

City of Berwyn City Council Meeting

MARCH 24, 2009

BERWYN CITY COUNCIL MEETING
MARCH 24, 2009

DEAR ATTENDEE.....THE MAYOR AND CITY COUNCIL WELCOME YOU. PLEASE KEEP IN MIND THAT THIS IS A MEETING OF THE MAYOR AND COUNCIL MEMBERS AS OPPOSED TO A PUBLIC HEARING WHERE ATTENDEES ARE ENCOURAGED TO PARTICIPATE. UNLESS INVITED BY THE MAYOR TO SPEAK, YOU ARE REQUESTED NOT TO INTERRUPT. IF YOU ARE RECOGNIZED BY THE MAYOR, PLEASE PREFACE YOUR REMARKS BY STATING YOUR NAME AND ADDRESS FOR THE RECORD. THANK YOU.

MICHAEL A. O'CONNOR
MAYOR

THOMAS J. PAVLIK
CITY CLERK

AGENDA

ROLL CALL

- (A) PLEDGE OF ALLEGIANCE - MOMENT OF SILENCE
- (B) OPEN FORUM - (TOPIC MUST NOT BE ON THE AGENDA)
- (C) PRESENTATION OF PREVIOUS MEETINGS MINUTES FOR APPROVAL
 - 1. REG-3/10/09-COW 3/10/09
- (D) BID OPENING - TABULATIONS
 - 1. BERWYN LIBRARY-REPLACEMENT OF CHILLER CONDENSER BUNDLES
- (E) BERWYN DEVELOPMENT CORP.-BERWYN TOWNSHIP/HEALTH DISTRICT
- (F) REPORTS AND COMMUNICATIONS FROM THE MAYOR
 - 1. DEFER-MAYOR-2009 BUDGET
 - 2. 2009 BUDGET
 - 3. PROC-ARBOR DAY-APRIL 24, 2009
 - 4. FIREMEN'S PENSION BD
 - 5. LIQUOR LICENSE CHANGE
 - 6. ZONING BD VARIATION REQUEST
 - 7. INTERGOVERNMENTAL AGREEMENT WITH THE NORTH BERWYN PK DIST
- (G) REPORTS AND COMMUNICATIONS FROM THE CITY CLERK
 - 1. APPROVAL OF CLOSED COW MINUTES
- (H) COMMUNICATIONS FROM (ZONING) BOARD OF APPEALS
 - 1. DEFER-ZBA-RESOL/ORD BUSHOUSE & RESTORED PROPERTIES, INC
3133-3137-3141 OAK PARK AVE
- (I) REPORTS AND COMMUNICATIONS FROM ALDERMEN, COMMITTEES OTHER BOARDS AND COMMISSIONS
 - 1. DEFER-BHPC-NOMINATE MARIK & SONS BLDG-6507 CERMAK-HISTORIC LANDMARK
 - 2. RAMOS-STOP SIGNS 33RD ST & CLARENCE-REFERAL TO TRAFFIC ENGINEER
 - 3. RAMOS-EMMANUEL BIBLE CH REQ APPROVAL OF ACCESS TO HANDICAP RAMP
 - 4. RAMOS-EMMANUEL BIBLE CH REQ APPROVAL OF ALTERNATE PLANS
 - 5. PHELAN-CRIME FREE MULTI-FAMILY HOUSING ORDINANCE
 - 6. PHELAN-1926 EAST AVENUE
 - 7. F/P COMM-PROMOTE- R. FRON-LIEUTENANT-
 - 8. F/P COMM-APPT R. MCCORRY-PROB FIREFIGHTER

(J)

