

MICHAEL A. O'CONNOR
MAYOR

THOMAS J. PAVLIK
CITY CLERK

MINUTES
BERWYN CITY COUNCIL
MARCH 25, 2008

1. The Berwyn City Council was called to order by Mayor O'Connor at 8:35 p.m. Upon the call of the roll, the following responded present: Chapman, Ramos, Skryd, Day, Phelan, Lovero, Erickson. Absent: Weiner.
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. Ramos made a motion, seconded by Chapman, to excuse Alderman Weiner. The motion carried by a voice vote.
4. The Open Forum portion of the meetings was announced. Augie Buglow, of the 1st Ward voiced his disapproval of spending tax dollars to defend city officials and provided copy of his statement for the minutes. James Decater, 1340 Oak Park Avenue, thanks the city department heads for their help in his recent remodeling project of his 100 year old house and also voiced concerns with the behavior of city council members during council meetings.
5. The minutes of the Berwyn City Council meeting held March 11, 2008 and the Committee of the Whole minutes of March 5th and March 11, 2008 were submitted. Phelan made a motion, seconded by Erickson, to allow Alderman Phelan to reconsider his vote on item #13 of the March 11, 2008 City Council minutes. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Day, Phelan, Erickson. Nays: Lovero. Excused: Weiner. After further discussion, Day made a motion, seconded by Phelan, to allow Phelan to change his vote from Aye to Nay. The motion was defeated by the following roll call: Yeas: Day, Phelan, Erickson. Nays: Chapman, Ramos, Skryd, Lovero. Excused: Weiner. After further discussion, Erickson made a motion, seconded by Day, to affirm the Mayor's veto regarding the city's settlement with Jerry Marzullo. After a lengthily discussion, the motion was not recognized because Alderman Erickson was not on the prevailing side of the original motion. Thereafter, Alderman Phelan made a motion, seconded by Erickson, to reconsider the override of the Mayor's veto of item #13 of the March 11, 2008 City Council minutes. The motion failed by the following roll call: Yeas: Day, Phelan, Erickson. Nays: Chapman, Ramos, Skryd, Lovero. Excused: Weiner. Thereafter, Erickson requested item #14 of the March 11, 2008 minutes

reflect his vote as Abstained. Thereafter, Lovero made a motion, seconded by Ramos, to concur and approve the minutes as amended. The motion carried by a voice vote

6. The Public Works director submitted a request for the opening of the Landscape Maintenance Service bids. Alderman Chapman questioned when the Council approved going out for bid. Alderman Skryd questioned planters being separated out. Thereafter, Skryd made a motion to defer the bid opening. After discussion, the motion was withdrawn and Ramos made a motion, seconded by Erickson, to allow the Associate City Attorney and any other interested parties to adjourn to the Conference room to open, tabulate, and return same to Council Chambers for reading. The motion carried by a voice vote.
7. The Berwyn Development Corporation submitted a communication regarding the City of Berwyn Parking Structure Owner's Representative Recommendation. Chapman made a motion, seconded by Lovero, to concur and approve Alfred Benesch in an amount not to exceed \$420,840. The motion carried by a unanimous roll call vote with Weiner excused.
8. The Berwyn Development Corporation submitted a communication regarding the 2008 Integrated Marketing Program. After discussion, Chapman made a motion, seconded by Lovero, to concur with option #1 in an amount not to exceed \$138,701. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Day, Phelan, Lovero. Nays: none. Abstained: Erickson. Excused: Weiner.
9. The Berwyn Development Corporation's Senior Urban Planner submitted a Sign Ordinance recommendation referral. Thereafter, Skryd made a motion, seconded by Lovero, to suspend the rules and bring forth item I-1 and make as germane to E-3. The motion carried. Thereafter, Skryd made a motion, seconded by Chapman, to refer to the law firm of Odelson & Sterk to amend Berwyn Sign ordinance accordingly. The motion carried by a unanimous roll call vote.
10. The Mayor submitted a proclamation recognizing April 11, 2008 as the 40th Anniversary of the passage of the U.S. Fair Housing Act. Thereafter, Skryd made a motion, seconded by Erickson, to concur and **adopt** the proclamation as presented. The motion carried by a voice vote.
11. The Mayor submitted a communication regarding the Health Insurance renewal. After discussion, Lovero made a motion, seconded by Chapman, to defer for two weeks to allow the Mayor to present options to the various city unions. The motion carried by a voice vote.

