

MICHAEL A. O'CONNOR
MAYOR

THOMAS J. PAVLIK
CITY CLERK

MINUTES
BERWYN CITY COUNCIL
MARCH 11, 2008

1. The Berwyn City Council meeting was called to order by Mayor O'Connor at 8:02 p.m. Upon the call of the roll, the following responded present: Chapman, Ramos, Weiner, Skryd, Day, Phelan, Lovero, Erickson via phone.
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. Phelan made a motion, seconded by Skryd, to allow Alderman Erickson to participate remotely via telephone per city ordinance. The motion carried by a voice vote.
4. The Open Forum portion of the meeting was announced. Marge Paul of the Berwyn Historical Society spoke regarding Alderman Phelan insulting the Berwyn Historical Society at the February 26th City Council meeting and asked for an apology. Alderman Phelan declined.
5. Lovero made a motion, seconded by Chapman, to suspend the rules and bring forth item F-5. The motion carried by a voice vote. F-5 is a communication from the Mayor regarding the appointment of Lieutenant Paul Gardner to the rank of Deputy Fire Chief. Clerk Pavlik administered the oath of office. Thereafter, Lovero made a motion, seconded by Chapman, to concur and approve the appointment as submitted. The motion carried by a unanimous roll call vote.
6. Lovero made a motion, seconded by Chapman, to suspend the rules and bring forth items J-12 and J-11. The motion carried by a voice vote. Item J-12 is a communication from the Fire Chief regarding the Fire department promotions of John Woods from engineer to lieutenant, Mike Chiapetta, J. Novacek, and Ray Fron from firefighters to engineers. Thereafter, Clerk Pavlik administered the oath of office and a motion by Lovero, seconded by Weiner to concur and accept the promotions as informational. The motion carried by a voice vote.
7. The Fire Chief submitted a communication regarding Fire Certification Recognition for retiring Fire Chief Kalivoda, newly appointed Fire Chief Denis O'Halloran, and Lieutenant Salvador Molinaro as being recipients of

the highest certification awarded by the Illinois Office of the State Fire Marshal, Fire Officer III. Thereafter, a representative from the Illinois Office of the State Fire Marshal presented certificates of recognition and also a special plaque honoring retiring Chief Kalivoda. Thereafter, Lovero made a motion, seconded by Skryd, to accept the matter as informational with congratulations to all. The motion carried by a voice vote.

8. Skryd made a motion, seconded by Lovero, to suspend the rules and bring forth item F-3. The motion carried. F-3 is Proclamation submitted by the Mayor honoring Fire Chief Kalivoda and recognizing his 30 years of service and proclaiming March 12, 2008 as Richard Kalivoda Day in the City of Berwyn. Thereafter, Lovero made a motion, seconded by Ramos, to concur and **adopt** the proclamation as presented. The motion carried by a voice vote.
9. Skryd made a motion, seconded by Lovero, to suspend the rules and bring for item F-4. The motion carried. F-4 is a proclamation honoring the Speech and Drama Team of District 100 for their participation in the West 40 Speech and Drama Fest on February 23, 2008 and proclaiming March 12, 2008 as School District 100 Speech and Drama Team 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.
10. Lovero made a motion, seconded by Chapman, to suspend the rules and bring forth item H-1. The motion carried. H-1 is a communication from the Zoning Board of Appeals regarding the Grud property, 7024-26 W. Cermak Road. Thereafter, Lovero made a motion, seconded by Skryd, to concur, and **adopt** the resolution and ordinance as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.
11. The regular minutes of the Berwyn City Council and the Committee of the Whole held on February 26, 2008 were submitted. Thereafter, Ramos made a motion, seconded by Weiner, to concur and approve the minutes as submitted. The motion carried by a voice vote.
12. Erickson made a motion, seconded by Weiner, to suspend the rules and bring forth item J-2. The motion carried. J-2 is a communication from the Law department authorizing the city attorney to take any and all necessary legal actions to pursue all the City's rights and remedies under its Redevelopment Agreement, Promissory Note and Mortgage with Homewerks-Voigt Development, LLC. Thereafter, Erickson made a motion, seconded by Phelan, to concur. The motion carried by the following roll

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call: Aye: Chapman, Ramos, Weiner, Skryd, Day, Phelan, Erickson. Nay: Lovero.

