

MICHAEL A. O'CONNOR
MAYOR

THOMAS J. PAVLIK
CITY CLERK

MINUTES
BERWYN CITY COUNCIL
DECEMBER 11, 2007

1. The regular meeting of the Berwyn City Council was called to order by Mayor O'Connor at 8:41 p.m. Upon the call of the roll, the following responded present: Chapman, Weiner, Skryd, Phelan, Lovero, Erickson. Absent: Ramos.
2. The Pledge of Allegiance was recited and a moment of silence was observed for the safety of our armed forces, police, firefighters, and paramedics. Also, for the speedy recovery of City Treasurer Pater who had undergone eye surgery.
3. The Open Forum portion of the meeting was announced. There being no speakers the Open Forum portion was declared closed.
4. Weiner made a motion, seconded by Erickson, to excuse Alderman Ramos. The motion carried by a voice vote.
5. The minutes of the regular Berwyn City Council meeting and the Committee of the Whole held on November 27, 2007 were submitted. Lovero made a motion, seconded by Erickson, to concur and approve as submitted. The motion carried by a voice vote.
6. The bid request for Decorative Iron Products was submitted. A sole bid was received from Heritage Casting and Iron, Mississauga, Canada. Thereafter, Weiner made a motion, seconded by Erickson, to authorize the City Attorney, Public Works director, and any other interested parties to adjourn to the Conference room to open, tabulate, and return same to the Council Chambers for public reading. The motion carried by a voice vote.
7. Chapman made a motion, seconded by Skryd, to suspend the rules and bring forth item E-3. The motion carried. E-3 is a communication from the Berwyn Development Corporation regarding the agreement between the Berwyn Development Corporation and the City of Berwyn. After discussion, the Mayor requested to amend the communication on face and strike "March 23, 2007" the date to receive TIF funding to read "Per Attached Agreement ". Thereafter, Weiner made a motion, seconded by Erickson, to

amend accordingly. The motion carried. Thereafter, Skryd made a motion, seconded by Erickson, to concur and approve the agreement as amended and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote with Ramos excused.

8. Chapman made a motion, seconded by Skryd, to suspend the rules and bring forth item E-2 as germane to E-1. The motion carried. E-2 is a communication from the Berwyn Development Corporation regarding the BDC 2008 TIF budget. The Mayor recognized Brian Pabst who was available to answer questions regarding the TIF budget. After discussion, the communication was to be amended on face, striking the date of "March 23, 2007" and replacing with the wording "Per Agreement". Thereafter, Weiner made a motion, seconded by Erickson, to concur and approve as amended. The motion carried by a unanimous roll call vote with Ramos excused.
9. The Berwyn Development Corporation submitted a communication regarding the BDC General Fund request for the 2007 Budget. Thereafter, Lovero made a motion, seconded by Erickson, to concur and approve as submitted in the amount of \$86,000. The motion carried by a unanimous roll call vote with Ramos excused.
10. The Berwyn Development Corporation submitted a communication regarding the Ogden Avenue Monument Signage. After discussion, Chapman made a motion, seconded by Erickson, to concur and approve for payment in an amount not to exceed \$16,050. The motion carried by a unanimous roll call vote with Ramos excused.
11. The tabulation of bid for the Ornamental Iron Products was returned for public reading. Heritage Casting & Iron, Mississauga, Canada submitted a bid of \$904 for each Trash Container and \$649 for each Planter. Thereafter, Lovero made a motion, seconded by Chapman, to refer the bid to the Public Works department for review and recommendation. The motion carried by a voice vote.
12. A deferred communication from the Mayor regarding the veto of ordinance 07-59, authorizing the City of Berwyn to provide legal Counsel and Indemnification for Officials. During discussion, the Mayor requested a copy of the ordinance from other communities and questioned, who wrote the ordinance. Alderman Phelan stated that he will supply a copy of the Schaumburg, Illinois ordinance. Thereafter, Erickson made a motion, seconded Phelan, to override the Mayor's veto. The motion to override the veto carried by the following roll call: Yeas: Chapman, Skryd, Phelan, Lovero, Erickson. Nays: Weiner. Excused: Ramos.

