

MICHAEL A. O'CONNOR
MAYOR

THOMAS J. PAVLIK
CITY CLERK

MINUTES
BERWYN CITY COUNCIL
OCTOBER 14, 2008

1. The regular meeting of the Berwyn City Council was called to order by Mayor O'Connor at 8:46 p.m. Upon the call of the roll, the following responded present: Chapman, Ramos, Weiner, Skryd, Day, Phelan, Lovero, Erickson.
2. The Pledge of Allegiance was recited and a moment of silence was observed for the armed forces, police, firefighters, paramedics, and for current financial crisis.
3. The Open Forum portion of the meeting was announced. Residents D. Cherios, 2436 Oak Park Avenue and Ms. Knospe & Mr. Fabing of 2426 Oak Park Avenue presented petitions to reconsider placing barricades to block the west alley access to the North/South Alley between Oak Park and Grove & 25th Street and Riverside Drive-G. Nikrach, 2227 Wesley presented petitions to reinstate Sunday hours at the Berwyn Library-Cindy Del Fiacco spoke regarding her husband, a Public Work's employee for 30 years, and his on the job injury and stated that he received a letter of termination and cancellation of health benefits from the City-R. Banacek of 6510 Ogden Avenue spoke on the Crime Fee ordinance and sited a legal case in Atlanta and requested aldermen review prior to their vote-Police union representatives J. O'Halloran and L. Mazza presented a union grievance to elected officials-J. Pav of Pav Realty spoke regarding the Houby Fest and his attendance at the Main Street meetings and the interest raised to revitalize Cermak Road and suggested renaming Cermak Road "Main Street"-Resident Sandy Van Goethem promoted the sale of tickets for the 16th Street theater.-Alderman Ramos spoke on the Illinois Municipal League Conference which he attended for 3 days and stressed the educational benefits in attending and noted that J. Wysocki, Finance director, P. Ryan, Public Works director, and N. Campbell, Traffic Engineer were also in attendance-Alderman Skryd thanked the Cicero Chamber of Commerce, M. Bogart and the Main Street group and Ad Hoc committee Chair, S. Krauss,volunteers, and the City for police, fire, and public works assistance at the Houby Fest.
4. The minutes of the regular meeting of September 23, 2008 and the Committee of the Whole meetings held on September 17th and September 23, 2008 were submitted. Alderman Day made a motion, seconded by

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Erickson to reconsider his vote on item #18 of the minutes of the City Council meeting held on September 23, 2008 regarding the hiring of a Multi Housing inspector. The motion carried by a voice vote. Thereafter, Day made a motion, seconded by Erickson to waive the hiring freeze and hire a Multi Unit inspector with the same job description. The motion failed by the following roll call: Ayes: Weiner, Day, Erickson. Nays: Chapman, Ramos, Skryd, Phelan, Lovero. Thereafter, the Mayor spoke in favor of the Crime Fee ordinance and the time spent by staff and members of the police department, discussion followed. Thereafter, Lovero made a motion, seconded by Ramos, to refer the ordinance to the Committee of the Whole. The motion carried by a unanimous roll call vote. Thereafter, Phelan reminded the Mayor that documentation regarding Alderman Erickson's absence from the September 23, 2008 meeting had not been provided as well as the department report from the Outreach Director as previously requested. Thereafter, Ramos made a motion, seconded by Lovero, to concur and approve the City Council minutes as amended and the Committee of the Whole minutes as presented. The motion carried by a voice vote.

5. The bid proposals for the 2008 C.D.B.G. Sidewalk Improvements were submitted. Thereafter, Skryd made a motion, seconded by Erickson, to authorize the attorney, public works director, city engineer, and any other interested parties to proceed to the Conference room to open, tabulate, and return to the Council Chambers for reading. The motion carried by a voice vote.
6. The Berwyn Development Corporation submitted a communication regarding the Harlem Metra Station. After discussion, Erickson made a motion, seconded by Chapman, to refer to the law department and Berwyn Development Corporation to draft and negotiate a lease and also forward to the public works department. The motion carried by a voice vote.
7. The Berwyn Development Corporation submitted a communication regarding the TIF application of Ricardo Zurita, 6535 W. Cermak Road. After discussion, Anthony Griffin of the BDC, suggested a waiver of MainStreet design. Thereafter, Erickson made a motion, seconded by Ramos, to concur and approve as amended to waiver MainStreet design in an amount not to exceed \$27,175. The motion carried by a unanimous roll call vote.
8. The Berwyn Development Corporation submitted a communication regarding Bodhi Thai Restaurant, 6211 W. Roosevelt Road. Anthony Griffin stated that the owner has requested the Council consider allocating additional funds for electrical upgrade. Thereafter, Erickson made a

motion, seconded by Weiner, to concur and approve as requested not to exceed \$5,134.00 which is 40% of the projected cost. The motion carried by a unanimous roll call vote.

