

MICHAEL A. O'CONNOR
MAYOR

THOMAS J. PAVLIK
CITY CLERK

MINUTES
BERWYN CITY COUNCIL
FEBRUARY 13, 2007

1. The regular meeting of the Berwyn City Council was called to order by Mayor O'Connor at 8:10 p.m. Upon the call of the roll, the following responded presented: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero, Erickson. Thereafter, the Mayor declared a quorum present and the meeting duly convened.
2. The Pledge was recited and the Mayor called for a moment of silence for the safety of our armed forces, police and firefighters and to remember the public works employees for their effort in the snow removal. Also, for the deceased Berwyn Explorer, Stan Juran and for the Fuentes family who suffered a house fire.
3. The Open Forum portion of the meeting was announced. Mike Ross, AFSCME Council #31, spoke on the reinstatement of Amanda Ward from the Collectors office. The Mayor extended birthday wishes to Aldermen Chapman and Skryd.
4. The minutes of the Berwyn City Council meeting held on January 23, 2007 and the Committee of the Whole held on January 23, 2007, February 6, 2007 and a Special Committee of the Whole held on January 24, 2007 were submitted. Alderman Brocato questioned item #4 of the City Council meeting minutes of January 23, 2007. Thereafter, Ramos made a motion, seconded by Skryd, to approve the minutes as amended. The motion carried by a unanimous roll call vote. Thereafter, Phelan made a motion, seconded by Erickson, to reconsider the vote for item #16 on the January 23, 2007 City Council meeting minutes regarding the matter of Anderson Ford proposal. After discussion, the motion was withdrawn. Thereafter, Erickson made a motion, seconded by Phelan to reconsider the vote for item #16 of January 23, 2007. The motion was denied by the following roll call: Yeas: Phelan, Erickson. Nays: Chapman, Ramos, Weiner, Skryd, Brocato, Lovero. After discussion, Aldermen Phelan and Erickson requested that the minutes reflect that they are against the proposed potential loan guarantee for Anderson Ford.
5. Skryd made a motion, seconded by Weiner, to suspend the rules and bring forth item J-1. The motion carried by a voice vote. Item J-1 is a proposed

ordinance from the Law department regarding the Ground Lease Agreement between the City of Berwyn and the YMCA. Thereafter, Weiner made a motion, seconded by Skryd, to concur and Adopt the ordinance as submitted. The motion failed approval requiring a 3/4 majority vote with the following roll call: Yeas: Ramos, Weiner, Skryd, Brocato, Lovero, O'Connor. Nays: Chapman, Phelan, Erickson. After discussion, Lovero made a motion, seconded by Weiner, to refer to the Committee of the Whole. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Phelan, Lovero. Nays: Erickson.

6. Skryd made a motion, seconded by Weiner, to suspend the rules and bring forth items J-8, J-9, J-10, and J-11. The motion carried by a voice vote. Item J-8 is a communication from the Fire and Police Commissioners regarding the promotion of firefighter Kris Coniglio to the rank of Lieutenant. Thereafter, Skryd made a motion, seconded by with a unanimous second, to accept the matter as informational. The motion carried by a voice vote.
7. Item J-9 is a communication from the Police Chief regarding the request for an additional Co Chaplain, Fr. James Clavey, for the Berwyn Police Department. Skryd made a motion, seconded by Ramos, to concur and approve as submitted. The motion carried by a unanimous roll call vote. Thereafter, Skryd made a motion, seconded by Phelan, to refer the matter to the Law department to amend the appointment ordinance to allow for 2 Chaplains. The motion carried by a voice vote.
8. Item J-10 is a communication from the Police Chief regarding the hire of five (5) full time civilian radio operators. After discussion, Skryd made a motion, seconded by Brocato, to refer to the Budget committee. The motion carried by a voice vote.
9. Item J-11 is a communication from the Police Chief regarding the Berwyn Police Evidence and Recovered Property Storage Room with a proposed agreement with Property.Room.com. Mayor O'Connor recognized Chief Kushner, who summarized the agreement. Thereafter, Brocato made a motion, seconded by Phelan, to concur and approve as submitted. The motion carried by the following roll call: Yeas: Weiner, Brocato, Phelan, Lovero, Erickson. Nays: Chapman, Ramos, Skryd.
10. The bid opening for structural repairs and mold abatement for 6801 Cermak Road along with Public Works bids for tree trimming were submitted. Brocato made a motion, seconded by Skryd, to authorize the Law department and any other interested parties to proceed to the Conference room to open, tabulate and return same to the Council Chambers for public reading. The motion carried by a voice vote.

