

**MICHAEL A. O'CONNOR**  
**MAYOR**

**THOMAS J. PAVLIK**  
**CITY CLERK**

**MINUTES**  
**BERWYN CITY COUNCIL**  
**NOVEMBER 27, 2007**

1. The meeting of the regular Berwyn City Council meeting was called to order by Mayor O'Connor at 8:13 p.m. Upon the call of the roll, the following responded present: Chapman, Ramos, Weiner, Phelan, Lovero, Erickson with Phelan participating remotely via phone. Absent: Skryd. Thereafter, Chapman made a motion, seconded by Erickson, to allow Phelan to participate remotely. The motion carried by a unanimous voice vote. Thereafter, Chapman made a motion, seconded Ramos, to excuse Skryd. The motion carried by a voice vote.
2. The Pledge of Allegiance was recited and a moment of silence was called for the safety of our armed forces, police, firefighters, paramedics, and in thanksgiving for numerous blessings.
3. The Open Forum portion of the meeting was announced. Berwyn Fire department Chief Kalivoda was recognized and informed Council that Sara Madden, from the Muscular Dystrophy Association was here to make a presentation to the Fire department for its involvement in the 2007 MDA Boot drive. Thereafter, Ms. Madden presented a plaque and stated that the City of Berwyn Fire department collected over \$19,000, which is a new record, and thanked all for their efforts. The Mayor recognized Daniel Fortuna, president of the National Firefighters Local #2, who presented Alderman Lovero with an award for his participation in the Fire OPFS 101. Sandy Van Goethem, 7109 Riverside Drive, spoke regarding an article in the Chicago playbill Arts Briefs in which Berwyn was prominently mentioned and also thanked the BDC for exposing the City of Berwyn in their recent ad campaign. She thanked Aldermen Chapman and Skryd for their efforts in securing beautiful Christmas decorations throughout the city. Ms Van Goethem remarked on the lack of respect shown by some council members during council proceeding.
4. The minutes of the regular Berwyn City Council meeting and the Committee of the Whole held on November 13, 2007 were submitted. Clerk Pavlik stated that Item #6 needed to be amended on its face to read "October 23, 2007". Alderman Phelan then questioned item #17 and stated that the two (2 ) nay votes from Phelan and Erickson were incorrect and should have been considered as "Excused" or "No Votes". Thereafter, Lovero made a

motion, seconded by Ramos, to concur and approve the minutes as amended. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Phelan, Lovero, Erickson. Nays: None. Excused: Skryd.

5. A deferred communication from the Berwyn Development Corporation regarding the 2008 TIF Budget. Executive director, Brian Pabst, submitted an attached communication requesting the matter to be deferred for an additional two (2) weeks. Thereafter, Ramos made a motion, seconded by Chapman, to defer for two (2) weeks. The motion carried by a voice vote.
6. The Berwyn Development Corporation submitted a letter of recommendation for HomeScape Bath and Kitchen Design, 6823 Roosevelt Road requesting a variance for signage and fencing. Thereafter, Erickson made a motion, seconded by Lovero, to concur and approve as submitted. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Phelan, Lovero, Erickson. Nays: None. Excused: Skryd.
7. The Mayor submitted a Veto of ordinance 07-59, authorizing the City of Berwyn to Provide Legal Counsel and Indemnification for Officials. After discussion, Erickson made a motion, seconded by Phelan, to defer and refer the matter to the Law Firm of Ancel & Glink for a second opinion. Discussion ensued regarding the matter on how the veto needed to be addressed and when a vote to sustain or overturn the veto needed to be taken. During discussion, the Mayor turned off the microphone to alderman Phelan's speaker phone. Alderman Phelan complained of not being able to hear the discussion. Thereafter, the Mayor recognized the original motion to defer and refer to Ancel & Glink for a second opinion and questioned the cap on the expenditure to Ancel & Glink. Thereafter, the motion carried by the following roll call: Yeas: Chapman, Phelan, Lovero, Erickson. Nays: Ramos, Weiner. Excused: Skryd. Clerk Pavlik then asked for clarification on the referral and asked, along with the Mayor's veto communication, the original ordinance, and the memo regarding the ordinance from Odelson & Sterk, if the matter of the veto procedure also needed to be referred to Ancel & Glink. The Mayor stated, yes.
8. The Mayor submitted a communication regarding the exempt Transfer Stamp fees with a request to increase fee from \$100 to \$500. Thereafter, Lovero made a motion, seconded by Weiner, to refer the matter to the Committee of the Whole and the Law department. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Phelan, Lovero, Erickson. Nays: None. Excused: Skryd.
9. The Mayor submitted a communication requesting a change in the scheduled December City Council meeting from December 27, 2007 to