9. A deferred communication from the Mayor regarding Health Insurance Compensation for Elected Officials. Erickson made a motion, seconded by Lovero, to defer generally. The motion carried by a voice vote.
10. The Mayor submitted an ordinance regarding Insurance benefits for Elected Officials entitled:

AN ORDINANCE ESTABLISHING INSURANCE BENEFITS FOR ELECTED OFFICIALS IN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

Thereafter, Erickson made a motion, seconded by Lovero, to concur and **adopt** the ordinance as amended, to have a separate section for the Mayor, 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, Erickson. Nays: Ramos.

11. The Mayor submitted an ordinance regarding Compensation for Elected Officials. After discussion, Erickson made a motion, seconded by Lovero, to **deny** the ordinance. The motion carried by a unanimous roll call vote.
12. The Mayor submitted a communication regarding an update appraisal of the Old Police Station land. After discussion, Erickson made a motion, seconded by Skryd, to concur and update appraisal. The motion carried by the following roll call: Yeas: Chapman, Weiner, Skryd, Day, Lovero, Erickson. Nays: Ramos, Phelan.
13. The Mayor submitted a communication regarding the hiring of a Foreclosure/Single Family Rehab Counselor. After discussion, Erickson made a motion, seconded by Lovero, to waive the hiring freeze, post and hire 1 full time employee to perform both tasks. The motion carried by the following roll call: Yeas: Chapman, Weiner, Skryd, Day, Lovero, Erickson. Nays: Ramos, Phelan.

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14. The Mayor submitted a communication regarding Liquor License changes. After discussion, Skryd made a motion, seconded by Chapman, to defer and refer the matter to the Committee of the Whole for further discussion. The motion carried by a voice vote.
15. The Mayor submitted a communication regarding Notification of Written Orders entered at the conclusion of Liquor License hearing proceedings. Thereafter, Erickson made a motion, seconded by Ramos, to concur and accept the matter as informational. The motion carried by a voice vote.
16. The Mayor submitted a communication regarding Land Acquisition. Thereafter, Skryd made a motion, seconded by Lovero, to defer the matter generally. The motion carried by a voice vote.
17. The Clerk submitted a communication requesting the approval of Closed Committee of the Whole minutes of September 9, 2008 and September 23, 2008 as reviewed in closed session on September 23, 2008. Ramos made a motion, seconded by Chapman, to concur and approve as submitted. The motion carried by a unanimous roll call vote.
18. Erickson made a motion, seconded by Weiner, to suspend the rules and bring forth items J-12, J-13, and D-1. The motion carried by a voice vote. J-12 is a communication from the Public Works director requesting waiver of bidding and award the Salt contract. After discussion, Erickson made a motion, seconded by Weiner, to concur and award the contract for street salt to Hickman, Williams & Co. in the amount of \$122.70 per ton. The motion carried by a unanimous roll call vote.
19. J-13 is a communication from the Public Works director regarding the award of bid for Roosevelt Road Water and Sewer Main improvements. Director Ryan discussed the project being over the budgeted amount of \$128,647.50 (4.20%) above Engineer's Estimate. Thereafter, Erickson made a motion, seconded by Day, to concur and award the bid to Trine Construction Co. in the total amount of \$3,191,277.50. The motion carried by a unanimous roll call vote.
20. D-1 is the bid tabulation for the 2008 C.D.B.G. Sidewalk Improvements, Project No. 07-02. Bid amounts were as follows: Globe Construction, \$249,275, Schroeder & Schroeder, \$218,775, D'Land Construction LLC, \$216,895, Kingspoint General Cement, \$221,900, Suburban Concrete, Inc, \$187,900, A&R Cement, Inc., \$183,621. Thereafter, Erickson made a motion, seconded by Skryd, to concur and approve the lowest bidder A&R Cement, Inc. in the amount of \$183,621 pending City Engineer review. The motion carried by a unanimous roll call vote.

