

MICHAEL A. O'CONNOR
MAYOR

THOMAS J. PAVLIK
CITY CLERK

MINUTES
BERWYN CITY COUNCIL
NOVEMBER 11, 2008

1. The regular meeting of the Berwyn City Council was called to order by Mayor O'Connor at 8:34 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 deceased Diana Drenth, Crossing Guard, Sammons, and in remembrance of all veterans, living and deceased.
3. The Open Forum portion of the meeting was announced. The Mayor read a letter honoring all veterans and asked for all to stand for a short ceremony in honor of all branches of the armed services. Alderman Day did a tribute to all branches of service and played taps in their honor of all the deceased. Thereafter, the Mayor recognized all veteran present. Michael Oschner, Jr. IMPA union representative read a letter regarding a 15% reduction in the Berwyn police force and requested compliance of general procedures and submitted a copy for the record, see attached-Resident Sandi VanGoethem was thankful for the financial support given the 16th Street theater and encouraged attendance and requested that information regarding the 16th Street theater be place in the newsletter distributed by the city-Resident Robert Soucek noted that 179 Berwynites served in the armed forces and gave their lives and request that a memorial be erected in the city in their honor-Alderman Ramos thanked all for help on "Make a Difference Day" October 25, 2008 and is currently sponsoring a food drive for the holidays.
4. The minutes of the regular Berwyn City Council meeting held on October 28, 2008 and the Committee of the Whole held on October 14th and 28th , 2008 were submitted. Thereafter, Erickson made a motion, seconded by Day, to concur and approve the minutes as submitted. The motion carried by a voice vote.
5. Chapman made a motion, seconded by Skryd, to suspend the rules and bring forth item J-8. The motion carried. Item J-8 is a communication from the Fire Chief regarding the 2008 Governors Home Town Award. Thereafter, Skryd made a motion, seconded by Chapman, to concur in the request to purchase an additional 3x5 ft street sign to be erected at 2 entry

locations within the city. Thereafter, the motion was amended to include that the monies expended for the additional sign and the installation shall be taken from each alderman's expense account as a shared expense. Thereafter, the motion carried by a unanimous roll call vote.

6. The Berwyn Development Corporation submitted a communication regarding the Transit-Oriented Development Final Plan Adoption. Thereafter, Erickson made a motion, seconded by Chapman, to concur and approve as submitted. The motion carried by a voice vote. Note: The Transit-Oriented Development study is available on the City's website under the Clerk's page, see file link, http://www.berwyn-il.gov/pdf/Clerk/BDC_Transit_Oriented_Devel_Study-Oct2008.pdf
7. The Berwyn Development Corporation submitted a communication regarding the Parking Structure General Contractor Approval. Thereafter, Chapman made a motion, seconded by Lovero, to concur and approve Alternate "A" and to approve for payment in an amount not to exceed \$8,608,180. The motion carried by a unanimous roll call vote.
8. The Berwyn Development Corporation submitted a communication regarding a TIF application for the Buona Companies, LLC 6745 W. Roosevelt Road. Thereafter, Lovero made a motion, seconded by Skryd, to concur and approve for payment in an amount not to exceed \$400,000. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Day, Phelan, Lovero. Nays: Erickson.
9. The Mayor submitted a communication regarding Windsor-Stanley parking summary as submitted by the Traffic engineer. Thereafter, Erickson made a motion, seconded by Weiner, to refer the matter to the Committee of the Whole. The motion carried by a voice vote.
10. The Mayor submitted a communication regarding the Litter Tax Ordinance. Thereafter, Erickson made a motion, seconded by Day, to refer the matter to the Committee of the Whole and the Finance director to submit a report to the Committee of the Whole. The motion carried by a voice vote.
11. The Mayor submitted a communication regarding Sunday hours for the Berwyn Public Library. After discussion, Chapman made a motion, seconded by Skryd, to refer the matter to the Library Board. The motion carried by a roll call vote.
12. The Mayor submitted a communication regarding the e Civis Grant Program update. Thereafter, Skryd made a motion, seconded by Erickson, to refer

the matter to the Committee of the Whole. The motion carried by a voice vote.