13. Erickson made a motion, seconded by Day, to suspend the rules and bring forth item F-10. The motion carried. F-10 is a communication from the Mayor regarding the veto of the City Settlement with Jerry Marzullo. Thereafter, Erickson made a motion, seconded by Day, to concur. The motion failed by the following roll call: Yeas: Day, Erickson. Nays: Chapman, Ramos, Weiner, Skryd, Phelan, Lovero. Thereafter, the Mayor declared the veto overruled.
14. The Berwyn Development Corporation submitted a TIF application for Supermercado Berwyn, 6337 W. Cermak Road. Lovero made a motion, seconded by Chapman, to concur and approve for payment in an amount not to exceed \$1,370. The motion carried by a unanimous roll call vote with Erickson abstaining.
15. The Berwyn Development Corporation submitted a TIF application for Ricardo Zurita, 6536 W. Cermak Road. Skryd made a motion, seconded by Ramos, to concur and approve for payment in an amount not to exceed \$27,175 and ordered that the funds not be released until approved by the IHPA. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Day, Phelan, Lovero. Nays: none. Abstain: Erickson.
16. The Berwyn Development Corporation submitted a TIF application for Tiger O'Stylies, 6300 W. Ogden Avenue. Ramos made a motion, seconded by Skryd, to concur and approve for payment in an amount not to exceed \$8,750. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Day, Phelan, Lovero. Nays: none. Abstain: Erickson.
17. A deferred communication from the Mayor regarding a Foreclosure Clerk. Lovero made a motion, seconded by Chapman, to refer the matter to the Committee of the Whole. The motion carried by a voice vote.
18. A deferred communication from the Mayor regarding an Organizational Study. Chapman made a motion, seconded by Ramos, to refer the matter to the Committee of the Whole. The motion carried by a voice vote.
19. The Mayor submitted a communication regarding the resignation of Finance Director, Stephanie Walker. Thereafter, Weiner made a motion, seconded by Ramos, to concur and accept the resignation with regrets. The motion carried by a voice vote.

20. The Mayor submitted a communication regarding the appointment of Robert Dwan as CDBG Director. Thereafter, Weiner made a motion, seconded by Ramos, to concur and approve the appointment as submitted. The motion carried by a unanimous roll call vote. Thereafter, Alderman Chapman requested an updated job description, which the Mayor stated that he will provide.
21. The Mayor submitted a communication regarding the appointment of Dawn Rinehart as Grants Administrator for the CDBG. Thereafter, Erickson made a motion, seconded by Chapman, to concur and approve the appointment as submitted. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Day, Lovero, Erickson. Nays: Phelan. Thereafter, Alderman Chapman again requested an updated job description.
22. The Mayor submitted a communication regarding the Dissolution of Township 39 to waive transfer fees of \$100 for Districts 98,100, and Morton High School District 201. Thereafter, Lovero made a motion, seconded by Ramos, to concur. The motion carried by a unanimous roll call vote.
23. The Mayor submitted a communication regarding the Veto of Resolution 022608-2 pertaining to Alderman Phelan accepting and retaining the services of Miller, Shakman, & Beem. Thereafter, Weiner made a motion, seconded by Skryd, to suspend the rules and bring forth item I-6 as germane. The motion carried. The Mayor requested the communication to read. Thereafter Alderman Phelan refuted the Mayor's communication and read a statement into record. Thereafter, Phelan requested Alderman Weiner's communication regarding the matter to be read into record. Thereafter, Phelan commented on Weiner's communication stating it was insulting to the City Council. Alderman Chapman concurred with Alderman Phelan and stated that I-6 is insulting to the City Council. After further discussion, Chapman made a motion, seconded by Ramos, to accept the matters as informational. The motion carried by a voice vote.
24. The Mayor submitted a communication regarding the settlement of Workman's Comp. Case #05WC11121. Skryd made a motion, seconded by Weiner, to concur and approve for payment. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Day, Phelan, Lovero. Note: During the call of the roll, Alderman Erickson was no longer on the telephone. The Mayor attempted to call back without success.