21. Ramos made a motion, seconded by Chapman, to suspend the rules and bring forward J-1, J-9, J-10, and J-11. The motion carried by a voice vote. J-10 is an amended ordinance from the Law department regarding the ESDA Coordinator entitled:

AN ORDINANCE AMENDING CHAPTER 240 OF THE ADMINISTRATION CODE OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

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

22. The Law Department submitted a Resolution regarding the ESDA Coordinator entitled:

A RESOLUTION CONCERNING THE COORDINATOR OF THE EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

Thereafter, Erickson made a motion, seconded by Skryd, to concur and adopt the Resolution as presented, approve the appointment of John L. Novacek as Coordinator, and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.

23. The Fire Chief submitted a communication regarding a mutual Aid agreement with the Village of Riverside Fire Department. Thereafter, Erickson made a motion, seconded by Skryd, to concur and approve as submitted. The motion carried by a unanimous roll call vote.

24. The Fire Chief submitted a communication regarding the demolition of property at 1535 Clarence Avenue. Thereafter, Chapman made a motion, seconded by Skryd, to defer the matter for 2 weeks. The motion carried by a voice vote.

25. The Fire Chief submitted a communication regarding a new hiring suggestion for the Berwyn Fire Department. After discussion, Erickson made a motion, seconded by Weiner, to refer the matter to the Committee of the Whole. The motion carried by a voice vote.

26. The Zoning Board of Appeals submitted a Resolution regarding Carolyn D. Fulton and Fulton Enterprises, 6843 W. Cermak, for the operation of a Day

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Care Center. Thereafter, Lovero made a motion, seconded by Skryd, to concur with the recommendation of the Zoning Board of Appeals and **Deny** the request. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Day, Phelan, Lovero, Erickson. Nays: Weiner.

27. The Zoning Board of Appeals submitted a Resolution regarding the DUI Metropolitan Services & Andre Robles, 6243 W. 26th Street, for the operation of a Substance Abuse Center. Thereafter, Skryd, made a motion, seconded by Erickson, to concur with the recommendation of the Zoning Board of Appeals and **Deny** the request. The motion carried by a unanimous roll call vote.
28. The Zoning Board of Appeals submitted a Resolution regarding the request from the Berwyn Park District, regarding the installation of a T-Mobil Stealth Antenna Flag Pole at Proska Park, 3001 Wisconsin. After discussion, Weiner made a motion, seconded by Erickson, to concur with the recommendation of the Zoning Board of Appeals and **Deny** the request. The motion carried by a unanimous roll call vote.
29. Skryd made a motion, seconded by Lovero, to continue the City Council meeting beyond 10:00 p.m. per ordinance. The motion carried by a voice vote.
30. Alderman Chapman submitted a communication regarding "Put out the Flames" event to raise awareness for the Illinois Fire Safety Alliance "I Am Me" Burn Camp on Sunday, November 9, 2008 from 3:30 p.m. to 5:00 p.m. After discussion regarding Street closing prior to the event, police, fire, public work's assistance, and signage to be coordinated with the police department, Alderman Chapman thanked all involved in putting this event together. Thereafter, Chapman made a motion, seconded by Skryd, to concur and approve as submitted. The motion carried by a unanimous roll call vote.
31. Alderman Weiner submitted a communication along with petitions from resident requesting permit parking on 29th Place. Thereafter, Weiner made a motion, seconded by Chapman, to refer the matter to the Traffic Engineer for review and recommendation. The motion carried by a voice vote.
32. Alderman Phelan submitted a communication regarding the repeal of the Crime Free Multi Family Housing ordinance which was adopted on April 4, 2008. Thereafter, Phelan made a motion, seconded by Chapman, to Repeal the Ordinance and return Payments for Mixed Use. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Phelan, Erickson. Thereafter, the Mayor spoke in favor of the ordinance and

