

**MICHAEL A O'CONNOR
MAYOR**

**THOMAS J. PAVLIK
CITY CLERK**

**MINUTES
BERWYN CITY COUNCIL
JULY 10, 2007**

1. The regular meeting of the Berwyn City Council was called to order by Mayor O'Connor at 8:30 p.m. Upon the call of the roll, the following responded present: Chapman, Ramos, Weiner, Phelan, Lovero, Erickson. Absent: Skryd. Thereafter, Lovero made a motion, seconded by Chapman, to excuse Skryd. The motion carried.
2. The Pledge of Allegiance was recited and a moment of silence was called for the safety of our armed forces, police, firefighters, and paramedics.
3. The Open Forum Portion of the meeting was announced. The Mayor recognized Sandy Van Goethem, 7109 Riverside Dr. spoke on the extensive use of fireworks by residents before and during the July 4th holiday and gave several solutions to address the problem-A Berwyn resident spoke in favor of saving or relocating the " Spindle" in the Cermak Plaza. Alderman Chapman spoke on the Berwyn Arts Council's efforts to work with the artist on the matter-Stephanie Navarro, Finance director, reported that the bond rating for the City has been increased to A minus-the Mayor announced the Berwyn Park Districts "Take Back the Night" events- July 18th at St Mary of Celle-July 25th Proksa Park-August 5th Freedom Park and National Night Out on August 7th-2nd Ward Alderman Ramos spoke on the Memorial Day Parade and the International Food Fest held over the Memorial weekend and thanked the Combined Veterans and all who helped to make the event successful.
4. The minutes of the regular City Council and the Committee of the Whole meetings held on June 26, 2007 were submitted. Lovero made a motion, seconded by Chapman, to concur and approve as submitted. The motion carried by a voice vote.
5. Lovero made a motion, seconded by Chapman, to suspend the rules and bring forth items I-2, I-3, and I-4. The motion carried. Item I-2 is a communication from the Fire and Police commissioners regarding the promotion of firefighter Brian Tokarczyk to the rank of Lieutenant. Thereafter, Ramos made a motion, seconded by Lovero, to concur and approve as submitted. The motion carried by a voice vote.

6. The Fire and Police commissioners submitted a communication regarding the promotion of Paul Gardner, Jr. to the rank of Lieutenant. Thereafter, Lovero made a motion, seconded by Ramos, to concur and approve as submitted. The motion carried by a voice vote.
7. The Fire and Police commissioners submitted a communication regarding the appointment of Diego Palacios as probationary firefighter. Thereafter, Lovero made a motion, seconded by Erickson, to concur and approve as submitted. The motion carried by a voice vote.
8. Chapman made a motion, seconded by Ramos, to suspend the rules and bring forth item J-18. The motion carried. Item J-18 is the bid award for the renovation of the South Fire department to Madison Construction in the amount of \$303,737. Thereafter, Weiner made a motion, seconded by Phelan, to concur and approve as submitted. The motion carried by a unanimous roll call vote.
9. The bid openings for the CDBG sidewalk replacement program were submitted. Thereafter, Lovero made a motion, seconded by Phelan, to authorize the city attorney, public works director, city engineer, and any other interested parties to adjourn to the Conference room for the opening and tabulation of bids and to return, with results, to the Council Chambers. The motion carried by a voice vote.
10. The Berwyn Development Corporation submitted a communication requesting the approval of Paul Zimmerman to the Roosevelt Road Advisory as part of the intergovernmental agreement (IGA). Thereafter, Lovero made a motion, seconded by Erickson, to concur and approve the appointment as submitted. The motion carried by a unanimous roll call vote.
11. The Berwyn Development Corporation submitted a communication regarding the Parking Deck and the request to go for bid to hire a firm specializing in deck construction. Thereafter, Chapman made a motion, seconded by Erickson, to concur and approve as submitted. The motion carried by a unanimous roll call vote.
12. A deferred communication from the Finance director regarding a resolution authorizing a Feasibility study for the Tax Increment Financing for redevelopment purposes. Thereafter, Lovero made a motion, seconded by Erickson, to defer and refer the matter to Chapman and Cutler.
13. A deferred communication regarding the ordinance entitled:

AN ORDINANCE ESTABLISHING LICENSING AND INSPECTION OF MULTI-FAMILY DWELLINGS IN THE CODIFIED ORDINANCES OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

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

14. The Mayor submitted a communication regarding the Centennial celebration. After discussion, Chapman made a motion, seconded by Erickson, to refer the matter to the Berwyn Development Corporation. The motion carried by a voice vote.
15. The Mayor submitted a communication requesting to amend the ordinance for Deputy Fire Chief which would reduce the current number of (5) to (4). Thereafter, Lovero made a motion, seconded by Erickson, to concur and refer the matter to the Law department for the drafting of an ordinance. The motion carried by a voice vote.
16. The Mayor submitted a communication regarding the retirement of Deputy Fire Chief, John Lynch, and extended thanks and best wishes. Thereafter, Lovero made a motion, seconded by Erickson, to accept the matter as informational. The motion carried by a voice vote.
17. The Clerk submitted an ordinance entitled:

AN ORDINANCE AMENDING PART TWELVE TITLE FOUR OF THE BERWYN CODIFIED ORDINANCES TO REQUIRE PAWN SHOPS TO BE DESIGNATED AS CONDITIONAL USES WITHIN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

Thereafter, Weiner made a motion, seconded by Ramos, to concur and adopt the ordinance as submitted and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.

18. The Clerk submitted an ordinance entitled:

AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE OF THE CITY OF BERWYN REGARDING THE REGULATION OF FENCES.

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

19. The Clerk submitted an ordinance entitled:

AND ORDINANCE AMENDING THE PLANNING AND ZONING CODE OF THE CITY OF BERWYN(CREATION OF DOWNTOWN RETAIL OVERLAY DISTRICT)

Thereafter, Lovero made a motion, seconded by Chapman, to concur and adopt the ordinance as submitted and to authorize the corporate authorities to affix their signatures thereto. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Lovero. Nays: Phelan, Erickson, Absent: Skryd. Thereafter, Mayor O'Connor wished to express his vote on the matter and entered a vote of Nay.

20. The Clerk submitted an ordinance entitled:

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BEWYN, COOK COUNTY, ILLINOIS, TO INCLUDE IN THE DOWNTOWN RETAIL OVERLAY DISTRICT CERTAIN C-2 DISTRICT PROPERTY WITHIN THE DOWNTOWN CORRIDOR

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

21. The Zoning Board of Appeals submitted a Resolution regarding the request from US Cellular to install a tower at 1917 Grove Avenue. The Mayor invited a representative from US Cellular to address the Council. Thereafter, Lovero made a motion, seconded by Chapman, to concur with recommendation of the Zoning Board of Appeals and deny said request. The motion carried by the following roll call: Yeas: Chapman, Ramos, Phelan, Lovero, Erickson. Nays: Weiner. Absent: Skryd.

22. The Zoning Board of Appeals submitted a Resolution and Ordinance, requesting a variation for a double face projecting sign for Harris Bank NA, 6811 W. Stanley. Thereafter, Weiner made a motion, seconded by Chapman, to concur and approve the Resolution/ Ordinance as submitted. The motion carried by a unanimous roll call vote.

23. The City Treasurer submitted the 2006 Treasurer's report as published June 22, 2007 in the Gazette Newspaper. Alderman Chapman questioned the Finance director, Stephanie Navarro regarding the bracketing of city employees salaries verses Actual as published in the past. Navarro stated that it was within the requirement of the State Statute. Thereafter, Ramos made a motion, seconded by Weiner, to accept the matter as informational. The motion carried by a voice vote.