11. A deferred communication from the Berwyn Development Corporation regarding the Mike & Sons TIF application. Erickson made a motion, seconded by Skryd, to refer the matter to the Berwyn Development Corporation. The motion failed by the following roll call: Yeas: Skryd, Erickson. Nays: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Thereafter, Ramos made a motion, seconded by Lovero, to concur and approve as amended in the amount of \$346,150. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Brocato, Phelan, Lovero. Nays: Skryd, Erickson.
12. The Berwyn Development Corporation submitted a communication regarding the 2007 TIF budget. The Mayor requested the matter be referred to the Budget committee for further discussion. Thereafter, Chapman made a motion, seconded by Brocato, to concur and approve as submitted. The motion carried by a unanimous roll call vote.
13. The Berwyn Development Corporation submitted a communication regarding the General Fund request for the 2007 Budget. Thereafter, Chapman made a motion, seconded by Skryd, to refer the matter to the Budget committee. The motion carried by a unanimous roll call vote.
14. Lovero made a motion, seconded by Chapman, to suspend the rules and bring forth item G-2. The motion carried by a voice vote. Item G-2 is an ordinance entitled:

AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE TO CREATE AN ADDITIONAL RETAIL OVERLAY DISTRICT WITHIN THE CITY OF BERWYN

Lovero made a motion, seconded by Skryd, to concur and Adopt as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Lovero. Nays: Phelan, Erickson.

15. The Berwyn Development Corporation submitted a communication regarding a Public Hearing for Rezoning and Boundary Modifications associated with the Retail Overlay District for Cermak Road. Thereafter, Skryd made a motion, seconded by Chapman, to concur and refer the matter to the BDC and Novotny and Associates for a legal description. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Lovero. Nays: Phelan, Erickson.

16. The Berwyn Development Corporation submitted a communication regarding a Public Hearing for the Retail Overlay District for Berwyn's Downtown Depot area. Skryd made a motion, seconded by Chapman, to concur and approve as submitted. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Lovero. Nays: Phelan, Erickson.
17. The Berwyn Development Corporation submitted a communication regarding TIF Consulting Contract for Kane McKenna and Associates. Skryd made a motion, seconded by Weiner, to concur and approve as submitted. The motion carried by a unanimous roll call vote.
18. The Berwyn Development Corporation submitted a communication regarding the Main Street Budget. After discussion, Skryd made a motion, seconded by Lovero, to concur and approve as submitted and refer the matter to the Budget committee. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Brocato, Lovero. Nays: Phelan, Erickson.
19. The Berwyn Development Corporation submitted a communication regarding 2007 annual events calendar. Lovero made a motion, seconded by Skryd, to concur and approve as amended. The motion carried by a unanimous roll call vote.
20. The bid tabulations for the Structural Repairs for 6801 Cermak Road were returned for public reading. Bids were submitted by Armor Construction, Inc. for \$285,240, Souma Masonry Restorators, Inc. for \$164,200 and Kinsale Contracting Group for \$17,200 +(1) 11,300, (2) \$28,500 and (3) \$18,700. Thereafter, Lovero made a motion, seconded by Skryd to refer the matter to the building department, public works department and the Berwyn Development Corporation. The motion carried by a voice vote.
21. The bid tabulations for the Mold Abatement for 6801 Cermak Road were returned for public reading. Bids were submitted by Luce Companies for \$18,000, Blue Stone Environmental, Inc for \$25,000, Mold Pro for \$116,884, Jamrok Environmental, Inc for \$488,877, Mobile Pressure Washing, Inc. for \$8,344.55 and Duraclean International, Inc. for \$93,246.23. Thereafter, Lovero made a motion, seconded by Skryd to refer the matter to the building department, public works department and the Berwyn Development Corporation. The motion carried by a voice vote.
22. The Berwyn Development Corporation submitted a communication regarding a proposed Marketing Plan for the City of Berwyn. Thereafter, Chapman made a motion, seconded by Ramos, to refer the matter to the Committee of the Whole. The motion carried by a voice vote.

