

MICHAEL A. O'CONNOR
MAYOR

THOMAS J. PAVLIK
CITY CLERK

MINUTES
BERWYN CITY COUNCIL
JANUARY 23, 2007

1. The regular meeting of the Berwyn City Council was called to order at 8:21 p.m. by Mayor O'Connor. Upon the call of the roll, the following 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 a moment of silence was called for the safety of our armed forces overseas and our police and firefighters.
3. The Open Forum portion of the meeting was announced. The Mayor congratulated the Chicago Bears for their winning a trip to the Super Bowl. John O'Halloran and Louie Mazza of the Berwyn Police department spoke regarding the grievance filed with no reason given by committee for denial. Resident Arturo Gonzalez, Cuyler 3424, Monica Quiroz, 3704 Clarence and Alfredo Rodriguez, 1227 Cuyler, spoke on concerns regarding the proposed agreement between the city and school districts. Luigi Gatuso, property owner of 6716-24 W. Cermak Road, spoke on the difficulties on renting stores due to the Overlay District restrictions. Liz Jarries, former resident and Interfaith member spoke on controlling housing by the City through school regulations and possible legal ramifications. Alderman Skryd spoke regarding "Operation be my Valentine" and asked for support.
4. The minutes of the regular Berwyn City Council meeting held on January 9, 2007 and the Committee of the Whole minutes for January 4, 2007, January 9, 2007, and December 19, 2006 were submitted. Thereafter, Alderman Brocato requested to amend the regular meeting minutes of January 9, 2007 with regards to his being absent to read, "Was Denied Attendance", and item #10 of the Committee of the Whole minutes of January 4, 2007 to read seconded by Phelan. Thereafter, Ramos made a motion, seconded by Skryd, 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. Skryd made a motion, seconded by Weiner, to suspend the rules and bring forth item J-5 and to make item I-27 as germane. The motion carried. Item J-5 is a communication from Police Chief Kushner regarding the appointments of Aaron Stewart, Derek Haak, and Armando Rivera as Probationary Police Officers and to introduce our K-9 officer, Nikko and

Canine Handler, Officer Judy Velasquez and K-9 Police Officer Epo and Canine Handler, Officer Jesus Areizaga. Thereafter, Clerk Pavlik administered the oath of office to the Probationary Officers. Chief Kushner and Mayor O'Connor introduced the K-9 Officers and their Handlers and presented collar badges to K-9 Officers Niko and Epo. The Mayor extended congratulations to all. Skryd made a motion, seconded by Weiner, to concur and accept as informational. The motion carried by a voice vote.

6. The Berwyn Development Corporation submitted a communication regarding the TIF application for Mike and Sons, 6333 West Odgen Avenue. After discussion, Lovero made a motion, seconded by Skryd, to defer and refer to the Committee of the Whole. The motion carried by a voice vote.
7. The Mayor submitted a communication regarding the appointment of Mary Esther Hernandez to the Zoning Board of Appeals and requested that her appointment be permanent for a period of five (5) years ending January, 2012. Thereafter, Skryd made a motion, seconded by Ramos, to concur and approve the appointment. The motion carried by the following roll call, Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Lovero, Erickson. Nays: Phelan.
8. The Mayor submitted a communication regarding the resignation of Zoning Board of Appeals and Community Relations member, Michael Raymond. Thereafter, Chapman made a motion, seconded by Ramos to accept the matter as informational with regrets and thanks for his years of service. The motion carried by a voice vote.
9. The Mayor submitted a communication regarding the appointment of Don Miller to the Zoning Board of Appeals as a replacement member, for Michael Raymond, who resigned. Thereafter, Skryd made a motion, seconded by Ramos, to concur and approve the appointment. The motion carried by the following roll call; Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Lovero. Nays: Phelan, Erickson.
10. The Mayor submitted a communication regarding the release of Checks #330430 and check #330534 for Bruce Bonebrake. Thereafter, Chapman made a motion, seconded by Lovero, to bring forth items I-16, F-8, and F-9 as germane and refer to outside Legal Council, John Murphy. The motion was defeated by the following roll call: Yeas: Chapman, Phelan, Lovero, Erickson. Nays: Ramos, Weiner, Skryd, Brocato, O'Connor. Thereafter, the Mayor handed out a memo from Mark Sterk regarding the removal of City Attorneys. After further discussion, Ramos made a motion, seconded by Skryd, to separate communication F-4 for a separate vote and to amend on face to be paid out of Administrative Coordinator, Scott Waguespack's line item 11-5-01-5102 and to concur and approve for payment. The motion

carried by the following roll call: Yeas: Ramos, Weiner, Skryd, Brocato, O'Connor. Nays: Chapman, Phelan, Lovero, Erickson.