STAFF REPORTS

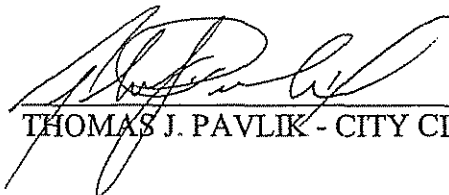
1. DEFER-LAW-ORD-AMEND CHAP 480 REG. ST. SWEEPING ON WINDSOR & STANLEY AVE
2. FIRE CHIEF-PROMOTE-R. FRON-LIEUTENANT-J. LOTITO-ENGINEER-APPT. R. MCCORRY-PROB. FIREFIGHTER
3. POLICE CHIEF-SWEARING IN OF PROB POLICE OFFICER-TROFIMCUK
4. POLICE CHIEF-MORTON WEST TRAFFIC PLAN
5. POLICE CHIEF-ASSET FORFEITURE LETTER, U.S. DEPT OF JUSTICE DATED 3/11/09
6. FINANCE DIR-2009 APPROPRIATIONS ORDINANCE
7. FINANCE DIR-UPDATE ON USE OF 2007 BOND PROJECTS
8. FINANCE DIR-CCMSI 2008 EXCESS CLAIMS
9. FINANCE DIR-2008 PRELIMINARY FINANCIAL RESULTS
10. PW DIR- LANDSCAPE MAINTENANCE SERVICES
11. LAW-7135 W. ROOSEVELT RD-YARD DEPTH VARIANCE
12. LAW-LA NOTTE HANDICAP RAMP
13. LAW-6631 W. 26TH ST. RESOLUTION TO PURCHASE
14. LAW-ORD 33RD ST & CLARENCE-STOP SIGNS

(K)

CONSENT AGENDA: ALL ITEMS ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED IN ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER SO REQUESTS. IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED AS THE FIRST ITEM AFTER APPROVAL OF THE CONSENT AGENDA

1. BUDGET CHAIRMAN-PAYROLL-3/18/09-\$884,940.82
2. BUDGET CHAIRMAN-PAYABLES-**Payables unavailable, will be on website ASAP**
3. ERICKSON-HANDICAP SIGN-N. IVY-1429 CLARENCE-**APPROVE**
4. GIRL SCOUTS-LISLE CENTER-EXTEND COOKIE SALES- WEEKENDS 4/09
5. AMERICAN CANCER SOCIETY-TAG DAY-5/2/09

ITEMS SUBMITTED ON TIME 38


THOMAS J. PAVLIK - CITY CLERK

Sections A & B

A. Pledge of Allegiance-Moment of Silence

B. Open Forum

Topic must NOT be on the Agenda

Open space for comments or ideas.

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Section C

Presentation of Previous Meeting Minutes For Approval



MICHAEL A. O'CONNOR
MAYOR

THOMAS J. PAVLIK
CITY CLERK

MINUTES
BERWYN CITY COUNCIL
MARCH 10, 2009

1. The regular meeting of the Berwyn City Council was called to order by Mayor O'Connor at 8:26 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 Mother-in Law of Carl Reina, Sr., the safety of our armed forces, police, firefighters, and paramedics.
3. The Open Forum portion of the meeting was announced. The Mayor recognized Police Chief Kushner who reported on all uniform crime reporting agencies, see attached. The Mayor recognized Erica Rosato, 1926 East Avenue who spoke regarding sewage backup into her residency. The matter was discussed at the last city council meeting and she is requesting to see video done of the sewer system by the public works department. The Mayor stated that he will ask if the video exists. The resident supplied pictures of the damages. The Mayor recognized Martha Rivera, 3515 Oak Park Avenue who spoke regarding La Quinta Restaurant on Ogden Avenue and Euclid and the conditions resulting from this establishment. The Mayor recognized a resident from 1645 Scoville who thanked the aldermen for keeping the Berwyn Housing Center going. The Mayor recognized a resident from 1637 Grove, who is a member of the Board of the Housing Center who also thanked the aldermen for voting to keep the Center in the budget and reported on crime statistics in apartments on the 1900 block of Grove Avenue, see attached.
4. The minutes of the regular City Council meeting and the Committee of the Whole held on February 25, 2009 were submitted. Thereafter, Erickson made a motion, seconded by Weiner, to concur and approve as submitted. The motion carried by a voice vote.
5. The Berwyn Development Corporation submitted a request for a Commercial Loan approval for Physicans' Record Company. Thereafter, Erickson made a motion, seconded by Day, to concur and approve as submitted in an amount not to exceed \$305,000. The motion carried by