23. The bid tabulations for the Public Works tree trimming were returned for public reading. One bid was submitted by Winkler's Tree Service, Inc for \$141,202. Thereafter, Chapman made a motion, seconded by Ramos, to refer the matter to the Public Works department. The motion carried by a voice vote.
24. Skryd made a motion, seconded by Brocato, to suspend the rules and bring forth items J-2, J-3, and J-4. The motion carried by a voice vote. J-2 is a communication from the Public Works director regarding the wavier of bid and approval of Holiday Decorations part 1. Thereafter, Chapman made a motion, seconded by Brocato, to concur and approve for payment. The motion carried by a unanimous roll call vote.
25. The Public Works director submitted a communication regarding the wavier of bid and approval of Holiday Decorations part 2. Thereafter, Chapman made a motion, seconded by Ramos, to concur and approve for payment. The motion carried by a unanimous roll call vote.
26. The Public Works director submitted a communication regarding the approval to post the position for a Traffic Engineer. Thereafter, Skryd made a motion, seconded by Chapman, to waive the hiring and concur in the recommendation. The motion carried by a unanimous roll call vote.
27. Chapman made a motion, seconded by Skryd, to suspend the rules and refer back to items E-4 and E-5 from the Berwyn Development Corporation regarding the Overlay for Cermak Road and the Overlay for the Depot District and to refer the matters to the BDC and Novotny and Associates for maps and a legal description. The motion carried by a unanimous roll call vote.
28. The Mayor submitted a Resolution for the Annual Baseball Parade scheduled for Saturday, April 28, 2007. Thereafter, Ramos made a motion, seconded by Chapman, to concur and Adopt the Resolution as presented. The motion carried by a unanimous roll call vote.
29. The Mayor submitted a Proclamation recognizing Berwyn as Tree City USA and proclaiming April 27, 2007 as Arbor Day in the City of Berwyn. Thereafter, Skryd made a motion, seconded by Ramos, to concur and Adopt the Proclamation as presented. The motion carried by a voice vote.
30. The Mayor submitted a Proclamation proclaiming February 19, 2007 through February 25, 2007 as National Patriotism Week. Thereafter, Skryd made a motion, seconded by Ramos, to concur and Adopt the Proclamation as presented. The motion carried by a voice vote.

31. The Mayor submitted a communication regarding the veto of legal expenditures with the referral to the Law Firm of Ancel, Glink. Thereafter, Chapman made a motion to accept the matter as informational. After further discussion, the motion was withdrawn. After continued discussion, Brocato made a motion, to defer the matter and refer to the Law Firm of Odelson & Sterk. There was no second on the motion, therefore no action was taken. Chapman made a motion, seconded by Lovero, to override the Mayor's veto of the expenditure. The matter failed by lack of a 2/3 majority vote by the following roll call: Yeas: Chapman, Ramos, Phelan, Lovero, Erickson. Nays: Weiner, Skryd, Brocato.
32. The Mayor submitted a communication regarding and Intergovernmental Agreement with the North Berwyn Park District. Ramos made a motion, seconded by Chapman, to refer the matter to the Recreation committee. The motion carried by a voice vote with Phelan abstaining.

33. The Clerk submitted 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, Lovero made a motion, seconded by Chapman, to concur and Adopt the ordinance as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Brocato, Lovero. Nays: Skryd, Phelan, Erickson.

34. The Clerk presented an ordinance entitled:

AN ORDINANCE ESTABLISHING THE POSITION OF DEPUTY CITY CLERK AND AMENDING SECTION 222.05 OF THE CODIFIED ORDINANCES OF THE CITY OF BERWYN

Thereafter, Lovero made a motion, seconded by Chapman, to concur and Adopt the ordinance as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.

35. The Zoning Board of Appeals submitted communication regarding the Ringstad property located at 3239 Highland. Thereafter, Ramos made a motion, seconded by Chapman, to concur with the recommendation of the

Zoning Board and Adopt the Resolution/Ordinance as presented. The motion carried by a unanimous roll call vote.