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12. Alderman Skryd submitted a communication requesting the correction of the February 26, 2008 City Council meeting minutes item #8 to reflect a Nay vote. After discussion, it was ruled that she may not officially change her vote at this time. Thereafter, Skryd made a motion, seconded by Erickson, to accept the matter as informational and to allow the minutes to reflect.
13. Alderman Skryd submitted a communication regarding ArtSpace and a grant offered by the National Endowment for the Arts. Thereafter, Skryd made a motion, seconded by Lovero, to refer the matter to the Committee of the Whole. The motion carried by a voice vote.
14. Alderman Skryd submitted a communication regarding a customer parking only sign at 2801 Ridgeland. After discussion, Skryd made a motion, seconded by Chapman, to concur and approve the request and to instruct public works to install said sign. The motion carried by a unanimous roll call vote with Weiner excused.
15. Alderman Skryd submitted a communication regarding the 4th Ward "Walk and Talk" every Thursday evening beginning April 3rd at 6:00 p.m. at the Elks Club. Thereafter, Skryd made a motion, seconded Ramos, to accept the matter as informational with an invitation to all. The motion carried by a voice vote.
16. Alderman Skryd submitted a communication regarding the removal of referral items from the Administration committee referral list. Thereafter, Lovero made a motion, seconded by Day, to concur and approve as submitted. The motion carried by a voice vote.
17. Alderman Skryd submitted a communication regarding 90 minute parking on the 2500 block of Harvey from East/West alley to 26th Street which was previously approved at the April 24, 2007 City Council meeting. Thereafter, Skryd made a motion, seconded by Chapman, to concur and approve the request and to direct public works to install said signs. The motion carried by a voice vote.
18. Alderman Phelan submitted a communication regarding the Mayor's Veto of Miller Shakman & Beem Resolution. After discussion, Phelan made a motion, seconded by Skryd, to withdraw the communication. The motion carried by a voice vote.
19. Alderman Phelan submitted a communication regarding Questions as to Procedure. Thereafter, Phelan questioned the Mayor's veto authority on

matters other than an ordinance and or a payable and specifically his Resolution regarding his representation by Miller Shakman & Beem. Richard Bruen, of Odelson and Sterk read from the State Statute regarding the Mayor's veto authority ruling that the Mayor was within his rights to veto. Alderman Phelan then stated that Rich Bruen has a conflict of interest regarding this matter. After further discussion, Phelan made a motion, seconded by Erickson to refer the matter to the law firm of Ancel Glink in an amount not to exceed \$3,000 requesting an opinion of the Mayor's veto authority. The motion carried by the following roll call: Yeas: Chapman, Day, Phelan, Erickson. Nays: Ramos, Skryd, Lovero. Excused: Weiner.

20. Alderman Lovero submitted and ordinance entitled:

AN ORDINANCE AMENDING THE TRAFFIC CODE OF THE CITY OF BERWYN REGARDING PARKING RESTRICTIONS ON 16TH STREET

Thereafter, Lovero made a motion, seconded by Skryd, 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 with Weiner excused.