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

6. A deferred communication from the Mayor regarding the 2009 Budget. After discussion, Skryd made a motion, seconded by Ramos, to defer the matter for 2 weeks. The motion carried by a voice vote.
7. The Mayor submitted a Resolution for the Neighborhood Stabilization Project. 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.
8. The Mayor submitted a Resolution regarding the Berwyn Playground Recreation Commission's Annual Baseball Parade on Saturday, April 25, 2009 beginning at 9:00 a.m. Thereafter, Ramos made a motion, seconded by Lovero, to concur and **adopt** the Resolution as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a voice vote.
9. The Mayor submitted a communication regarding parking at 21st and Wesley Avenue. After discussion, Erickson made a motion, seconded by Phelan, to refer the matter to the Committee of the Whole and the Traffic Engineer. The motion carried by a voice vote.
10. The Mayor submitted a communication regarding the Mayor's Lobbying efforts in Springfield. Thereafter, Chapman made a motion, seconded by Weiner, to accept the matter as informational. The motion carried by a voice vote.
11. The Zoning Board of Appeals submitted a Resolution and Ordinance regarding Bushouse & Restored Properties, Inc., 3133-3137-3141 Oak Park Avenue. Thereafter, Skryd made a motion, seconded by Ramos, to defer the matter for 2 weeks. The motion carried by a voice vote.
12. The Zoning Board of Appeals submitted a Resolution for the Markham Petroleum Company, 1600 Ridgeland with a recommendation to deny the Non-Conforming Use variance for an automatic car wash. Thereafter, Phelan made a motion, seconded by Lovero, to override the decision of the Zoning Board of Appeals and approve the Resolution as presented. The motion was defeated by the following roll call: Yeas: Chapman, Day, Phelan, Lovero. Nays: Ramos, Weiner, Skryd, Erickson, O'Connor.
13. A deferred communication from the Berwyn Historic Preservation Commission regarding the nomination of Marik & Sons building, 6507 W.

Cermak Road, as an Historic Landmark. After discussion, Skryd made a motion, seconded by Erickson, to defer the matter for 2 weeks. The motion carried by the following roll call: Yeas: Chapman, Weiner, Skryd, Day, Lovero, Erickson. Nays: Ramos, Phelan.

14. Alderman Chapman submitted a communication regarding an addition and revision to the Liquor ordinance. After discussion, Chapman made a motion, seconded by Ramos, to refer the matter to the Committee of the Whole and the Law department to draft. The motion carried by a voice vote.
15. Alderman Ramos submitted a communication regarding the refunding of permit and inspection fees in the amount of \$5,535, to Emmanuel Bible Church. After discussion, Ramos made a motion to direct the building department to waive fees for all churches and non profit organizations. After discussion, the motion was withdrawn. Thereafter, Ramos made a motion, seconded by Lovero, to concur and refund the permit and inspections fees. The motion was defeated by the following roll call: Yeas: Chapman, Ramos, Skryd, Lovero. Nays: Weiner, Day, Phelan, Erickson, O'Connor.
16. Alderman Ramos submitted a communication regarding stop signs at 33rd Street and Clarence Avenue. After discussion, Ramos made a motion, seconded by Chapman, to refer the matter to the Law department and the Traffic Engineer. The motion carried by a voice vote.
17. Alderman Ramos submitted a communication regarding barricades at Scoville Avenue and 37th Street. After discussion, Ramos made a motion, seconded by Chapman, to refer the matter to the Traffic Engineer. The motion carried by a voice vote.
18. The Administration Committee submitted a communication regarding the removal of referral items. Thereafter, Skryd made a motion, seconded by Lovero, to accept the matter as informational. The motion carried by a voice vote.
19. Alderman Skryd submitted a communication regarding the installation of a guard rail at 2812 Ridgeland Avenue. After discussion, Skryd made a motion, seconded by Chapman, to concur and approve as submitted and to refer the matter to the public works department for installation. The motion carried by a unanimous roll call vote.
20. Alderman Erickson submitted a communication regarding McDonald's request to demolish and rebuild. After discussion, Erickson made a motion,