13. The Mayor submitted a communication regarding the waiver of permit fees for St. Odilo Church in the amount of \$140. After discussion, it was discerned that the payment had been made to the city. Thereafter, Skryd made a motion, seconded by Erickson, to concur, waive the fees, and to refund the fee amount of \$140 to St. Odilo Church. The motion carried by a unanimous roll call vote.
14. The Mayor submitted a communication regarding Salerno's Restaurant liquor license. After discussion, Chapman made a motion, seconded by Skryd, to refer the matter to the Law department to review and research. The motion carried by a voice vote.
15. The Mayor submitted a communication regarding Christmas Eve and AFSCME contract. After discussion, Erickson made a motion, seconded by Weiner, to concur and approve as submitted. The motion carried by a unanimous roll call vote.
16. The Clerk submitted a communication regarding a Resolution Appointing Municipal Electoral Board Legal Counsel. Thereafter, Chapman made a motion, seconded by Skryd, to table and defer to the end of the meeting. The motion carried by a voice vote.
17. A deferred communication from Alderman Ramos regarding Emmanuel Bible Church's request for a Handicap Drop off Zone. The Mayor stated that the existing handicap ramp is not ADA compliant. Lovero requested that the church be able to submit a revised plan and to come to a compromise with the building department. After further discussion, Alderman Ramos stated that Emmanuel Bible Church is no longer seeking a Handicap Drop off Zone, but wishes to submit alternative plans for compliance. Thereafter, Lovero made a motion, seconded by Ramos, to refer the matter to the building department and the Traffic engineer. The motion carried by a voice vote.
18. A deferred communication from Alderman Erickson regarding the Dissolution of the Main Street Program. Thereafter, Erickson made motion, seconded by Weiner, to defer and table until the end of the meeting. The motion failed by the following roll call: Yeas: Weiner, Day, Erickson. Nays: Chapman, Ramos, Skryd, Phelan, Lovero. After further discussion, Chapman made a motion, seconded by Lovero, to ignore the communication and proceed with the Main Street Program. The motion carried by the following roll call: Yeas: Chapman, Ramos, Skryd, Lovero,

Erickson. Nays: Phelan. Present: Weiner, Day. During the roll call, the Mayor allowed Alderman Erickson to read a separately prepared statement, approximately 5 pages long regarding the matter. Thereafter, the Clerk requested a copy of same for the record, Alderman Erickson declined.

19. Alderman Chapman submitted a communication questioning why the ordinance and advisory referendum, to prohibit Methadone Clinics in Berwyn, was not completed and placed on the November ballot. After discussion, Chapman made a motion, seconded by Lovero, requesting a written explanation from the law department. On the call of the roll, the motion by Chapman was amended and seconded by Lovero, to also request that the law department draft a Resolution to place the matter on the April, 2009 ballot. The motion carried by the following roll call: Yeas; Chapman, Ramos, Skryd, Day, Phelan, Lovero, Erickson. Nays: Weiner.
20. Alderman Lovero submitted a communication regarding a compromise for the Multi Housing Ordinance. Thereafter, Lovero made a motion, seconded by Phelan, to refer the matter to the Committee of the Whole. The motion carried by a voice vote.
21. Alderman Lovero submitted a communication regarding Home Avenue traffic from Roosevelt Road to Riverside Drive. Thereafter, Lovero made a motion, seconded by Chapman, to refer the matter to the Public Works department and the Traffic Engineer. The motion carried by a voice vote.
22. Alderman Erickson submitted a communication regarding the Grievance Process. After discussion, Erickson made a motion, seconded by Day, to waive the reading requirements and to set a meeting for the Fire and Police committee for Monday, December 1, 2008 at 6:30 p.m. The motion carried by a voice vote.
23. The Berwyn Historic Preservation Commission submitted a report, recommendation and Resolution regarding the nomination of the American State Bank Building; also known as the Berwyn National Bank Building, 6801 W. Cermak Road, as a local historic landmark. Thereafter, Erickson made a motion, seconded by Chapman, to concur and approve the Resolution as submitted. The motion carried by a unanimous roll call vote.
24. The Berwyn Historic Preservation Commission submitted a report, recommendation and Resolution regarding the nomination of the Berwyn National Bank Building; also known as MacNeal West Offices, 6804 W. Windsor Ave, as a local historic landmark. Thereafter, Chapman made a motion, seconded by Skryd, to concur and approve the Resolution as submitted. The motion carried by a unanimous roll call vote.