11. Lovero made a motion, seconded by Ramos, to suspend the rules and bring forth item I-16, a communication from the Budget committee regarding outside Legal Council, John Murphey along with item F-8, a communication from the Mayor regarding City Attorney appointment and item F-9, a communication from the Mayor regarding the appointment of Bruce Bonebrake as City Attorney. Thereafter, Lovero made a motion, seconded by Ramos, to refer the matter to the law firm of John Murphey with a \$600 expense cap. The motion carried by a unanimous roll call vote.
12. The Mayor submitted a communication regarding the re assignments of Aldermanic committees. Thereafter, the Mayor presented an amended attachment to item F-5. After discussion, Skryd made a motion, seconded by Ramos, to concur with the Mayor's appointments. The motion carried by the following roll call: Yeas: Ramos, Weiner, Skryd, Brocato, O'Connor. Nays: Chapman, Phelan, Lovero, Erickson.
13. The Mayor submitted a communication regarding the ordinance amending code section 242.03, Appointed Officers; Appointment Procedures. Thereafter, Lovero made a motion, seconded by Chapman, to suspend the rules and bring forth item I-13, I-28, and F-7 and to make germane to amended copy of F-6, waive reading, and refer to the Law Firm of Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer, P.C. Thereafter, the Mayor pointed out that the above mentioned law firm are currently representing a client in a law suit against the City and therefore cannot represent the City without a waiver. After further discussion, the Mayor stated that Ancel and Glink, etc. are representing Waine Pesek in a multi million dollar law suit against the City. Thereafter, Lovero made a motion, seconded by Chapman, to amend his motion and to secure a waiver before entering into an agreement with the Law Firm of Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer. The amended motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: Weiner. Thereafter, the Mayor stated that he will veto any payment regarding this matter.
14. The Mayor submitted a communication regarding Mayoral appointments in accordance local ordinance chapter 242.03(b). After discussion, Chapman made a motion, seconded by Phelan, to defer the matter generally or until an answer is received from Ancel, Glink, Law Firm regarding appointment matter. The motion carried by the following roll call: Yeas: Chapman Ramos, Phelan, Lovero, Erickson. Nays: Weiner, Skryd, Brocato.

15. The Mayor submitted a communication regarding the leave of absence request from Scott Waguespack, Administrative Coordinator. Skryd made a motion, seconded by Brocato, to waive reading and accept the matter as informational. The motion carried by a voice vote.
16. The Mayor submitted a communication regarding the proposal/request from Anderson Ford for a potential loan guarantee. Lovero made a motion, seconded by Phelan, to concur in the request and to move forward and refer the matter to the Law department. The motion carried by a unanimous roll call vote.
17. The City Clerk submitted a communication regarding the Public Hearing for the purposed ordinance to amend the Retail Overlay District for Cermak. Brocato made a motion, seconded by Skryd, to concur and approve as submitted and to accept the matter as informational. The motion carried by a unanimous roll call vote.
18. The Zoning Board of Appeals submitted a communication regarding the property of James Ringstad & Deborah M. Gorchos, 3239 Highland. Ramos made a motion, seconded by Chapman, to concur and Adopt the ordinance/resolution as submitted. After discussion, the motion was amended by Ramos, seconded by Chapman, to defer for two (2) weeks. The motion carried by a voice vote.
19. The Zoning Board of Appeals submitted a communication regarding the property of Tony Leopold-Hardy Construction Company, 6838 W. Windsor Avenue. Thereafter, Chapman made a motion, seconded by Weiner, to defer for two (2) weeks. The motion carried by a voice vote.
20. The Zoning Board of Appeals submitted a communication regarding the property of Jerone Stachyra, 3436 S. Harvey. Thereafter, Ramos made a motion, seconded by Skryd, to concur and Adopt the Resolution/Ordinance as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.
21. Alderman Weiner submitted a communication regarding Internet Streaming of City Council meetings. After discussion, Weiner made a motion, seconded by Skryd, to refer the matter to the IT department. The motion carried by a voice vote.
22. Alderman Weiner submitted a communication regarding Real Estate Transfer tax. After discussion, Weiner made a motion, seconded by Skryd, to refer to the Committee of the Whole. The motion carried by a voice vote with Phelan voicing a contrary nay.