36. A deferred communication from the Zoning Board of Appeals regarding the Tony Leopold-Hardy Construction Company, 6838 W. Windsor. Thereafter, Chapman made a motion, seconded by Ramos, to concur with the recommendation of the Zoning Board of Appeals and deny said request. The motion carried by a unanimous roll call vote.
37. The Zoning Board of Appeals submitted a communication regarding the Damonn Payton property located at 1331 Elmwood. Thereafter, Erickson made a motion, seconded by Lovero, to defer for two (2) weeks. The motion carried by a voice vote.
38. Alderman Chapman submitted a communication regarding the removal of City Attorneys, Odelson & Sterk. Thereafter, Chapman made a motion, seconded by Lovero, to concur. The motion was defeated by lack of a 2/3 majority vote on the following roll call: Yeas: Chapman, Skryd, Phelan, Lovero, Erickson. Nay: Ramos, Weiner, Brocato.
39. Alderman Chapman submitted a communication regarding the removal of City Attorneys. Thereafter, Chapman made a motion, seconded by Lovero, to concur and override the appointment of Bruce Bonebrake as City Attorney. The motion was defeated by lack of a 2/3 majority vote on the following roll call: Yeas: Chapman, Skryd, Phelan, Lovero, Erickson. Nay: Ramos, Weiner, Brocato.
40. Ramos made a motion, seconded by Skryd, to continue the City Council meeting passed the hour of 10 p.m. per City Ordinance. The motion carried by the following roll call: Yeas: Ramos, Weiner, Skryd, Phelan, Lovero, Erickson. Nays: Chapman, Brocato.
41. Alderman Ramos submitted a communication regarding Truck Traffic on Ridgeland Avenue from Pershing Road to Ogden Avenue. Thereafter, Ramos made a motion, seconded by Weiner, to waiver reading, concur in the recommendation and refer the matter to the Mayor's office to be forwarded to the Cook County Board President. The motion carried by a unanimous roll call vote.
42. Alderman Ramos submitted a communication regarding the repaving of Ridgeland Avenue by contractors. . Thereafter, Ramos made a motion, seconded by Chapman, to waiver reading, concur in the recommendation and refer the matter to the Mayor's office to be forwarded to the Cook County Board President. The motion carried by a unanimous roll call vote.

43. Alderman Lovero submitted a communication regarding Alleged Prohibited Political Activities. Thereafter, Lovero made a motion, seconded by Brocato, to waive reading and to accept the matter as informational. The motion carried by a voice vote.
44. Alderman Erickson submitted a communication regarding the concerns about the Integrity of City Government. After discussion, Erickson made a motion, seconded by Phelan, to accept the matter as informational. The motion carried by a voice vote.
45. Alderman Erickson submitted a communication regarding Preventing Fraud. Erickson made a motion, seconded by Chapman, to refer the matter to the Law Firm of Odelson & Sterk. The motion carried by a voice vote.
46. Alderman Erickson submitted a communication regarding the Health and Safety of the Berwyn Residents. After discussion, Erickson made a motion, seconded by Chapman, to defer the matter for two (2) weeks. The motion carried by a voice vote.
47. Alderman Phelan submitted a communication regarding a Zoning Variance for 16th and Ridgeland Avenue. Thereafter, Phelan made a motion, seconded by Chapman, to waive reading. The motion carried by a voice vote. After discussion, Phelan made a motion, seconded by Ramos, to concur in the recommendation to extend the zoning variance for one (1) year for property in question. The motion carried by the following roll call: Yeas: Chapman, Ramos, Phelan, Lovero, Erickson. Nays: Weiner, Skryd, Brocato.
48. Alderman Phelan submitted a communication regarding the waiver of the Retail Overlay for property located at 6720 W. Cermak Road. Phelan made a motion, seconded by Brocato, to waive reading and concur and approve the recommendation as submitted. The motion carried by the following roll call: Yeas: Chapman, Ramos, Brocato, Phelan, Erickson. Nays: Weiner, Skryd, Lovero.
49. The Administration committee submitted a communication requesting the removal of referral items from the Referral list. Thereafter, Skryd made a motion, seconded by Brocato, to accept the matter as informational. The motion carried by a voice vote.
50. Alderman Skryd submitted a communication regarding the issue of Hiawatha School safety. Skryd made a motion, seconded by Chapman, to refer the

matter to Public Works and the Police Department. The motion carried by a voice vote.

51. Alderman Skryd submitted a communication regarding a Guard Rail for 2214 East Avenue, East/West alley. After discussion, Skryd made a motion, seconded by Brocato, to refer the matter to the Public Works department. The motion carried by a voice vote.
52. The Committee of the Whole submitted a communication regarding Building Demolition with the recommendation that an ordinance be drafted that requires City Council approval for structural demolition excluding garages. Skryd made a motion, seconded by Brocato, to refer the matter to the Law department. The motion carried by a voice vote with Phelan voicing a contrary nay.
53. The Budget committee submitted a communication regarding referrals to the Law firm of John Murphy. After discussion, Weiner made a motion, seconded by Chapman, to accept the matter as informational. The motion carried by a voice vote.
54. The Finance director submitted the payroll for 1/24/07, 2/7/07 and sick day buybacks for 1/31/07 in the total amount of \$2,293,027.29. Weiner 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, Lovero. Phelan, Erickson, Aye, with the exception of the Mayor's patronage hires.
55. The Finance director submitted the payables for February 13, 2007. Weiner made a motion, seconded by Ramos, to concur and approve for payment as amended in the total amount of \$1,845,766.52. The motion carried by a unanimous roll call vote.
56. The Administration committee submitted regarding referral item #29 dated 7/26/07, Health Insurance for employees with the recommendation that benefits remain at its current level. Skryd made a motion, seconded by Brocato, to concur in the recommendation. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Brocato, Phelan, Lovero, Erickson. Nays: Weiner.
57. The Administration committee submitted regarding referral item #35 dated 6/28/05 regarding the increase of vehicle sticker fee for 3rd car with the recommendation that the current fee remain in place. Skryd made a motion, seconded by Brocato, to concur in the recommendation. The motion carried by a voice vote.