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reminded all that many were in favor of this Crime Free ordinance and that the staff and especially those of the police department have worked 1 year in preparation of enacting this ordinance and that it would be unfortunate to have it repealed at this time. Alderman Lovero stated that he felt that it was a viable ordinance but needed to be reworked. Thereafter, Lovero made a motion, seconded by Day, to refer the ordinance to the Committee of the Whole and to have local building owners present for input. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Day, Lovero, Erickson. Nays: Phelan. Thereafter, Erickson made a motion, seconded by Weiner, to allow him to reconsider his earlier vote to repeal the Multi Family Housing ordinance. The motion carried by the following roll call: Yeas: Chapman, Weiner, Skryd, Day, Lovero, Erickson. Nays: Ramos, Phelan. Thereafter, the motion by Phelan, seconded by Chapman, to repeal the ordinance and return payment for Mixed Use was renewed. The motion was defeated on the following roll call: Yeas: Chapman, Ramos, Skryd, Phelan. Nays: Weiner, Day, Lovero, Erickson, O'Connor.

33. Alderman Lovero submitted a communication regarding the building department's new vehicles. After discussion, Lovero requested to receive sales slips and provide all information, in writing, regarding the vehicle purchases. Thereafter, Lovero made a motion, seconded by Chapman, to concur and approve as submitted. The motion carried by a voice vote.
34. Alderman Lovero submitted a communication regarding Carniceria Cinco Hermanos, 6500 W. 16th Street. Thereafter, the Mayor stated that the owner had split the business and that the 2nd property was not a part of the grocery store and that it was the opinion of the legal department that the liquor license could not be denied. Thereafter, Lovero made a motion, seconded by Chapman, to refer to the law department for all documentation and legal opinion, in writing, regarding this matter within 14 days. The motion carried by a voice vote.
35. Alderman Lovero submitted a communication regarding a tree removal at 1822 Grove Avenue. After discussion, Lovero made a motion, seconded by Skryd, to refer the matter to the Public Work's department for inspection of roots and a possible tree removal. The motion carried by a voice vote.
36. Alderman Erickson submitted a communication regarding the Termination of the political farce known as the Main Street Program. Erickson made a motion, seconded by Weiner, to defer for 2 weeks. The motion failed by the following roll call: Yeas: Ramos, Weiner, Erickson. Nays: Chapman, Skryd, Day, Phelan, Lovero. Thereafter, Erickson made a motion to withdraw the communication. The motion failed for a lack of a 2nd.

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Thereafter, Lovero made a motion, seconded by Chapman, to ignore the communication and proceed with Main Street. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Day, Phelan, Lovero. Nays: none. Present: Weiner, Erickson.

37. The Law department requested a settlement for case No. 08 WC 28851 (Illinois Workers Compensation Commission). Thereafter, Erickson made a motion, seconded by Day, to concur and approve for payment not to exceed \$7,500 based upon prior City Council approval. The motion carried by the following roll call vote. Yeas: Chapman, Weiner, Skryd, Day, Phelan, Lovero, Erickson. Nays: none. Abstain: Ramos
38. The Law department submitted a Third Addendum to Lease relative to the Sedgwick project. Erickson made a motion, seconded by Lovero, to authorize the Mayor to execute the document as amended. The motion was withdrawn. After discussion, Lovero made a motion, seconded by Weiner, to concur and approve the 3rd Addendum to the Lease and to authorize the corporate authority to affix his signature thereto. The motion carried by a unanimous roll call vote.
39. The Finance director submitted an ordinance for the Issuance of a \$2 million line of credit. Erickson made a motion to approve the issuance of a \$2 million line of credit. The motion was withdrawn. Attorney intervened stating that the ordinance was not ready for passage and suggested it be referred to the Law department and authorize the Mayor to sign upon the review of the Law department. Chapman stated that she would like Council approval prior to the ordinance being signed. Thereafter, Lovero made a motion, seconded by Erickson, to defer and refer to the Law department to Redraft the ordinance and review documents. The motion carried by a voice vote.
40. The Finance director submitted a communication requesting the disposal of a 1986 Aquatech Sewer Cleaner. After discussion, Erickson made a motion, seconded by Weiner, to concur with the disposal offer of \$5,000. The motion carried by the following roll call: Yeas: Ramos, Weiner, Day, Lovero, Erickson. Nays: Chapman, Skryd, Phelan.
41. The Finance director submitted an ordinance regarding the Chicago Water Rate Increase. After discussion, Lovero made a motion, seconded by Ramos, to defer and refer the matter to the Committee of the Whole. The motion carried by a voice vote.
42. The Finance director submitted a communication requesting the hiring of a General Ledger Accountant. After discussion, Weiner made a motion,

seconded by Day, to concur, waive the hiring freeze, post publication for the position for the salary of \$48,000. The motion carried by the following roll call: Yeas: Ramos, Weiner, Day, Lovero, Erickson. Nays: Chapman, Skryd, Phelan.