23. Alderman Weiner submitted a communication regarding Signage. After discussion, Weiner made a motion, seconded by Skryd, to refer the matter to Neighborhood Affairs director. The motion carried by a voice vote.
24. Alderman Weiner submitted a communication regarding the Clear View of Premises of Liquor establishments. After discussion, Weiner made a motion, seconded by Skryd, to refer to Chief Kushner of the Berwyn Police department.
25. Alderman Weiner submitted a communication regarding Art on Traffic Signal boxes. Weiner made a motion, seconded by Brocato, to refer the matter to the Berwyn Arts Council. The motion carried by a voice vote.
26. Alderman Weiner submitted a communication regarding Meeting Etiquette. After discussion, Weiner made a motion, seconded by Ramos, to refer the matter to the Committee of the Whole. The motion carried by a voice vote with Phelan voicing a contrary nay.
27. Alderman Weiner submitted a communication regarding Trash Cans and Trash. Weiner made a motion, seconded by Chapman, to refer to the Berwyn Development Corporation. The motion carried by a voice vote.
28. Alderman Phelan submitted a communication regarding the 16th Street Tow Zone. After discussion, Phelan made a motion, seconded by Brocato, to refer the matter to the Public Works department and Berwyn Police department. The motion carried by a voice vote.
29. Alderman Ramos submitted a communication regarding the installation of stop signs on Ridgeland Avenue and 35th Street and requested the matter be forwarded to the Cook County Commissioner Tony Peraica for presentation to the Cook County Board for approval. Ramos made a motion, seconded by Lovero, to concur and refer the matter to Commissioner Peraica. The motion carried by a voice vote.
30. Alderman Ramos submitted a communication regarding changing the flow of traffic on Lombard Avenue in the 2nd Ward. Ramos made a motion, seconded by Chapman, to waive reading and to refer the matter to Public Works and Police departments. The motion carried by a voice vote.
31. Alderman Ramos submitted a communication regarding the removal of referral item from the Recreation committee. Ramos made a motion, seconded by Phelan, to withdraw the communication. The motion carried by a voice vote.

32. Alderman Skryd submitted a request for removal of items from the Building, Zoning, and Planning committee's referral list. Skryd made a motion, seconded by Weiner, to concur. The motion carried by a voice vote.
33. The Budget committee submitted the Payroll report for January 10, 2007 in the total amount of \$844,689.76. Thereafter, 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, Lovero. Phelan, Erickson Aye, with the exception of the Mayor's patronage hires.
34. The Budget committee submitted the Payables report for January 23, 2007 in the total amount of \$968,407.68. Alderman Chapman questioned item #330702 for Bruce Bonebrake. The Mayor stated that a check will come out of the line item of Administrative Coordinator #11-5-01-5012. Thereafter, Chapman made a motion, seconded by Ramos, to concur and approve for payment as amended. The motion carried by a unanimous roll call vote.
35. The Budget committee submitted a communication regarding the removal of outstanding referral list items. Chapman made a motion, seconded by Weiner, to concur. The motion carried by a voice vote.
36. The Building, Zoning, and Planning committee submitted a communication regarding the removal of the Cermak Road Overlay ordinance from the referral list. Skryd made a motion, seconded by Weiner, to concur. The motion carried by a voice vote.
37. The Building, Zoning, and Planning committee submitted a communication regarding amending zoning codes #1258.01, 1258.02, 1260.01, and 1260.02 with the recommendation that we move Pawn shops from permitted use to conditional-use after the Public Hearing is set. Thereafter, Skryd made a motion, seconded by Chapman, to concur. The motion carried by a unanimous roll call vote.
38. The Building, Zoning, and Planning committee submitted a communication regarding the removal of referral of zoning ordinance section #14. Skryd made a motion, seconded by Weiner, to concur. The motion carried by a voice vote.
39. The Building, Zoning, and Planning committee submitted a communication regarding the Cermak Road Overlay District ordinance with the recommendation this item be removed from the referral list. Skryd made a

motion, seconded by Weiner, to concur. The motion carried by a voice vote.