24. The Ordinance and Resolutions committee submitted an ordinance entitled:

AN ORDINANCE AMENDING THE TRAFFIC CODE OF THE CITY OF BERWYN REGARDING VEHICLE SEIZURE AND IMPOUNDMENT

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

25. A deferred communication from the Berwyn Police department regarding a handicapped sign for Salvador Gomez, 2416 Highland. Thereafter, Lovero made a motion, seconded by Chapman, to defer the matter for two (2) weeks. The motion carried by a voice vote.

26. The bid for the 2007 CDBG sidewalk program were returned to the Council chambers for public reading. The results were as follows; Kingspoint, Bensenville, \$421,900, D'Land Construction, LLC, Bensenville, \$294,970, and Suburban Concrete, Inc., Hawthorn Woods, \$323,325. Thereafter, Lovero made a motion, seconded by Erickson, to refer the matter to the Public Works department and the City Engineer, Novotny and Associates to review and report back to Council. The motion carried by a voice vote.

27. Weiner made a motion, seconded by Ramos, to suspend the rules and to bring forth item J-4, J-9, and J-21. The motion carried. J-4 is a deferred communication from the Public Works director regarding permission to go out for bid for holiday decorations. After discussion, Chapman made a motion, seconded by Ramos, to defer and refer to the Public Works committee. The motion carried by a voice vote.

28. The Public Works director submitted a request for a waiver of bidding and approval of emergency repair of pump #1 and to award the replacement to SPD, Inc. in the amount not to exceed \$15,500. After discussion, Lovero made a motion, seconded by Erickson, to concur and approve for payment

in an amount not to exceed \$15,500. The motion carried by a unanimous roll call vote.

29. The Public Works director submitted a request to approve the contract with Kings Point General Cement for the 2007 MFT Sidewalk Program in the total amount of \$200,750. Thereafter, Erickson made a motion, seconded by Chapman, to concur and approve as submitted. The motion carried by a unanimous roll call vote.
30. A deferred communication from the Law department regarding the Oak Park Regional Housing Center, contract. Thereafter, Weiner made a motion, seconded by Ramos, to concur and adopt the contract as submitted and to authorize the corporate authorities to affix their signatures thereto. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Phelan, Lovero. Nays: Erickson. Excused: Skryd.
31. A deferred communication from the Berwyn Police department regarding a handicapped sign for Antoniette Dubsy, 2428 Kenilworth. Thereafter, Weiner made a motion, seconded by Chapman, to concur with the investigating officer and deny said sign. The motion carried by a voice vote.
32. The Police chief submitted a request to waive the hiring freeze for the appointment of 5 police officers from the current Eligibility List. After discussion, Chapman made a motion, seconded by Erickson, to refer the matter to the Fire and Police committee. The motion carried by a voice vote.
33. The Berwyn Police department submitted a communication regarding a handicapped sign for Susan Porras, 3812 Scoville. Thereafter, Chapman made a motion, seconded by Erickson, to defer for two (2) weeks. The motion carried by a voice vote.
34. The Berwyn Police department submitted a communication regarding a handicapped sign for Ilse Walter, 2338 Elmwood. Thereafter, Lovero made a motion, seconded by Chapman, to defer to two (2) weeks. The motion carried by a voice vote.
35. The Community Development director submitted a Resolution regarding the CDBG Eighth Year Action Plan. Thereafter, Lovero made a motion, seconded by Erickson, to concur and adopt the Resolution as presented and authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.

