted a communication regarding the Environmental Agreement and revised note and payment schedule in reference to the Sedgwick Development Project. An amendment to the Redevelopment Agreement authorizing the City to reimburse Sedgwick said cost to remediate Environmental Contaminations on the BDC parcels. Thereafter, Lovero made a motion, seconded by Skryd, to concur, and authorize the Mayor to execute the assignment of the City's payment to Sedgwick as amended. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nay: none. Excused: Weiner.

7. The Berwyn Development Corporation submitted a communication regarding parking variance for the Sedgwick Development and submitted an Ordinance entitled:

AN ORDINANCE GRANTING A VARIANCE IN PARKING REQUIREMENTS FOR THE CENTURY STATION DEVELOPMENT.

Thereafter, Lovero made a motion, seconded by Skryd, 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, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none Excused: Weiner.

8. The Berwyn Development Corporation submitted a communication regarding the Sedgwick Development Project, requesting a variance for commercial parking spaces from 47 to 40. Thereafter, Lovero made a motion, seconded by Skryd, to refer to the Law Department for drafting of an ordinance. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none Excused: Weiner.

9. The Berwyn Development Corporation submitted a communication regarding the City's assignment pursuant to the Redevelopment Agreement. Lovero made a motion, seconded by Skryd, to concur, and approve as presented and authorize the corporate authorities to affix their signatures thereto. The motion carried by the following roll call: The motion carried

by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none Excused: Weiner.

10. The Berwyn Development Corporation submitted a communication regarding the Sedgwick Property Development dept service and presented an ordinance entitled:

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED PROMISORY NOTE IN FAVOR OF THE BERWYN DEVELOPMENT CORPORATION RELATING TO THE SOUTH BERWYN CORRIDOR TIF.

After discussion, Lovero made a motion, seconded by Skryd, 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, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.

11. The Berwyn Development Corporation submitted a communication regarding selecting a design for the citywide banners. The Mayor recognized John Fey, of the Berwyn Development Corporation, who presented the City Council with several designs for consideration. After discussion, Brocato made a motion, seconded by Skryd, to refer the matter to the Committee of the Whole. The motion carried by a voice vote.
12. The Mayor submitted a Proclamation for National Library Week, 2006. Chapman made a motion, seconded by Skryd, to concur and adopt the Proclamation as presented. The motion carried by a voice vote.
13. The Mayor submitted a communication regarding the City Budget and presented the 2006 amended Budget with an ordinance entitled:

THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF BERWYN FOR FISCAL YEAR 2006

After discussion, Eickson made a motion, seconded by Chapman, to deny the Budget as presented. The motion carried by the following roll call: Yeas: Chapman, Brocato, Phelan, Lovero, Erickson. Nays: Ramos, Skryd. Excused: Weiner.

14. The Mayor submitted a communication regarding the Zoning Board of Appeals ordinance, concerning compensation for Board Members. After discussion, Skryd made a motion, seconded by Erickson, to refer the matter to the Ordinance and Resolution Committee to draft an amended ordinance for Public Hearing. The motion carried by a voice vote.
15. The Mayor submitted a communication regarding settlement of pending litigation including Primeco as amended and discussed in closed session of the Committee of the Whole. Thereafter, Skryd made a motion, seconded by Erickson, to concur and approve for payment. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.
16. The Mayor submitted a communication regarding AmAudit suggested change. Skryd made a motion, to concur and refer to the Ordinance and Resolution Committee. The motion failed for lack of second. Thereafter, Ramos made a motion, seconded by Chapman, to deny. After discussion, the motion was withdrawn. Skryd made a motion, seconded by Lovero, to concur and refer to the Ordinance and Resolution Committee to draft an ordinance. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.
17. The City Clerk submitted communication regarding the Berwyn Advisory Committee on Smoking Initiatives response to the Cook County Smoking Ban Ordinance. After discussion, Skryd made a motion, seconded by Erickson, to accept the matter as informational. The Mayor declared the motion carried by a voice vote. Thereafter, the Clerk requested a roll call vote to record condescending nays. After discussion, the Mayor agreed, and declared the motion carried by a voice vote with Chapman and Lovero recording condescending nays.
18. Alderman Lovero submitted a communication regarding the installation of 2 hour parking signs from Grove to Home Avenues, on the north and south sides of Cermak Road. Lovero made a motion, seconded by Skryd, to waive reading, motion carried. After discussion, Lovero made a motion, seconded by Skryd, to refer to Ordinance and Resolution, and to Public Works to remove said signs. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner