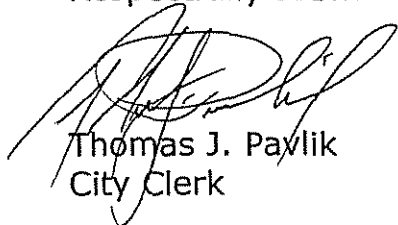
seconded by Lovero, to concur and refer to the Law department to draft a zoning variance. The motion carried by a unanimous roll call vote.

21. The Public Works Committee submitted a communication regarding Seasonal Planting with the recommendation to approve Seasonal Planting RFP. After discussion, Phelan made a motion, seconded by Chapman, to concur and approve as amended the number of planters on Cermak Road to a total of 29. The motion carried by a voice vote.
22. The Board of Fire and Police Commissioners submitted a communication regarding the appointment of Robert Trofimchuk, as a Probationary Police Officer, off of the Lateral list. Thereafter, Erickson made a motion, seconded by Day, to accept the matter as informational. The motion carried by a voice vote.
23. A deferred ordinance from the Law department entitled:
AN ORDINANCE OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS, AMENDING CHAPTER 480 AND 484 OF THE TRAFFIC CODE
Thereafter, Lovero 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.
24. The Finance director submitted a communication regarding the Appropriation Ordinance Public Hearing notice. Thereafter, Erickson made a motion, seconded by Lovero, to concur and approve as submitted. The motion carried by a unanimous roll call vote.
25. The Law department submitted a communication regarding the settlement of Case No. 06 WC 7325 (Illinois Workers Compensation Commission). Thereafter, Erickson made a motion, seconded by Day, to concur and approve as submitted. The motion carried by a unanimous roll call vote.
26. The Law department submitted an ordinance amending chapter 480 of the Codified Ordinances regarding Street Sweeping on Windsor and Stanley Avenues. Thereafter, Chapman made a motion, seconded by Ramos, to defer the matter for 2 weeks. The motion carried by a voice vote.
27. The Consent Agenda items K-1 through K-9 were submitted
K-1- Budget chairman submitted the payroll in the amount of \$874,974.38
K-2 -Budget chairman submitted the payables in the amount of
\$1,809,995.86

- K-3 - Ramos submitted a handicap sign request for M. Perch, 3825 Cuyler Avenue with a recommendation to **deny**
- K-4- Skryd submitted a handicap sign request for J. Tucker, 2719 Cuyler Avenue with a recommendation to **approve**
- K-5 - Lovero submitted a handicap sign request for P. Pabon, 1514 Kenilworth Avenue with a recommendation to **deny**
- K-6 - The collector submitted the business licenses issued February, 2009
- K-7 The building director submitted the building permits issued February, 2009
- K-8 The Salvation Army requested Donut Days on June 5th and 6th, 2009 and Red Kettle Campaign from November 13th, through, December 26th, 2009
- K-9 The Girl Scouts requested an extension of annual Scout Cookie sales to April 30, 2009

- 28. Discussion ensued regarding the Council remaining after the regular meeting in order to re convene the Committee of the Whole. The Mayor asked for a vote for those willing to continue this evening, with Chapman, Skryd, Lovero; aye, Ramos, Weiner, Day, Phelan, Erickson; nay.
- 29. The Mayor requested a special Committee of the Whole for Tuesday, March 17, 2009 at 7:00 p.m. The meeting was approved by the following roll call: Yeas: Chapman, Weiner, Skryd, Day, Lovero, Erickson. Nays: Ramos, Phelan. Thereafter, the Mayor called a regular Committee of the Whole meeting for Tuesday, March 24, 2009 at 6:00 p.m.
- 30. The Administration Committee called a meeting for Tuesday, March 17, 2009 at 5:00 p.m. for referrals
- 31. There being no further business to come before the meeting, same was, after a motion by Ramos, seconded by Lovero, to adjourn the City Council meeting and the Committee of the Whole at the hour of 9:40 p.m. The motion carried by a voice vote.