25. A deferred communication from the Finance director regarding an ordinance for the issuance of a \$2 million line of credit. After discussion, Erickson made a motion, seconded by Chapman, to defer the matter for 2 weeks and requested a draft from the Law department. The motion carried by a voice vote.
26. A deferred communication from the Finance director regarding Chicago Water Rate Increase ordinance. Thereafter, Erickson made a motion seconded by Day, to concur and adopt the ordinance as submitted. The motion failed by the following roll call: Yeas: Weiner, Skryd, Day. Nays: Chapman, Ramos, Phelan, Lovero. Pass, Erickson. Thereafter, Lovero made a motion, seconded by Chapman, to defer the matter for 2 weeks. The motion carried by a voice vote.
27. A deferred communication from the Fire Chief regarding the demolition of 1535 Clarence Avenue. Thereafter, Chapman made a motion, seconded by Skryd, to refer the matter to the Berwyn Historic Preservation Commission. The motion carried by the following roll call: Yeas: Chapman, Ramos, Weiner, Skryd, Day, Lovero, Erickson. Nays: Phelan.
28. A deferred communication from the Public Works director regarding the waiver of bids and award the repair of the Boom truck to Runnion Equipment. Thereafter, Chapman made a motion, seconded by Skryd, to suspend the rules and bring forth item J-5 as germane. The motion carried by a voice vote. Item J-5 is a communication from the Public Works director regarding the waiver of bids and award repair of the Boom Truck to Runnion Equipment in an amount not to exceed \$14,837.79. Thereafter, Chapman made a motion, seconded by Skryd, to concur and waive the bidding process. The motion carried by a unanimous roll call vote.
29. The Assistant Fire Chief submitted a communication regarding change order to the 16th Street Firehouse construction. After discussion, Erickson made a motion, seconded by Lovero, to concur and approve for payment in an amount not to exceed \$38,581. The motion carried by a unanimous roll call vote.
30. The Fire Chief submitted a communication regarding the purchase of a Used Vehicle for ESDA. After discussion, Erickson made a motion, seconded by Lovero, to concur, waive the bidding process, and to approve for payment in an amount not to exceed \$21,000. The motion carried by a unanimous roll call vote.

31. The Police Chief submitted a communication regarding Asset Forfeiture letter, U.S. Department of Justice. The Mayor recognized Chief Kushner who briefed the Council on the communication and was available for questions. Thereafter, Chapman made a motion, seconded by Erickson, to refer the matter to the Finance department. The motion carried by a voice vote.
32. Weiner made a motion, seconded by Skryd, to continue the City Council meeting beyond 10:00 p.m. per city ordinance. The motion carried by a voice vote.
33. The Law department submitted a communication regarding a Sublease Agreement for 7125 Windsor Avenue, also known as the Harlem Avenue train station with an attached ordinance entitled:

AN ORDINANCE OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS APPROVING A SUBLEASE AGREEMENT BY AND BETWEEN THE CITY OF BERWYN AND ALEX VESELY

Thereafter, Erickson 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. After further discussion, the motion was amended by Erickson and seconded by Day, to negotiate the lease due to the construction scheduled to begin soon. The motion to concur and **adopt** as amended carried by a unanimous roll call vote.