43. The Finance director submitted a communication regarding the hiring of Tim Sharpe to perform the Actuarial Valuations of the fire and police pension funds and the City's OPEB obligation for 2008. Thereafter, Erickson made a motion, seconded by Weiner, to concur to contract Tim Sharp to perform Actuarial Valuations. The motion carried by a unanimous roll call vote.
44. The director of Neighborhood Affairs submitted a communication regarding the renewal of the Pest Control contract for 2009. After discussion, Erickson made a motion, seconded by Weiner to concur and approve the contracting of Awesome Pest Service Inc. for the year 2009 for a monthly fee of \$760. The motion carried by a unanimous roll call vote.
45. The Outreach director submitted a communication requesting the approval of the City Newsletter. Thereafter, Erickson made a motion, seconded by day to concur and approve as submitted. The motion carried by the following roll call: Chapman, Ramos, Weiner, Skryd, Day, Lovero, Erickson. Nays: Phelan.
46. The Law department submitted an ordinance entitled:

AN ORDINANCE ESTABLISHING A CLEAN CITY COMMISSION IN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

Thereafter, Skryd 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 a unanimous roll call vote.

47. The Human Resource director submitted a communication regarding Library Employees Letter of Understanding. Thereafter, Chapman made a motion, seconded by Skryd, to concur and approve as submitted. The motion carried by a unanimous roll call vote.
48. Lovero made a motion, seconded by Chapman, to suspend the rules and bring forth item K-2 from the Consent agenda. The motion carried by a voice vote. K-2 is a communication from the Budget Chairman regarding the payables for October 14, 2008. Thereafter, Alderman Lovero made a motion, seconded by Chapman to remove check #339376 in the amount of

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\$523.25, check #339377 in the amount of \$448.50 both paid to the order of Affy Tapple LLC and check #339432 in the amount of \$201.50 paid to the order of Rhode Island Novelty, until further explanation is provided. The motion carried by a unanimous roll call vote. Alderman Chapman questioned, why the last payables did not included amounts of the of 2 cars discussed previously and asked when they will appear on the payables, discussion ensued.

49. Consent Agenda K-1, and K-3 through K-14 were submitted.
K-1-Budget chairman, payroll for October 1, 2008, for \$798,549.95
K-3-Chapman, handicap sign for M. Julius, 3831 Maple, **Approve**
K-4-Phelan, handicap sign for C. Maurguia, 1818 Ridgeland, **Approve**
K-5-Lovero, handicap sign for V. Sanchez, 1820 Oak Park Av, **Deny**
K-6-Lovero, handicap sign for M. Kelly, 1932 Wisconsin, **Approve**
K-7-Lovero, handicap sign for A. Booker-Robinson, 1821 Harlem, **Withdraw**
K-8-Lovero, handicap sign for V. Calabrese, 2115 Clinton, **Approve**
K-9-Erickson, handicap sign for C. Marek, 1312 East Ave. **Approve**
K-10-Collector, business licenses issued for September, 2008
K-11-Building director, building permits issued for September, 2008
K-12-St. Odilo School, Oktoberfest, October 18, 2008
K-13-Cigars & Stripes, Anniversary Outdoor Events, October 31st &
November 1, 2008
K-14-Sidewalk sale, 1200 block Scoville, October 31, 2008

Thereafter, Ramos made a motion, seconded by Chapman, to concur and approve remainder of the Consent agenda by Omnibus Vote Designation. The motion carried by a voice vote.

50. The Mayor called for a Committee of the Whole meeting on Tuesday, October 21, 2008 at 7:00 p.m. for referrals. Weiner by Day to concur
A Committee of the Whole meeting called for Tuesday, October 28, 2008 at 6:00 p.m. for referrals.
51. 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 11:05 p.m. The motion carried by a voice vote.

Respectfully submitted,

Thomas J. Pavlik, City Clerk
By Louise Sommese, Deputy City Clerk