Respectfully submitted,



Thomas J. Pavlik
City Clerk

COMMITTEE OF THE WHOLE
MARCH 10, 2009

1. The Committee of the Whole was called to order by Mayor O'Connor at 6:10 p.m. Upon the call of the roll, the following responded present: Chapman, Ramos, Weiner, Day, Lovero, Erickson. Absent: Skryd, Phelan.
2. Chapman made a motion, seconded by Weiner, to excuse Aldermen Skryd and Phelan. The motion carried by a voice vote.
3. **Agenda Item I-8-McDonald's request to demolish and rebuild**-The Mayor recognized representatives from McDonald's, Anita Thomas, and architect, Elaine Kindt, who presented plans and artist rendering for McDonald's plan for Roosevelt Road and stated that the only variance needed is for the set back. The Mayor asked for a consensus from Council to approve the demolition and waive the variance. Prior to the consensus being taken, Rich Bruen suggested not waiving the zoning variance. Discussion ensued on waiving the variance for the McDonald location. Thereafter, consensus was taken with 5-1 in favor with Weiner against to approve and refer to the Law department to draft and ordinance for the variance.
4. The Mayor requested a motion to go into closed session for pending litigation, land acquisition, and review of closed meeting minutes. Thereafter, Ramos made a motion, seconded by Day, to close the Committee of the Whole at 6:31 p.m. The motion carried by a voice vote.

The open portion of the Committee of the Whole resumed at 7:14 p.m.
Aldermen Skryd and Phelan now present.

5. **Budget Discussion**-The Mayor recognized Finance director, John Wysocki, who referred to the email from the aldermen regarding ideas for any budget additions or deletions. Wysocki stated that he heard from a few of the aldermen and placed some of the suggestions on a tally board. The suggested cuts in spending were as follows:
 1. Mainstreet at \$52,950
 2. Berwyn Housing Center-\$225,000
 3. NBPD-16th St Theater-\$10,000
 4. Reopen Public Works contract negotiations and wage concession
 5. Hire part time retirees for building electrical and plumbing Inspections
 6. Eliminated the Community Relations Commission-\$8,382

7. Berwyn Historical Society funding-\$5,000
8. Cutting advertising funds, Wysocki noted these are TIF fund and not out of the city's budget.

The Mayor then asked if there were any other suggestions from the Aldermen to add, before we take a consensus for all the items on the board one by one.

9. Skryd suggested outsourcing the Human Resource department
10. Phelan suggested eliminating the Fleet department
11. Skryd suggested 1 supervisor for the Public Works Department
12. Ramos suggested eliminating the Director of Neighborhood Affairs as a department head and just making the person an Employee under the building department, not as a supervisor
13. Ramos suggested purchasing hybrid vehicles to save money on fuel costs.
14. Ramos suggested cutting an additional 1% to 2% from each Department.

Thereafter, discussion ensued on the possibilities of the budget not passing by the end of March. Bruen explained the consequences, which may put the City's Tax Levy ordinance in jeopardy. The Mayor then asked for a consensus on each item.