34. The Finance director submitted a communication regarding the clarification of discussion about the building vehicle purchases. Thereafter, Erickson made a motion, seconded by Chapman, to refer the matter to the Committee of the Whole. The motion carried by a voice vote.
35. The Finance director submitted a communication regarding the 100th Anniversary celebration results. Thereafter, Erickson made a motion, seconded by Weiner, to accept the matter as informational. The motion carried by a voice vote.
36. The Finance director submitted a communication regarding the Garbage Rate Increase along with an ordinance entitled:

AN ORDINANCE ADJUSTING SOLID WASTE COLLECTION FEES FOR THE 2009 FISCAL YEAR IN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

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

37. The Finance director submitted a communication regarding a Collection Agency Agreement with Harris & Harris, Ltd. Thereafter, Erickson made a motion, seconded by Day, to concur and approve the agreement as submitted. The motion carried by a unanimous roll call vote.
38. The Traffic Engineer submitted a communication regarding two (2) hour diagonal parking at 16th Street and Wesley Avenue. After discussion, Phelan made a motion, seconded by Skryd, to concur and approve as submitted. The motion carried by a unanimous roll call vote.
39. The Traffic Engineer submitted a communication regarding emergency vehicle access on 26th Street and Euclid Avenue. Thereafter, Erickson made a motion, seconded by Weiner, to approve and refer the matter to the Ordinance and Resolutions committee. The motion carried by a voice vote.
40. The Human Resources director submitted a communication regarding the AFSCME contract changes for 2008. Thereafter, Erickson made a motion, seconded by Phelan, to concur and approve as amended on face. The motion carried by a unanimous roll call vote.
41. The Consent Agenda, items K-1 through K-5 were submitted. Thereafter, Day made a motion, seconded by Skryd, to recuse Alderman Phelan from voting on the payables item #339694. The motion carried. Thereafter, Lovero made a motion, seconded by Skryd, to approve item #339694 for payment. The motion carried by a voice vote.
 - K-1-The budget chairman submitted the payroll for October 29, 2008
In the amount of \$827,087.19
 - K-2-The budget chairman submitted the payables for November 11, 2008
In the amount of \$1,805,564.38
 - K-3-The collector submitted the business licenses issued in October, 2008
 - K-4-The building director submitted the building permits issued in
October, 2008
 - K-5-Misericordia Heart of Mercy, Tag Days, April 24th and 25th , 2009Thereafter, Lovero made a motion, seconded by Erickson, to concur and approve the Consent agenda by Omnibus Vote Designation. The motion carried by a unanimous voice vote.

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42. A deferred communication from the Clerk regarding the Resolution appointing Municipal Electoral Board Legal Counsel. Thereafter, Mayor O'Connor invoked Rule 28 to have the item withdrawn from the agenda. After discussion, Lovero made a motion, seconded by Erickson, to deny the communication. The motion carried by the following roll call: Yeas: Chapman, Weiner, Skryd, Day, Phelan, Lovero, Erickson. Nays: Ramos.
43. The Mayor called for a Committee of the Whole meeting for Monday, November 24, 2008 at 7:00 p.m. for referrals. Weiner by Lovero to concur. The motion carried.
A Committee of the Whole was called for Tuesday, November 25, 2008 at 6:00 p.m. for referrals.
44. Alderman Erickson called a Fire and Police committee meeting for Monday, December 1, 2008 at 6:30 p.m. for grievance process.
45. Alderman Skryd called an Administration committee meeting for Tuesday, November 18, 2008 at 5:30 p.m. for referrals
46. There being no further business to come before the meeting, same was, after a motion by Ramos, seconded by Erickson, to adjourn at the hour of 10:36 p.m. The motion carried by a voice vote.

Respectfully submitted,

Thomas J. Pavlik
City Clerk