13. The Mayor submitted a communication regarding the Water Testing information to the General Public. The Mayor recognized Public Works director, Pat Ryan, who explained the situation regarding the matter. After discussion, Alderman Chapman asked the Public Works director to contact the Illinois EPA to request an extension, which would allow for the notice to go out in the water bill mailings. Thereafter, Chapman made a motion, seconded by Phelan, to deny the request. The motion carried by a voice vote.
14. The Mayor submitted a communication regarding the request from the owners of 3200 Harlem Avenue to allow for signage on the building. Thereafter, Weiner made a motion, seconded by Lovero, to concur and approve as submitted. The motion carried by a unanimous roll call vote with Ramos excused.
15. The Mayor submitted a communication regarding the hire of a Director of Administrative Services. After discussion, Lovero made a motion, seconded by Erickson, to concur and approve as amended item #4 (a) to read "The Mayor" and #5, seconded sentence to be stricken and to refer the matter to the City Attorney to insert duties. After further discussion, the motion and the seconded were withdrawn. Thereafter, Lovero made a motion, seconded by Erickson, to concur, approved as amended and waive the hiring freeze. The motion carried by the following roll call: Yeas: Chapman, Weiner, Skryd, Lovero, Erickson. Nays: Phelan. Excused: Ramos.
16. The City Clerk submitted a communication regarding the 2008 schedule of City Council meetings and Holidays. Thereafter, Skryd made a motion, seconded by Chapman, to concur and approve as submitted and to authorize publication. The motion carried by a unanimous roll call vote with Ramos excused.
17. The Zoning Board of Appeals submitted a Resolution and Ordinance regarding a variance for Martinez, 1545-47 Cuyler. Thereafter, Lovero made a motion, seconded by Chapman, to concur and adopt the Resolution and Ordinance as presented. The motion carried by the following roll call: Yeas: Chapman, Weiner, Skryd, Phelan, Lovero. Nays: Erickson. Excused: Ramos.
18. A deferred communication from Alderman Chapman regarding porch railings at 3500 Euclid Avenue. Thereafter, Chapman made a motion, seconded by Phelan, to defer the matter until the December 18th meeting. The motion carried by a voice vote.

19. A deferred communication from Alderman Chapman regarding Library Personnel issue. Thereafter, Chapman made a motion, seconded by Weiner, to defer the matter until the December 18th meeting. The motion carried by a voice vote.
20. The Budget committee submitted a report from the meeting held on November 28, 2007 regarding the 2008 budget with the recommendation to continue the budget process. Thereafter, Weiner made a motion, seconded by Lovero, to accept the matter as informational. The motion carried by a voice vote.
21. The Berwyn Firemen's Pension Board of Trustees submitted a communication regarding the estimated monthly Pension Cost for 2008. Thereafter, Skryd made a motion, seconded by Erickson, to accept the matter as informational and to refer to the Budget committee. The motion carried by a voice vote.
22. A deferred communication from Odelson & Sterk regarding the Metra Platform Lease agreement for years 2006 through 2031 and an ordinance adopting it entitled:

AN ORDINANCE APPROVING A STATION AGREEMENT BETWEEN THE CITY OF BERWYN AND BNSF RAILWAY COMPANY IN THE CODIFIED ORDINANCES OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

Thereafter, the Mayor recognized Richard Bruen of Odelson & Sterk, who was available for questions. Thereafter, Weiner made a motion, seconded by Chapman, to concur, approve the agreement, **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 with Ramos excused.

23. The Law firm of Odelson & Sterk submitted an ordinance entitled:

AN ORDINANCE ALLOWING A VARIATION FROM THE ZONING CODE FOR THE PROPERTY COMMONLY KNOWN AS 6714 34TH STREET, BERWYN, ILLINOIS AND WHICH IS LOCATED IN AN A-1 ZONING DISTRICT.

Thereafter, Chapman made a motion, seconded by Lovero, 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 with Ramos excused.

24. The City attorney submitted an ordinance regarding ICMA model Professional Administrator. Thereafter, Erickson made a motion, seconded by Chapman, to defer the matter generally. The motion carried by a voice vote.

25. The City attorney submitted an ordinance entitled:

AN ORDINANCE AMENDING SECTION 484.03 OF THE BERWYN CODE TO INCREASE MUNICIPAL AND COMMUTER PARKING PERMIT FEES WITHIN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

Thereafter, Weiner made a motion, seconded by Chapman, to concur and **adopt** the ordinance as amended. The motion carried by a unanimous roll call vote with Ramos excused.

26. The City attorney submitted a Resolution regarding the Illinois Housing Development Authority Bond Cap. Thereafter, Weiner made a motion, seconded by Chapman, to concur and **adopt** the Resolution as presented. The motion carried by a unanimous roll call vote with Ramos excused.