19. Alderman Lovero submitted a communication regarding parking problems in the area around Morton West High School. After discussion, Lovero made a motion, seconded by Brocato, to refer the matter to the Ordinance and Resolution Committee. The motion carried by a voice vote.
20. Alderman Chapman submitted a communication regarding Water Rates and the accusations made by the Mayor, in the March 21, 2006, Berwyn Life. Chapman made a motion, seconded by Skryd, to waive reading, and accept as informational. The motion carried by a voice vote.
21. Alderman Chapman submitted a communication regarding the limitations on length of meetings. After discussion, Chapman made a motion, seconded by Phelan, to refer to Ordinance and Resolution for the drafting of an ordinance and to amend the communication, to require a 2/3 vote for concurrence, from the Aldermen, to pass the meeting curfew. The motion carried by a voice vote, with Alderman Skryd voicing a condescending Nay.
22. Alderman Chapman submitted a communication regarding the limitations of the Committee of the Whole meetings. After discussion, Chapman made a motion, seconded by Ramos, to refer to Ordinance and Resolution, for the drafting of an ordinance. The motion carried by a voice vote. Alderman Skryd voicing a condescending Nay.
23. The Budget Committee submitted a communication regarding a Budget Committee meeting held March 22, 2006 pertaining to Budget Items for Community Outreach, Community Development Department, Police and Fire Commission, and Zoning Board of Appeals, with the recommendation of the Committee, to refer the Budget back to the Mayor's office to make corrections of above items. After discussion, Chapman made a motion, seconded by Skryd, to accept the matter as informational. The motion carried by a voice vote.
24. The Budget Committee submitted the Payroll Report for March 22, 2006, in the total amount of \$867,770.48. Thereafter, Chapman made a motion, seconded by Ramos, to approve for payment. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.

25. The Budget Committee submitted the Payables for March 28 2006, in the amount of \$976,163.83. Thereafter, Chapman made a motion, seconded by Ramos, to approve for payment. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nay: none. Excused: Weiner.
26. The Building Zoning Planning Committee submitted a communication requesting removal of referral item #28 revision of "By Owner" ordinance and item #30-Non Conforming Properties. Skryd made a motion, seconded by Chapman, to concur, and remove said items from referral list. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.
27. The Building Zoning Planning Committee submitted a communication regarding Zoning for Condo Conversions, with the recommendation that these properties not be forced to go through the Zoning Hearing process and to prepare an ordinance for Public Hearing. Thereafter, Skryd made a motion, seconded Chapman, to refer to the Law Department to draft an Ordinance for Public Hearing. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Nays: Erickson. Excused: Weiner.
28. The Building Zoning Planning Committee submitted a communication regarding Referral Item #33, eliminating escrow funds on "As Is" property. Skryd made a motion, seconded by Chapman, to concur in the recommendation, and remove from the referral list. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.
29. The Building Zoning Planning Committee submitted a communication regarding Zoning Ordinance Section 14, Building & Housing, with the recommendation, that these specific sections not be deleted at this time. After discussion, Skryd made a motion, seconded by Phelan, to concur, and remove from referral list. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero. Nays: Erickson. Excused: Weiner.
30. The Fire and Police Committee submitted a communication regarding the 2006 Fire Budget, with the recommendation that the Budget be submitted. Thereafter, Chapman made a motion, seconded by Skryd, to accept the

matter as informational. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.

31. The Law Department submitted a referred communication regarding the Intergovernmental Agreement between the City of Berwyn and the North Berwyn Park District. After Discussion, Lovero made a motion, seconded by Brocato, to excuse Alderman Phelan from the vote. Thereafter, Lovero made a motion, seconded by Brocato, to concur, adopt the agreement as amended, and authorize the corporate authorities to affix their signatures thereto. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Lovero, Erickson. Nays: none. Excused: Weiner, Phelan.
32. The Director of Human Resources submitted a communication regarding Seasonal Recreation Department employees. After discussion, Skryd made a motion, seconded by Chapman, to concur in the recommendation, and lift the hiring freeze. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Lovero, Erickson. Nays: Phelan. Excused: Weiner.
33. The Building Director submitted a communication regarding amending Zoning Ordinance Section 1422 from Chicago Plumbing Code to Illinois Plumbing Code and Section 1424 from Chicago Electrical Code to National Electrical Code. After discussion, the Mayor recognized, Director LeBeau, who explained and gave examples of differences in codes. After discussion, Skryd made a motion, seconded by Phelan, to concur in the recommendation and refer the matter to Ordinance and Resolution, to revise ordinance. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan. Nays: Lovero, Erickson. Excused: Weiner.
34. The Building Director submitted a communication regarding amending zoning Ordinance Section 1446: Selling property “As Is” to allow Attorney’s Letter or Escrow. After discussion, Lovero made a motion, seconded by Skryd, to refer the matter to Ordinance and Resolution Committee. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.
35. The Building Director submitted a communication regarding the termination of Crystal Maintenance cleaning services. After discussion, Skryd made a motion, seconded by Lovero, to concur in the recommendation, and to

