

MICHAEL A. O'CONNOR
MAYOR

THOMAS J. PAVLIK
CITY CLERK

MINUTES
BERWYN CITY COUNCIL
NOVEMBER 13, 2007

1. The regular meeting of the Berwyn City Council was called by Mayor O'Connor at 8:16 p.m. Upon the call of the roll, the following responded present: Chapman, Ramos, Weiner, Skryd, Phelan, Lovero, Erickson.
2. The Pledge of Allegiance was recited and a moment of silence was observed in honor of Veterans Day, and for safety of our armed forces, police, firefighters, and paramedics.
3. The Open Forum portion of the meeting was announced. There being no speakers, the Open Forum was declared closed.
4. Erickson made a motion, seconded by Ramos, to suspend the rules and bring forth items J-10 and J-11. The motion carried by a voice vote. J-10 is communication from Chief Kalivoda commending the members on Berwyn Truck #904, Berwyn Ambulance #905, and Berwyn 911 Center for the quick respond and assistance to a resident in a life threatening situation. Thereafter, the chief presented all members with certificates of commendation and appreciation. Thereafter, Aimee Sordelli, a resident, presented a plaque to the chief with thanks and gratitude to all responsible for their actions in saving this young person. Thereafter, Skryd made a motion seconded by Erickson, to accept the matter as informational with congratulations. The motion carried by a voice vote.
5. J-5 is a communication from Chief Kalivoda commending members of Berwyn Engine #903, Berwyn ALS Ambulance #906, Berwyn BLS Ambulance #907, and Berwyn 911 Dispatch Center for their teamwork and quick response to a call for assistance for a Berwyn resident. Thereafter, Kalivoda present each member with a certificate of commendation with thanks. Thereafter, Skryd made a motion, seconded by Chapman, to accept the matter as informational with thanks. The motion carried by a voice vote.
6. The minutes of the regular City Council meeting and the Committee of the Whole held on October 23, 2007 were submitted. Thereafter, Chapman made a motion, seconded by Skryd, to concur and approve as submitted.

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The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Lovero. Nays: none. Abstain: Phelan, Erickson.

7. The Berwyn Development Corporation submitted a communication regarding a 5 year agreement with the City. Chapman made a motion, seconded by Erickson, to amend the contract to be extended from January, 2008 through May 1, 2009. After discussion, Erickson withdrew his second. Thereafter, Chapman's motion was seconded by Phelan, to approve as amended and to authorize the corporate authorities to affix their signatures thereto. Discussion ensued regarding the matter. The motion carried by the following roll call: Yeas: Chapman, Skryd, Phelan, Lovero. Nays: Ramos, Weiner, Erickson.
8. The Berwyn Development Corporation submitted a communication regarding the 2008 TIF budget. Thereafter, Chapman made a motion, seconded by Skryd, to approve as submitted. The Mayor noted the BDC requested item to be withdrawn, then invoked Rule 28 and removed the item from the agenda. Lovero objected, and the objection was seconded by Chapman. Attorney Bonebrake stated that an objection to Rule 28 was not allowed. Discussion ensued regarding the Mayor's interpretation of Rule 28 and parliamentary procedures. Lovero then stated the there was an objection and a seconded on the floor. Bonebrake stated that a 2/3 vote was needed to sustain the objection. Thereafter, a vote to sustain the objection was taken with Chapman, Skryd, Phelan and Lovero, Aye. Ramos, Weiner, Erickson, Nay. After further discussion, Lovero made a motion, seconded by Erickson, to defer the matter. The motion carried by a voice vote.
9. The Berwyn Development Corporation submitted a communication regarding the Roosevelt Road Advisory committee RFP approval. Thereafter, Chapman made a motion, seconded by Skryd, to concur and approve as submitted. The motion carried by a unanimous roll call vote.
10. The Berwyn Development Corporation submitted a communication regarding the Roosevelt Road utilities. Skryd made a motion, seconded by Erickson, to concur and approve as submitted. The motion carried by a unanimous roll call vote.
11. The Berwyn Development Corporation submitted a communication regarding the Ogden Avenue alley replacement. Thereafter, Ramos made a motion, seconded by Erickson, to concur and approve as submitted. The motion carried by a unanimous roll call vote.

12. Weiner made a motion, seconded by Chapman, to suspend the rules and bring forth items F-2, I-3, and I-10. The motion carried by a voice vote. F-2 is a communication from the Mayor regarding a variation request for 1604 East Avenue. Weiner 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, Lovero, Erickson. Nays: Phelan.
13. I-3 is a deferred communication from the Ordinance and Resolutions committee regarding the Freedom of Information ordinance. Thereafter, Lovero made a motion, seconded by Erickson, to concur and adopt the ordinance as amended and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.
14. Alderman Phelan submitted an ordinance entitled:

AN ORDINANCE AUTHORIZING THE CITY OF BERWYN TO PROVIDE LEGAL COUNSEL AND INDEMNIFICATION FOR OFFICIALS, EMPLOYEES AND APPOINTEES OF THE CITY IN CERTAIN ACTIONS BROUGHT AGAINST SAID OFFICIALS, EMPLOYEES AND APPOINTEES.