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25. The Mayor called for a motion to excuse Alderman Erickson. Thereafter, Chapman made a motion, seconded by Ramos, to excuse Alderman Erickson. The motion carried by a voice vote.
26. The Clerk submitted a communication regarding the approval of Closed Committee of the Whole minutes of January 22nd and February 11, 2008 as reviewed in closed session. Thereafter, Ramos made a motion, seconded by Skryd, to concur and approve as submitted. The motion carried by a voice vote.
27. The Clerk submitted a communication regarding information not provide to the City Clerk and requested that all documents and emails, forwarded to the aldermen's attention by the mayor and/or department heads, that are discussed in open or closed meetings, be forwarded to the Clerk to be included in the minutes. After discussion, Lovero made a motion, seconded by Chapman, to concur. The motion carried by a voice vote.
28. The Zoning Board of Appeals submitted a Resolution and Ordinance regarding the Handzel property, 6226 W. Cermak Road. Thereafter, Day made a motion, seconded by Skryd, to concur and adopt the Resolution and Ordinance as submitted and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote with Erickson excused.
29. A deferred communication from Alderman Phelan regarding Questionable Conduct. Thereafter, Alderman Phelan handed out copies of an affidavit from the Mayor dated July 20, 2007 along with a copy of Scott Waguespack's campaign literature and also a copy of City Council meeting minutes of March 27, 2007. After discussion, Phelan made a motion to censure the Mayor. The motion failed, due to a lack of a second. Thereafter, Ramos made a motion to defer the matter generally. After discussion, the motion was withdrawn. Thereafter, Chapman made a motion, seconded by Skryd, to accept the matter as informational. The motion carried by a voice vote.
30. A deferred communication from Alderman Skryd regarding the City of Berwyn Sign ordinance. Alderman Skryd supplied the Council with a draft ordinance, repealing and replacing Chapter 1476 of the Berwyn code regarding regulation of signs in the City of Berwyn. After discussion, Skryd made a motion, seconded by Weiner, to refer the matter to the law firm of Odelson & Sterk and BDC Planner, Sara Bratcher. The motion failed by the following roll call: Yeas: Weiner, Skryd, Lovero. Nays: Chapman, Ramos, Day, Phelan. Excused: Erickson. After further discussion, Ramos made a motion, seconded by Day, to defer the matter for two (2) weeks. The

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

31. Alderman Chapman submitted a communication regarding Windsor Avenue also bearing the name "Billy Quan Drive" in remembrance and celebration of the long time resident and business owner. After discussion, Chapman made a motion, seconded by Lovero, to refer the matter to the Law department for review. The motion carried by a voice vote, with Weiner voicing a contrary nay.
32. Alderman Chapman submitted a communication regarding maintenance being done to the inside of the Depot train station. The Mayor recognized Public Works Director, Pat Ryan, who explained the public works department is responsible for indoor maintenance. Thereafter, Chapman made a motion, seconded by Day, to refer the matter to the Law department. The motion carried by a voice vote.
33. Alderman Ramos submitted a communication regarding the approval of the revised Berwyn Bike Route and plans to lead a group of bike riders on a ride through the Historic Route 66 loop and the Depot District loop on April 26, 2008. Thereafter, Ramos made a motion, seconded by Chapman, to concur and approve as submitted. The motion carried by a voice vote.
34. Alderman Weiner submitted a communication regarding for possible capital improvement for the 3rd Ward. Thereafter, Weiner made a motion, seconded by Skryd, to refer the matter to the public works director as informational. The motion carried by a voice vote.
35. Alderman Lovero submitted an ordinance entitled:
AN ORDINANCE AMENDING SECTION 484.03 OF THE BERWYN CODE TO ALLOW PUBLIC PARKING IN THE GROVE MUNICIPAL PARKING LOT WITHIN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS
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 with Erickson excused. Thereafter, Lovero made a motion, seconded by Day, to refer the matter to the public works department as informational and to order the public works department to install said signs. The motion carried by a unanimous roll call vote with Erickson excused.
36. The Ordinance and Resolution committee submitted an ordinance entitled:
ORDINANCE AMENDING THE TRAFFIC CODE OF THE CITY OF BERWYN REGARDING VEHICLE SEIZURE AND IMPOUNDMENT

Thereafter, Lovero made a motion, seconded by Weiner, 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 Erickson excused.

37. The Associate City attorney submitted an regarding a Renew Agreement for IC & SC Bus Shelter program with the City of Berwyn. Thereafter, Weiner made a motion, seconded by Skryd, to concur and authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote with Erickson excused.