58. The Administration committee submitted regarding referral item #5 dated 5/24/05 regarding hours of operation for City Hall with the recommendation that the current hours remain the same. Skryd made a motion, seconded by Weiner, to concur in the recommendation. The motion carried by a voice vote.
59. The Administration committee submitted regarding referral item #25 dated 8/23/05 regarding Director of Neighbor Affairs with the recommendation that this item be referred to Human Resources for a job description. Skryd made a motion, seconded by Brocato, to concur in the recommendation. The motion carried by a voice vote.
60. The Administration committee submitted regarding referral item #21 dated 8/23/05 regarding the Fleet Manager and 1 Mechanic with the recommendation that this item be referred to Human Resources for a job description. The motion carried by a voice vote.
61. The Director of Community Outreach submitted a communication regarding the Memorial Day Parade for Sunday, May 27, 2007. Thereafter, Brocato made a motion, seconded by Skryd, to waive reading, concur and approve as submitted. The motion carried by a unanimous roll call vote.
62. The Collector submitted a communication requesting to lift the hiring freeze and hire a replacement in the Collector's office. After discussion, Lovero made a motion, seconded by Phelan, to deny the request. The motion carried by a unanimous voice vote.
63. The Collector submitted a communication requesting to lift the hiring freeze and hire a replacement in the Adjudication Revenue Department. Chapman made a motion, seconded by Skryd, to withdraw the communication. The motion carried by a voice vote.
64. The Berwyn Police department submitted a request for a handicapped sign for Benedict J. Michalowski, 3539 Maple. Chapman made a motion, seconded by Skryd, to defer for two (2) weeks. The motion carried by a voice vote.
65. The Berwyn Police department submitted a request for a handicapped sign for Ilse Walter, 2338 Elmwood. Skryd made a motion, seconded by Brocato, to defer for two (2) weeks. The motion carried by a voice vote.

66. The Berwyn Police department submitted a request for a handicapped sign for Consuelo Murguia, 1818 Ridgeland. Phelan made a motion, seconded by Chapman, to defer for two (2) weeks. The motion carried by a voice vote.
67. The Berwyn Police department submitted a request for a handicapped sign for Ignacio Morales, 6915 W. 29th Place. Weiner made a motion, seconded by Skryd, to concur with the investigating officer and deny said sign. The motion carried by a voice vote.
68. The Berwyn Police department submitted a request for a handicapped sign for Robert Rouse, 1335 Cuyler. Brocato made a motion, seconded by Skryd to concur with the investigating officer and deny said sign. The motion carried by a voice vote.
69. Consent agenda: items K-1 and K-2
K-1 Building Director submitted the building permits issued for January, 2007
K-2 Collector submitted the business licenses issued for January, 2007

Brocato made a motion, seconded by Skryd, to concur and approve as presented. The motion carried by voice vote and approved by Omnibus Vote Designation.
70. The Mayor called a Committee of the Whole meeting for Tuesday, February 27, 2007 at 6:00 p.m. for referrals.
71. Alderman Skryd called an Administration meeting for March 5, 2007 at 7:00 p.m. for referrals.
72. Alderman Weiner called for Budget meetings for Thursday, February 15, 2007 at 6:00 p.m. and for Tuesday, February 20, 2007 at 6:30 regarding the Budget
73. Alderman Ramos called a Recreation meeting for Monday, February 26, 2007 at 6:00 p.m. for referrals.
74. Alderman Skryd called for an Ad Hoc Smoking Ordinance Public Hearing for Monday, February 26, 2007 at 7:00 p.m.
75. 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 10:46 p.m. The motion carried by a unanimous roll call vote.

Respectfully submitted,

Thomas J. Pavlik, City Clerk