36. The Human Resource director submitted a communication requesting changes in health insurance coverage. Thereafter, Weiner made a motion, seconded by Ramos, to concur with the changes as discussed in the Closed Committee of the Whole (see attached memo). The motion carried by the following roll call: Yeas: Ramos, Weiner, Phelan, O'Connor. Nays: Chapman, Lovero, Erickson. Absent: Skryd.
37. The Finance director submitted a communication regarding Paramedic Receivable write-off and Collection Agency. After lengthy discussion, Lovero made a motion, seconded by Weiner to concur and refer to the Committee of the Whole and the Law department. After further discussion, all motions were withdrawn.
38. Continued discussions ensued on the communication from the Finance director regarding Paramedic Receivable write-off and Collection Agency. Thereafter, Lovero made a motion, seconded by Chapman, to concur with the recommendation of the Finance director to write off any accounts receivables prior to December 31, 2003. The motion carried by a unanimous roll call vote. Thereafter, Lovero made a motion, seconded by Erickson, to refer the matter of a Collection Agency to the Committee of the Whole and Law department. The motion carried by a voice vote.
39. The Finance director submitted a communication regarding Recordkeeping and approval of purchase card program. Lovero made a motion, seconded by Chapman, to refer the matter to the Committee of the Whole.
40. Finance director submitted a communication regarding an extension of insurance agreement with CCMSI through December 31, 2007. Thereafter, Lovero made a motion, seconded by Erickson, to concur and approve as submitted and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.
41. The Law department submitted an ordinance entitled:

AN ORDINANCE AMENDING THE ZONING CODE TO PROVIDE FOR LANDSCAPE AND BUFFERING OF PARKING LOTS AND DEVELOPMENT SITES IN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

Thereafter, Weiner made a motion, seconded by Ramos, to concur and adopt the ordinance as submitted and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.

42. The City Attorney submitted a communication regarding Crime-Free Housing and Multi-Family inspection draft, see attached, with the request that it be incorporated into the purposed multi-family licensing ordinance. Thereafter, Lovero made a motion, seconded by Chapman, to refer to the Law department. The motion carried by a voice vote with Phelan and Erickson voicing contrary nays.
43. The Law department submitted a communication regarding the Grant projects update. Thereafter, Weiner made a motion, seconded by Chapman, to accept the matter as informational. The motion carried by a voice vote.
44. The Law department submitted a communication regarding the Hoy Newspaper agreement. Thereafter, Weiner made a motion, seconded by Ramos, to accept the matter as informational. The motion carried by a voice vote.
45. The building director submitted a communication regarding emergency repairs to the Public Works roof and requested to waive the bidding process. Thereafter, Lovero made a motion, seconded by Erickson, to concur and approve as submitted. The motion carried by a unanimous roll call vote.
46. The Human Resource director submitted a request to replace the position of Parking Revenue Clerk. Thereafter, Ramos made a motion, seconded by Weiner, to concur. The motion carried by the following roll call vote: Yeas: Ramos, Weiner, Lovero, O'Connor. Nays: Chapman, Phelan, Erickson. Absent: Skryd.
47. The Consent Agenda, K-1 through K-9 were submitted.
 - K-1 Budget Chairman submitted the payables for July 10, 2007 in the amount of \$819,128.94.
 - K-2 Budget Chairman submitted the payroll for June 27, 2007 in the amount of \$839,753.23.
 - K-3 The building director submitted the building permits issued in June, 2007
 - K-4 Commodore Barry Post 256, annual picnic, August 11, 2007
 - K-5 1st Congregational Church, festival and car show, August 26, 2007
 - K-6 Block party, 1300 Wenonah, July 28, 2007
 - K-7 Block party, 3800 Kenilworth, August 11, 2007
 - K-8 Block party, 3400 Home, July 28, 2007
 - K-9 Block party, 6400 W. 33rd Street, August 4, 2007

Thereafter, Ramos made a motion, seconded by Weiner, to concur and approve by Omnibus Vote designation.

48. The Mayor called for a Committee of the Whole meeting on Tuesday, July 24, 2007 at 6:00 p.m. for referrals.
49. There being no further business to come before the meeting, same was, after a motion by Ramos, seconded by Weiner, to adjourn at the hour of 9:55 p.m. by a unanimous roll call vote.

Respectfully submitted,

Thomas J. Pavlik
City Clerk