38. The Law firm of Odelson & Sterk submitted an ordinance entitled:
AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS (AMENDMENT OF CHAPTER 1244.06)

Thereafter, Lovero made a motion, seconded by Skryd, 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, Skryd, Phelan, Lovero. Nays: none. Abstain: Day. Excused: Erickson.

39. The Law firm of Odelson & Sterk submitted an ordinance entitled:
AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS (AMENDMENT OF RETAIL OVERLAY DISTRICT)

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

40. The Law firm of Odelson & Sterk submitted an ordinance entitled:
AN ORDINANCE AUTHORIZING THE ACQUISITON OF PROPERTY AND THE EXERCISE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN PROPERTIES WITHIN THE AMENDED BERWYN THEATER TAX INCREMENT FINANCING DISTRICT

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

41. The Public Works director submitted a communication requesting the waiver of bidding and approval of emergency repair of Pump 1 at the cost of \$26,393. Thereafter, Lovero made a motion, seconded by Day, to

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concur and approve for payment. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Day, Lovero. Nays: Phelan. Excused: Erickson.

42. The Public Works director submitted a communication regarding the award of contract for Decorative Iron Products to Heritage Casting and Iron Works in the amount not to exceed \$67,540. Thereafter, Lovero made a motion, seconded by Day, to concur and approve for payment. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Day, Lovero. Nays: Skryd, Phelan. Excused: Erickson.
43. The Mayor requested a motion to continue the meeting past 10:00 p.m. per City ordinance. Thereafter, Weiner made a motion, seconded by Skryd, to concur. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Lovero. Nays: Day, Phelan. Excused: Erickson.
44. The Police Chief submitted a communication regarding Membership in the West Suburban Major Task Force. Thereafter, Day made a motion, seconded by Skryd to accept the matter as informational. The motion carried by a voice vote.
45. The Director of Neighbor Affairs and Detective Green submitted a Crime Free Multi-Housing ordinance. After discussion, Lovero made a motion, seconded by Weiner, to refer the matter to the Committee of the Whole. The motion carried by a voice vote.
46. The Fire Chief submitted a communication informing the council of the purchase of Additional Emergency Medical Treatment equipment for the two Advanced Life Support ambulances. Thereafter, Skryd made a motion, seconded by Chapman, to accept the matter as informational. The motion carried by a voice vote.
47. The Fire Chief submitted a communication regarding the purchase of a New Striker Stair Chair. Thereafter, Skryd made a motion, seconded by Chapman, to accept the matter as informational. The motion carried by a voice vote.
48. The Assistant Fire Chief submitted a communication regarding the purchase of Chief's SUV, replacement of current Command SUV. Thereafter, Day 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, Day, Lovero. Nays: Phelan. Excused: Erickson.

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49. The Assistant Fire Chief submitted a communication regarding the purchase of two new ambulances. Thereafter, Lovero made a motion, seconded by Skryd, to concur and approve for payment. The motion carried by a unanimous roll call vote with Erickson excused.
50. The Consent agenda K-1 through K-5 was submitted
- K-1 The Budget chairman submitted the payroll for March 5, 2008 in the amount of \$855,541
 - K-2 The Budget chairman submitted the payables for March 11, 2008 in amount of \$1,431,544.73
 - K-3 The Collector submitted the business licenses issued during the month of February, 2008
 - K-4 The Building director submitted the building permits issued during the month of February, 2008
 - K-5 The American Cancer Society submitted a request for a "Tag Day" on May 3, 2008

Thereafter, Ramos made a motion, seconded by Skryd, to concur and approve by Omnibus Vote Designation. The motion carried by a voice vote.

51. The Mayor requested two (2) closed sessions of the Committee of the Whole on Monday, March 17th and Thursday, March 20, 2008 at 7:00 p.m. for public works contract negotiations. Thereafter, Lovero made a motion, seconded by Skryd, to concur and grant permission. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Day, Lovero. Nays: Phelan. Excused: Erickson.
52. The Mayor for the regular Committee of the Whole meeting on Tuesday, March 25, 2008 at 6:00 p.m. for referrals.
53. There being no further business to come before the meeting, same was, after a motion by Ramos, seconded by Phelan, to adjourn at the hour of 10:14 p.m. The motion carried by a voice vote.

Respectfully submitted,

Thomas J. Pavlik
City Clerk