21. Alderman Erickson submitted a communication regarding an Animal Ordinance update. Thereafter, Erickson made a motion, seconded by Day, to defer the matter for two weeks. The motion failed by the following roll call: Yeas: Day, Phelan, Erickson. Nays: Chapman, Ramos, Skryd, Lovero. Excused: Weiner. Thereafter, Chapman made a motion, seconded by Ramos, to withdraw the item. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Day, Phelan, Lovero. Nays: Erickson. Excused: Weiner.
22. Alderman Erickson submitted a communication regarding Cermak Road Development. Thereafter, Erickson began to read a statement regarding a potential developer of the Cermak Plaza. The Mayor then ruled Alderman Erickson, out of order and stated that matters being brought forward by the alderman were items that were still in the closed Committee of the Whole and not public knowledge. Erickson refused to yield to the Chair. Thereafter, the Chair requested a motion to direct Alderman Erickson to stop. Chapman made a motion, seconded by Ramos, to rule Alderman Erickson out of order. The motion carried by a voice vote. Thereafter, the Mayor gavelled the meeting to order.
23. The Landscape Service Maintenance bids were returned to Council for reading. Bids received for the **Depot District** were as follows: McAdam

Landscaping for \$2,355 per month totaling \$16,485, B. Davids for \$3,475 per month totaling \$22,587.50, Frank's Creative Landscaping for \$870 per month totaling \$5,655, and Nzzo's Landscaping & Maintenance in an amount of \$3,000 for the month of April and \$4,000 for May to October for a total of \$27,000. **Ogden District** were as follows: McAdams Landscaping for \$2,270 per month totaling \$15,890, B. Davids for \$2,375 totaling \$15,437.50, Frank's Creative Landscaping for \$1,768 per month totaling \$11,440, and Nuzzo's Landscaping & Maintenance in the amount of \$3,000 for the month of April and \$4,000 for May through October totaling \$27,000. **Cermak District** were as follows: McAdams Landscaping for \$2,875 per month totaling \$20,125, B. Davids for \$705 per month totaling \$14,025, Frank's Creative Landscaping \$1,130 per month totaling \$7,345, Nuzzo's Landscaping & Maintenance in the amount of \$3,000 for the month of April and \$4,000 for May through October totaling \$27,000. Thereafter, Chapman made a motion, seconded by Skryd, to refer the matter to the Public Works committee. The motion carried by a voice vote.

24. The Law department submitted a request to have referral items removed from the Law department referral list. Thereafter, Skryd made a motion, seconded by Ramos, to amend and remove item #23 from the request. The motion carried by a voice vote. Thereafter, Chapman made a motion, seconded by Ramos, to concur as amended and to accept as informational. The motion carried by a voice vote.
25. The Law department submitted a request for the settlement of Case #03271956. Thereafter, Day made a motion, seconded by Chapman, to concur and amend the settlement to be referred to as #08315 and approve for payment. The motion carried by a unanimous roll call vote with Weiner excused.
26. The Law department submitted a Draft Smoking Ordinance. After discussion, Chapman made a motion, seconded by Skryd, to refer the matter to the Committee of the Whole. The motion carried by a voice vote.
27. The Finance director submitted an MRA agreement with an amended version. Thereafter, Lovero made a motion, seconded by Ramos, to concur and approve as amended and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote with Weiner excused.
28. The Berwyn Fire Chief submitted a communication regarding the recent approval of ambulance purchases. Thereafter, Lovero made a motion to concur and move the MRI Fund into the Fire department's line item budget. After discussion, the motion was withdrawn. Thereafter, Lovero made a

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motion, seconded by Day, to defer and refer to the Committee of the Whole. The motion carried by a voice vote.

29. The Fleet Manager submitted a request to scrape surplus vehicles. Thereafter, Skryd made a motion, seconded by Chapman, to refer to the Finance director. The motion carried by a voice vote.
30. Consent Agenda items K-1 and K-2
K-1 The Budget chairman submitted the payroll for March 19, 2008 in the total amount of \$1,070,889.35.
K-2 The Budget chairman submitted the payables for March 25, 2008 in total amount of \$1,412,777.51

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

31. The Mayor called a Committee of the Whole meeting for Tuesday, April 8, 2008 at 6:00 p.m. for referrals.
32. Alderman Day called an Education Committee meeting for Thursday, April 24, 2008 at 7:00 p.m.
33. Alderman Skryd called an Administration Committee meeting for Monday, April 14, 2008 at 6:30 p.m. for referrals.
34. 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 9:55 p.m. by a unanimous voice vote.

Respectfully submitted,

Thomas J. Pavlik
City Clerk