1. Main Street Funding-@\$52,950-403 to remove from budget
Ramos, Day, Phelan, Erickson, aye, Chapman, Weiner, Lovero, Skryd, abstained.
2. Berwyn Housing Center Funding-Wysocki stated that would not be \$225,000 but only for ½ a year. Consensus 4-4 tie with Chapman, Ramos, Day, Lovero, in favor of cutting, Weiner, Skryd, Phelan, Erickson, O'Connor, against
3. NBPD-16th St. Theater-consensus for removing from budget, Ramos in favor. Chapman, Skryd, Day, Lovero, Erickson; against. Weiner, Phelan, abstaining
4. Public Works contract-The Mayor did not take a vote on this matter it was just taken as informational, stating that the City is always trying to get unions to grant concessions.
5. Cutting advertising-8-0 in favor of passing on this at this time
6. Eliminating Community Relations Commission-Alderman Ramos questioned Terry Shonder, director, on how many cases have been heard this year, answer, none. Ms. Shonder explained that the current functions of the commission and also stated that the commission achieved compliance with the sexual Orientation ordinance and also the commission compiles and distributes new residence packets; consensus 8-0 in favor of keeping Community Relations in the budget.
7. Berwyn Historical Society funding-consensus to remove, 3-4

COMMITTEE OF THE WHOLE
MARCH 10, 2009

Against, with 1 pass, with Weiner, Day, Phelan, voting aye, Chapman, Ramos, Skryd, Lovero, nay, Erickson passed on the Vote, consensus, funding will remain in budget.

8. Cutting Advertising funding, the mayor stated that this does not come out of the General Fund, no consensus taken at this time
9. Remove H.R. director and outsource, discussion ensued on the possibility of outsourcing. Thereafter, consensus on passing on this item until more information, including the total savings may be had.
10. Lovero also suggested taking no vote on item #10, eliminating Fleet department; consensus on passing on these 2 Items until there is more information available; 8-0 in favor
11. Removing 1 public works supervisor from the budget-Discussion ensued regarding total amount of salary plus benefits, the mayor asked for a consensus to keep in the budget, after further discussion, no vote was taken in the matter.

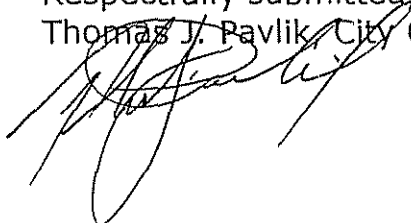
John Wysocki presented more suggestions as they came from the Aldermen

- Increase vehicle sticker fees
- Increase fuel tax
- 5% tax increase, Wysocki stated that it was to late, the tax Levy has been set for the year at 0
- Increase funding to the Berwyn Historic Preservation Commission by \$5,000
- Pay for Oak Park lighting from MFT instead of General Budget Fund, Wysocki suggested possibly paying out of the Bond Fund. After discussion, Wysocki suggested transferring the funds from the Capital Bond to pay for the project. The Mayor asked for a consensus to go forward and get figures involved, 6-0 in favor with Chapman and Skryd passing.

The Mayor asked for the Committee of the Whole to be recessed at this time and to be continued after the City Council meeting.

6. Chapman made a motion, seconded by Ramos, to recess the Committee of the Whole at 8:16 p.m. The motion carried
7. Discussion ensued at the end of the City Council meeting on whether to continue the Committee of the Whole, with Chapman, Skryd, Lovero, in favor, Ramos, Weiner, Day, Phelan, Erickson, against. Thereafter, Ramos made a motion, seconded by Lovero, to adjourn the Committee of the Whole at 9:40 p.m. The motion carried.

Respectfully submitted,
Thomas J. Pavlik, City Clerk



Section D

Bid Openings – Tabulations

D-1

**LEGAL NOTICE
INVITATION TO BID**

The City of Berwyn will accept bids from General Contractors for a project at the Public Library, 2701 S. Harlem:

Replacement of chiller condenser bundles for the McQuay, Model WHR100B1 100 ton chiller

Sealed bids will be received until 12 noon, Friday, March 20, 2009 at the office of Berwyn City Clerk at 6700 W. 26th Street, Berwyn, Illinois 60402. Bids will be opened at the City Council meeting on Tuesday, March 24 at 8:00 p.m. All envelopes must be marked "Sealed Bid for the Public Library for the Replacement of Chiller Condenser Bundles."