Phelan requested that the last sentence in section #7 be stricken. Thereafter, Phelan made a motion, seconded by Erickson, to concur and approve as amended and to authorize the corporate authorities to affix their signatures thereto. The motion carried by the following roll call: Yeas: Chapman, Skryd, Phelan, Lovero, Erickson. Nays: Ramos, Weiner.

15. Chapman made a motion, seconded by Erickson, to excuse Alderman Weiner at 8:52 p.m. The motion carried by a voice vote.
16. The Mayor submitted a proclamation regarding National Hunger and Homelessness Awareness Week. Thereafter, Skryd made a motion, seconded by Erickson, to concur and adopt the proclamation. The motion carried by a voice vote.
17. The Mayor submitted a communication requesting authorization for Case File #7217. Thereafter, Lovero made a motion, seconded by Erickson, to concur and approve for payment. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Lovero. Excused: Weiner, Phelan, Erickson.
18. The Mayor submitted a communication regarding the appointment of Patricia McMahon to the Community Relations Commission. Thereafter,

Chapman made a motion, seconded by Erickson, to concur and approve as submitted. The motion carried by a voice vote.

19. The Mayor submitted a communication requesting the removal of referral items from the Committee of the Whole list. Skryd made a motion, seconded by Erickson, to accept the matter as informational. The motion carried by a voice vote.
20. The Zoning Board of Appeals submitted a resolution and ordinance regarding Cavero Medical Group, Ltd, 7124 Cermak Road. Lovero made a motion, seconded by Skryd, to refer to the Committee of the Whole. The motion carried by a voice vote.
21. A deferred communication from Alderman Erickson regarding the National Health Care Crisis. Thereafter, Erickson made a motion, seconded by Chapman, to defer the matter for two (2) weeks. The motion carried by a voice vote.
22. A deferred communication from Alderman Erickson regarding Council-Manager Government. Alderman Erickson then resubmitted a draft copy of a proposed ordinance regarding City Administrator, originally presented on November 22, 2005. Thereafter, Erickson made a motion, seconded by Ramos, to accept the matter as informational. The motion carried by a voice vote.
23. Alderman Chapman submitted a communication regarding porch railings at 3500 Euclid Avenue and a request to lower the height requirements for the porch railings in order to preserve the historic look of the property. Thereafter, the Mayor recognized Building director, Dan LeBeau, who stated that it was life safety issue and the height requested was not according to the BOCA code and building permits could not be issued. After discussion, Chapman made a motion, seconded by Ramos, to defer and refer the matter to the Building department and Law department. The motion carried by a voice vote.
24. Alderman Chapman submitted a communication regarding a request for height variance for new construction of a garage at 6714 W. 34th Street. After discussion, Chapman made a motion, seconded by Erickson, to approve as submitted and to refer to the Law department to draft a variation to the zoning ordinance. The motion carried by a voice vote.
25. Alderman Chapman submitted a communication regarding the creation of business parking in the Depot District and to allow each business to purchase two (2) parking stickers and to amend the request to be

consistent with the parking permits issued for Kenilworth Avenue, effective January 1, 2008. Thereafter, Chapman made a motion, seconded by Ramos, to concur and approve as amended. The motion carried by a unanimous roll call vote with Weiner excused.

26. Alderman Chapman submitted a request for a handicap sign for Lucille Tagliere, 3829 Wesley Avenue. Thereafter, Chapman made a motion, seconded by Skryd, to overrule the investigating officer, grant permission, and to refer to the Public Works department to install said sign. The motion carried by a unanimous roll call vote with Weiner excused.
27. Alderman Chapman submitted a request for a handicap sign for Robert Burns, 3740 Wisconsin Avenue. Thereafter, Chapman made a motion, seconded by Phelan, to overrule the investigating officer, grant permission, and to refer to the Public Works department to install said sign. The motion carried by a unanimous roll call vote with Weiner excused.
28. Alderman Skryd submitted a communication regarding GAIA and USA Gain Clothing collection boxes. After discussion, Skryd made a motion, seconded by Erickson, to refer the matter to the Committee of the Whole and the Law department for review. The motion carried by a voice vote.
29. A deferred communication from the Finance director regarding Water Rate analysis. Thereafter, Lovero made a motion, seconded by Chapman, to suspend the rules and bring for item J-6 as germane. The motion carried by a voice vote. J-6 is an ordinance submitted by the City Attorney entitled:

AN ORDINANCE AMENDING CHAPTER 1048 OF THE CODIFIED ORDINANCES OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS FOR WATER AND SEWER RATE ADJUSTMENTS TO FUND DEPRECIATION

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 the following roll call: Yeas: Chapman, Ramos, Skryd, Lovero, Erickson. Nays: Phelan. Excused: Weiner.