27. The City attorney and the Finance director submitted an ordinance entitled:

AN ORDINANCE PROVIDING FOR THE ABATEMENT OF THE 2007 TAX LEVY FOR THE GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2002A, OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

Thereafter, Weiner made a motion, seconded by Lovero, to concur and **adopt** the ordinance as presented and to authorize the corporate authorities to affix their signatures thereto and to authorize the Clerk to file with the county. The motion carried by a unanimous roll call vote with Ramos excused.

28. The City attorney and Finance director submitted an ordinance entitled:

AN ORDINANCE PROVIDING FOR THE ABATEMENT OF THE 2007 TAX LEVY FOR THE GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2002B, OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

Thereafter, Weiner made a motion, seconded by Lovero, to concur and **adopt** the ordinance as presented and to authorize the corporate authorities to affix their signatures and to authorize the Clerk to file with

the county. The motion carried by a unanimous roll call vote with Ramos excused.

29. The City attorney and the Finance director submitted an ordinance entitled:

AN ORDINANCE PROVIDING FOR THE PARTIAL ABATEMENT OF THE 2007 TAX LEVY FOR THE GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2001, OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

Thereafter, Weiner made a motion, seconded by Lovero, to concur and **adopt** the ordinance as presented and to authorize the corporate authorities to affix their signatures and to authorize the Clerk to file with the county. The motion carried by a unanimous roll call vote with Ramos excused.

30. The City attorney and Finance director submitted an ordinance entitled:

AN ORDINANCE ADJUSTING BASIC WATER USE CHARGES BY AMENDING SECTION 1048.02 OF THE BERWYN CODIFIED ORDINANCES IN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

Thereafter, Weiner made a motion, seconded by Skryd, to concur and **adopt** as amended to read 8% and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote with Ramos excused.

31. The Finance director submitted an ordinance regarding the 2007 Tax Levy. Chapman made a motion, seconded by Erickson, to defer until the December 18th City Council meeting. The motion carried by a voice vote.

32. The Finance director submitted a request for approval of an Interfund loan from the Water Utility to the Debt Service fund for \$850,000. Thereafter, Skryd made a motion, seconded by Weiner, to concur and approve as submitted. The motion carried by a unanimous roll call vote with Ramos excused.

33. The Director of Computer Services submitted a request to approve the Database Administrator agreement. Thereafter, Lovero made a motion, seconded by Skryd, to concur and waive the hiring freeze. The motion carried by a unanimous roll call vote with Ramos excused.

34. The building director submitted a communication regarding a sign request for 2929 Harlem Avenue. Thereafter, Weiner made a motion, seconded by

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Lovero, to concur and grant permission for signage at the Berwyn Art Studio. The motion carried by a unanimous roll call vote with Ramos excused.

35. The City Collector submitted five communications J-12 through J-16 regarding various requests for Retail Overlay variances. The item were withdrawn by Order of the Chair without objection.
36. Odelson & Sterk submitted a communication requesting the settlement of Case No: 07 CV 3091 in the amount of \$11,501 as reviewed in closed session. Thereafter, Lovero made a motion, seconded by Erickson, to concur and approve for payment. The motion carried by a unanimous roll call vote with Ramos excused.
37. The Consent agenda items K-1 through K-4 were submitted.
 - K-1 The Budget chairman submitted the payroll for November 18, 2007 in the amount of \$775,022.44
 - K-2 The Budget chairman submitted the payables for December 11, 2007 In the amount of \$1,778,335.58.
 - K-3 The City Clerk and Alderman Phelan submitted a request for a Handicap sign for C. Pillett, 1617 Scoville with a recommendation to **Deny**
 - K-4 The building director submitted a report of building permits issued in November, 2007

Thereafter, Weiner made a motion, seconded by Lovero, to concur and Approve by Omnibus Vote Designation. The motion carried by a voice vote.

38. The Mayor called a Committee of the Whole meeting for Tuesday, December 18, 2007, immediately following the Public Hearing at 6:00 p.m.
39. Alderman Skryd called an Administration committee meeting for Monday, December 17, 2007 at 6:00 pm for referrals.
40. Alderman Erickson announced a Fire and Police committee meeting, as previously called, closed to the public, on Thursday, December 13, 2007 at 12:00 noon for union grievances.
41. There being no further business to come before the meeting, same was, after a motion by Lovero, seconded by Skryd, to adjourn at the hour of 9:35 p.m.
Respectfully submitted,

Thomas J. Pavlik, City Clerk

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