December 18, 2007. Weiner made a motion, seconded by Ramos, to concur and to authorize the Clerk to publish notice. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Phelan, Lovero, Erickson. Nays: None. Excused: Skryd.

10. The Mayor submitted a communication regarding the appointments to the 911 Board. The appointments are as follows Officer Frank Cimaglia, Firemen Richard Swade and James Zahrobsky to serve a three year term which will expire in November, 2010 and Officer Thomas O'Halloran and Fireman Denis O'Halloran to serve a two year term which will expire in November, 2009. Thereafter, Lovero made a motion, seconded by Chapman, to concur and approve as submitted. The motion carried by a voice vote.
11. The Mayor submitted a communication regarding the Holiday schedule with the request that the hours of operation for non emergency employees be shortened from 9 a.m. to 1:30 p.m. on December 24<sup>th</sup> and December 31<sup>st</sup> . Thereafter, Lovero made a motion, seconded by Chapman, to concur and approve as submitted. The motion carried by a voice vote. The Mayor then requested that this notice be included in the change of the Meeting Date notice.
12. The Mayor submitted a communication requesting to advertise for bids for the new 16<sup>th</sup> Street firehouse. Thereafter, Weiner made a motion, seconded by Lovero, to concur and approve as submitted. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Phelan, Lovero, Erickson. Nays: None. Excused: Skryd.
13. The Clerk submitted a communication regarding Rules of Council, section 210.10 Rule 28. The Mayor then submitted an attached memo from the City Attorney regarding same. Thereafter, Lovero made a motion, seconded Erickson, to refer the communication and the Mayor's memo to the Ordinance and Resolutions committee. The motion carried by a voice vote.
14. The Clerk submitted a communication regarding the Legal Review of the Codified ordinances. After discussion, Lovero made a motion, seconded by Weiner, to concur and instruct the Law department to provide same within two (2) weeks. The motion carried by a voice vote.
15. A deferred communication from Alderman Erickson regarding National Health Care Crisis. Thereafter, Erickson made a motion, seconded by Ramos, to withdraw the communication. The motion carried by a voice vote.

16. A deferred communication from Alderman Chapman regarding porch railings for 3500 Euclid Avenue. After discussion, Chapman made a motion, seconded by Erickson, to defer the matter for two (2) weeks. The motion carried by a voice vote.
17. Alderman Chapman submitted a communication regarding a Library Personnel issue as discussed in the closed Committee of the Whole. Chapman made a motion, seconded by Erickson, to defer for two (2) weeks. The motion carried by a voice vote.
18. A deferred communication from the city attorney regarding a request to set a Public Hearing to amend zoning ordinance placing Beauty Parlors and Nail Salons as Conditional Uses in all commercial zoning districts. Thereafter, Weiner made a motion, seconded by Lovero, to refer to Public Hearing on December 18, 2007 at 6:00 p.m. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Phelan, Lovero, Erickson. Nays: None. Excused: Skryd.
19. The Finance director submitted a communication regarding the 2006 Audit. Thereafter, Lovero made a motion, seconded by Chapman, to accept the matter as informational and place same on file and to authorize the Clerk to file with the County. The motion carried by a voice vote.
20. The Finance director submitted a communication regarding a Public Hearing for the 2007 Tax Levy. Thereafter, Weiner made a motion, seconded by Chapman, to concur and to authorize notice to be filed for a public hearing on December 11, 2007 at 6:00 p.m. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Phelan, Lovero, Erickson. Nays: None. Excused: Skryd.
21. Lovero made a motion, seconded by Chapman to suspend the rules and bring forth item J-5 and mark as germane to J-4. The motion carried by a voice vote. Item J-5 is a communication from the Finance director regarding parking ordinances and the review of fees. Lovero made a motion, seconded by Chapman, to concur and approve the increase in fees for items #1 Grove Municipal Lot parking and item #2 Commuter unreserved parking and to refer items #3 Business reserved parking, #4 Business unreserved parking and #5 Vacin Fairway parking to the Law department and the Committee of the Whole. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Phelan, Lovero, Erickson. Nays: None. Excused: Skryd.