30. The City Attorney submitted requesting to set Public Hearing for amendment to Zoning Ordinance placing Beauty Parlors and Nail Salons as Conditional Uses in all commercial zoning districts. Thereafter, Lovero made a motion, seconded by Skryd, to defer and refer the matter to the Committee of the Whole. The motion carried by a voice vote.

31. The City Attorney submitted a communication regarding Clear View of Liquor establishments with attached draft of ordinance. After discussion, Lovero made a motion, seconded by Chapman, to refer to the matter to the Committee of the Whole. The motion carried by a voice vote.
32. The City Attorney submitted a communication regarding an amendment to the Newspaper Vending Machine ordinance. Chapman made a motion, seconded by Skryd, to refer the matter to a joint meeting of the Building, Zoning, and Planning committee and the Historical Preservation commission. The motion carried by a voice vote.
33. The City Attorney/Collector submitted an item for the agenda regarding Interim Retail Overlay provisions. Thereafter, the City Attorney requested the item be withdrawn. Chapman made a motion, seconded by Erickson, to withdraw the item. The motion carried by a voice vote.
34. The City Attorney submitted an ordinance entitled:

AN ORDINANCE ADJUSTING SOLID WASTE COLLECTION FEES FOR THE 2008 FISCAL YEAR IN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

Thereafter, Lovero made a motion, seconded by Erickson, 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, Skryd, Lovero, Erickson. Nays: Phelan. Excused: Weiner.

35. The Finance director submitted a communication regarding the 2006 audited financial statements which will be reviewed at the November 27th Committee of the Whole. Thereafter, Chapman made a motion, seconded by Ramos, to accept the matter as informational. The motion carried by a voice vote.
36. Chief of Police Kushner submitted a communication regarding a proposed amendment to Seizure and Impoundment ordinance. Thereafter, Skryd made a motion, seconded by Erickson, to concur and adopt. After further discussion, the motion was withdrawn. Thereafter, Lovero made a motion, seconded by Chapman, to refer the matter to the Committee of the Whole. The motion carried by a voice vote.
37. The Public Works director submitted a communication regarding the approval of emergency purchase of a Street Sweeper. Thereafter, Erickson

made a motion, seconded by Lovero, to concur and to approve the communication as submitted and to waive the bidding process. The motion carried by a unanimous roll call vote with Weiner excused.

38. The Director of Computer services submitted a communication regarding the transition of Database Consultant to a full time employee. Thereafter, Chapman made a motion, seconded by Skryd, to refer the matter to the Committee of the Whole. The motion carried by a voice vote.
39. The Director of Neighborhood Affairs submitted a contract for Pest Control services for the year 2008. Thereafter, Lovero made a motion, seconded by Erickson, to concur, approve for payment, and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote with Weiner excused.
40. The Library director submitted a communication acknowledging the response of the Public Works department for services rendered. Thereafter, Chapman made a motion, seconded by Skryd, to accept the matter as informational. The motion carried by a voice vote.
41. The Consent Agenda items K-1 through K-10 were submitted:
 - K-1 The Budget chairman submitted the payroll for October 31, 2007 in total amount of \$771,618.88.
 - K-2 The Budget chairman submitted the payables for November 13, 2007 in the total amount of \$1,468,029.33.
 - K-3 The building director submitted the building permits issued in October, 2007
 - K-4 The Collector submitted the business licenses issued for October, 2007
 - K-5 Alderman Ramos submitted a handicap request for Marian Istenik, 3544 Cuyler, with recommendation to **approve** the request.
 - K-6 Alderman Weiner submitted a handicap request for Raoul Lovendahl, 2716 Euclid with a recommendation to **approve** the request.
 - K-7 Alderman Skryd submitted a handicap request for Ruth DeSantos, 2508 Harvey with a recommendation to **deny** the request.
 - K-8 Alderman Skryd submitted a handicap request for James Suarez, 2824 Cuyler with a recommendation to **deny** the request.
 - K-9 Alderman Lovero submitted a request for a handicap sign for Blanche Krofta, 1500 Kenilworth with a recommendation to **deny** the request.
 - K-10 Alderman Lovero submitted a request for a handicap sign for Thomas Woytus, 1836 Kenilworth with a recommendation to **approve** the request.

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Ramos made a motion, seconded by Skryd, to concur and approve by Omnibus Vote Designation.

42. The Mayor called a Committee of the Whole meeting for Tuesday, November 27, 2007 at 6:00 p.m. for referrals.
43. Alderman Skryd called an Administration committee meeting for Monday, November 26, 2007 at 6:00 p.m. for referrals.
44. 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 9:52 p.m. by unanimous voice vote.

Respectfully submitted,

Thomas J. Pavlik
City Clerk