- retain the next lowest bidder, Alpha Building Maintenance Service, Inc. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.
36. The Building Director submitted a communication regarding 3301-27 Euclid Ave., to construct Public Parking Garage. After discussion, Chapman made a motion, seconded by Skryd, to refer to the Zoning Board of Appeals for Zoning Hearing and to notify MacNeal Hospital of the Council's action in this matter. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.
 37. Frank Novotny and Associates submitted a communication regarding the Community Development Block Grant 2006 Alley Improvements. Brocato made a motion, seconded by Skryd, 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, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.
 38. Frank Novotny and Associates submitted a Resolution regarding the 16th Street Resurfacing, MFT Section 03-001590-00-RS. Thereafter, Brocato made a motion, seconded by Skryd, to concur, and adopt the Resolution as presented and authorize the corporate authorities to affix their signatures thereto. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.
 39. Frank Novotny and Associates submitted a Resolution for 2006 MFT "Maintenance of Streets and Highways", in the total amount of \$985,000. Thereafter, Brocato made a motion, seconded by Ramos, to concur and adopt the Resolution as presented and authorize the corporate authorities to affix their signatures thereto. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.
 40. Frank Novotny and Associates submitted a communication regarding the 2006 MFT, "Maintenance Engineering Agreement". Thereafter, Lovero made a motion, seconded by Skryd, to concur and adopt the Agreement as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried by the following roll call: Yeas: Chapman,

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

41. Frank Novotny and Associates submitted a communication regarding the 2006 MFT “Municipal Estimate of Maintenance Costs”, in the amount of \$984,634.95. Thereafter, Brocato made a motion, seconded by Ramos, to concur and approve as submitted and authorize the corporate authorities to affix their signatures thereto. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.
42. Frank Novotny and Associates submitted a communication regarding the 2006 MFT “Sewer Cleaning” project. Thereafter, Brocato made a motion, seconded by Ramos, to concur and approve as submitted and authorize the corporate authorities to affix their signatures thereto. The motion carried by the following roll call: The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.
43. Frank Novotny and Associates submitted a communication regarding the 2006 MFT Specification for the “Sidewalk and Curb & Gutter Repairs” project. Brocato made a motion, seconded by Ramos, to concur and approve as submitted and authorize the corporate authorities to affix their signatures thereto. The motion carried by the following roll call: The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.
44. The bids for the 16th Street Community Center Rehab were returned to the Council Chambers for public reading. The lowest bidder on this project was Construction Solutions with a bid of \$128,723. Lovero made a motion, seconded by Skryd, to refer to the Building Director for further review. The motion carried by a roll call vote. Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.
45. The Mayor called a Committee of the Whole meeting on Tuesday, April 04, 2006 @6:30 p.m. for referrals and to recess to Closed Session, after open for possible Pending Litigation and review of Closed Minutes. The Mayor requested a motion to approve the meeting. Lovero made a motion, seconded by Chapman, to approve as presented. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: none. Excused: Weiner.

46. Alderman Skryd called a Building Zoning & Planning Committee meeting for Wednesday, April 5, 2006 at 7:00 p.m. on Referrals.
47. Alderman Lovero called a Ordinance and Resolution Committee meeting for Thursday, April 6, 2006 at 6:30 p.m. on Referrals.
48. There being no further business to come before the meeting, same was, after a motion by Skryd, seconded by Brocato, to adjourn at the hour of 9:50 p.m. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Phelan, Lovero, Erickson. Nays: Brocato. Excused: Weiner.

Respectfully submitted,

Thomas J. Pavlik
City Clerk