22. The Collector submitted a communication requesting to waive Retail Overlay restrictions. Thereafter, Lovero made a motion, seconded by Erickson, to refer the matter to the Committee of the Whole. The motion carried by a voice vote.
23. The Fire chief submitted a communication requesting to develop an RFP for a Fire engine. Lovero made a motion, seconded by Weiner, to concur. The motion carried by a voice vote, with Phelan voicing a contrary nay.
24. The Fire chief submitted a communication requesting to develop an RFP for Ambulance vehicles. Lovero made a motion, seconded by Weiner, to concur. The motion carried by a voice vote.
25. The building director submitted a communication regarding the Illinois Elevator Safety program agreement. Lovero made a motion, seconded by Erickson, to concur and adopt the agreement as submitted. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Phelan, Lovero, Erickson. Nays: None. Excused: Skryd.
26. The Law firm of Odelson & Sterk submitted a communication regarding Metra Platform Lease, for the years 2006-2031. After discussion, Chapman made a motion, seconded by Weiner, to defer and refer to the Committee of the Whole. The motion carried by a voice vote.
27. The Consent Agenda K-1 through K-3 were submitted.  
K-1-The Budget chairman submitted the payroll for November 14, 2007 in the total amount of \$840,972.05.  
K-2-The Budget chairman submitted the payables for November 27, 2007 in the total amount of \$890,205.64.  
K-3-FitzGerald's Deer Lodge, Inc. upcoming events; Fall Music Festival, Friday, November 16, 2007; St. Patrick's Day Sunday, March 16<sup>th</sup> or Monday, March 17, 2008; American Music Festival-July 2 through July 6, 2008.  
  
Weiner made a motion, seconded by Chapman, to concur and approve by Omnibus Vote Designation. The motion carried by a voice vote.
28. Consent agenda item K-4 is a request from "You Can Make It, Inc" requesting to solicit funding on Thursday, January 24, 25, & 26, 2008. After discussion, Weiner made a motion, seconded by Chapman, to approve only two (2) dates, Friday, January 25<sup>th</sup> and Saturday, January 26, 2008. The motion carried by a unanimous roll call vote.

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29. The Mayor called a Committee of the Whole meeting for Tuesday, December 11, 2007, immediately following the Public Hearing scheduled for 6:00 p.m. for the proposed 2007 Tax Levy.
30. Alderman Weiner announced a Budget committee meeting, as previously called, for Wednesday, November 28, 2007 at 6:30 p.m. to review the 2008 budget.
31. Alderman Lovero called an Ordinance and Resolutions committee meeting for Monday, December 3, 2007 at 7:00 p.m. for referrals.
32. There being no further business to come before the meeting, same was, after a motion by Ramos, seconded by Weiner, to adjourn the Council meeting and to resume the Committee of the Whole and to go into closed session for personnel matters. The motion carried by a voice vote at 9:16 p.m.

Respectfully submitted,

Thomas J. Pavlik  
City Clerk