40. The Committee of the Whole submitted a communication regarding payables of 12/17/06, item #330331, DesPlaines Publishing Company in the amount of \$1,450.34. Thereafter, Skryd made a motion, seconded by Weiner, to concur and approve for payment. The motion carried by the following roll call: Yeas: Ramos, Weiner, Skryd, Brocato, O'Connor. Nays: Chapman, Phelan, Lovero, Erickson.
41. The Committee of the Whole submitted a communication regarding the payables of 12/27/06, item #330347, Mayor O'Connor in the amount of \$840.40. Phelan made a motion, seconded by Lovero, to deny payment. The motion failed on the following roll call: Yeas: Chapman, Phelan, Lovero, Erickson. Nays: Ramos, Weiner, Skryd, Brocato, O'Connor. After further discussion, Ramos made a motion, seconded by Weiner, to concur, approve for payment out of the 2007 budget. The motion carried by the following roll call: Yeas: Ramos, Weiner, Skryd, Brocato, O'Connor. Nays: Chapman, Phelan, Lovero, Erickson.
42. The Committee of the Whole submitted a communication regarding Customer Service with the recommendation to waive the hiring freeze and post job opening. Skryd made a motion, seconded by Weiner, to concur. The motion carried by the following roll call: Ramos, Weiner, Skryd, Brocato, O'Connor. Nays: Chapman, Phelan, Lovero, Erickson.
43. The Fire and Police committee submitted a communication regarding the grievance of police personnel with the recommendation that the grievance be denied. Thereafter, Weiner made a motion, seconded by Chapman, to amend the communication's votes and accept the matter as informational. The motion carried by a voice vote.
44. The Public Works committee submitted a communication regarding authorization to post and hire for Public Works vacancy. Brocato made a motion, seconded by Chapman, to refer the matter to the Public Works committee. The motion carried by a voice vote.
45. The Mayor requested a vote to continue the City Council passed 10:00 p.m. per City Ordinance. Thereafter, Brocato made a motion, seconded by Skryd, to concur. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero. Nays: Erickson

46. A deferred communication from Bruce Bonebrake regarding an ordinance entitled:

AN ORDINANCE PROVIDING FOR AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS AND FOR ADMINISTRATIVE ADJUDICATION OF AUTOMATED TRAFFIC LAW VIOLATIONS IN THE CITY OF BERWYN

Thereafter, Ramos made a motion, seconded by Brocato, to make item J-2 as germane and to act on J-2. The motion carried by a voice vote. After discussion, a motion to concur and to Adopt as amended on face and refer to the law firm of Odelson & Sterk for review, prior to the Clerk causing publication. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Lovero, Erickson. Nays: Phelan.

47. Bruce Bonebrake submitted a communication regarding Constellation New Energy contract. Skryd made a motion, seconded by Weiner, to concur and approve the contract as submitted and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.
48. The Berwyn Police Chief submitted a communication regarding establishing a daytime curfew for school age children. After discussion, Skryd made a motion, seconded by Lovero, refer the matter to the Committee of the Whole. The motion carried by a voice vote.
49. The Finance director submitted a communication regarding the budget approval and the timeline and revenue budget. Lovero made a motion, seconded by Chapman, to accept the matter as informational. After discussion, the motions were withdrawn. Thereafter, Lovero made a motion, seconded by Brocato, to approve the timeline and accept as informational. The motion carried by a voice vote.
50. The Building director submitted a communication regarding the request for demolition for property located at 6717 W. Cermak Road. After discussion, Brocato made a motion, seconded by Skryd, to concur and approve as submitted. The motion carried by a unanimous roll call vote.
52. Consent Agenda items, K-1
K-1 Maria SS. Laurentana Fest , October 31st, September 1st ,2nd ,3rd , 2007.
Thereafter, Ramos made a motion, seconded by Chapman, to approve as presented. The motion carried by a voice vote and approved by omnibus vote designation.

52. The Mayor called for a Committee of the Whole meeting, as previously called, for Wednesday, January 24, 2007 at 7:00 p.m. at Skylite West. The Mayor then requested a Committee of the Whole meeting for Tuesday, February 6, 2007 at 7:15 p.m. Skryd made a motion, seconded by Weiner, to concur and approve. The motion carried by a unanimous roll call vote. The Mayor called for a Committee of the Whole meeting for Tuesday, February 13, 2007 at 6:00 p.m.
53. Alderman Skryd called an Administration committee meeting for Thursday, February 8, 2007 at 6:30 p.m. for referrals.
54. Alderman Weiner called a Budget committee meeting for Monday, February 5, 2007 at 6:30 p.m. for referrals.
55. Alderman Ramos called a Recreation committee meeting for Thursday, February 8, 2007 at 7:30 p.m. for referrals.
56. There being no further business to come before the meeting, same was, after a motion by Ramos, seconded by Skryd, to adjourn at the hour of 10:55 p.m. The motion carried by a unanimous roll call vote.

Respectfully submitted,

Thomas J. Pavlik
City Clerk