Bidding requirements and specifications for the projects can be obtained by calling the library's Administrative Assistant at (708) 795-8000 extension 3029 or the Maintenance Supervisor at extension 3060.

The successful bidder will enter into a contract with the City of Berwyn, be licensed by the City, provide a 100% performance bond, provide permits, labor and material waivers.

The City reserves the right to reject any and all bids.

**By Order of Berwyn Public Library Board of Directors
s:// Thomas J. Pavlik, Berwyn City Clerk**

Section E

Berwyn Development Corp.
Berwyn Township/Health District

Section F

Reports and Communications From The Mayor

F-1

CITY OF BERWYN

CITY COUNCIL MEETING (Date) 03/24/09

Deferred Communication

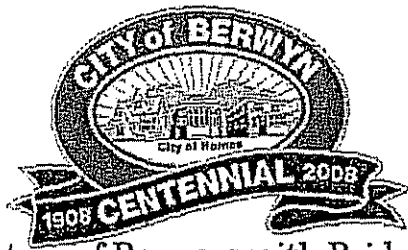
Agenda Item F-1 is a Deferred Communication from C C Meeting dated 03/10/09 Item #6

FROM Mayor

Re: 2009 Budget

The City of Berwyn

F/b



A Century of Progress with Pride

6700 West 26th Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2670
www.berwyn-il.gov

Michael A. O'Connor
Mayor

ITEM NO. 11
DATE FEB 25 2009

DISPOSITION
Refer

RI NO. 6
DATE MAR 10 2009

DISPOSITION
Refer

Date: February 23, 2009
To: Members of the City Council
From: Mayor Michael A. O'Connor
Re: 2009 Budget

Ladies and Gentlemen:

I plan to review the current changes to the 2009 Budget in our Committee of the Whole Meeting on Wednesday.

I can assure you that our staff will make every effort to cut costs on a daily basis in order to make up for any loss in revenues we may experience due to the current economy. I believe passing this budget as soon as possible will allow our staff to have a starting point in order to reach our goals.

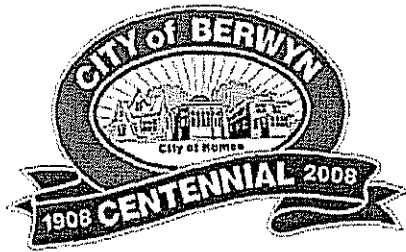
Sincerely,

Michael A. O'Connor

Michael A. O'Connor
Mayor

MAC/ws

The City of Berwyn



Michael A. O'Connor
Mayor

A Century of Progress with Pride

6700 West 26th Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2567
www.berwyn-il.gov

Date: March 19, 2009
To: Members of the City Council
From: Mayor Michael A. O'Connor
Re: 2009 Budget

Ladies and Gentlemen:

We will be discussing the budget in our Committee of the Whole meeting after the public hearing for the same.

It is my hope we will be able to pass the 2009 Budget as amended.

Sincerely,

Michael A. O'Connor
Mayor

MAO/ws

City of Berwyn
Budget Summary - All Funds
2009 Budget

Fund	Special Revenue Funds							
	General Fund	Library Fund	Community Outreach Fund	Senior Citizen's Fund	Community Development Fund	Foreign Fire Tax Fund	Motor Fuel Tax Fund	S. Berwyn TIF Fund
2009 Budget								
Revenues								
Taxes	\$ 28,930,790	\$ 2,497,312	\$ -	\$ -	\$ -	\$ 21,000	\$ -	\$ 1,230,000
Licenses and Permits	2,564,800	-	-	-	-	-	-	-
Charges for Services	6,297,200	25,000	-	-	-	-	-	-
Fines	4,160,000	20,000	-	-	-	-	-	-
Intergovernmental Revenues	88,000	90,000	-	44,000	1,654,039	-	1,550,000	-
Miscellaneous Revenues	1,023,795	3,000	16,500	60,150	-	75	50,000	43,000
Other Financing Sources	1,820,594	-	160,000	112,006	40,000	-	-	-
Total Revenues	44,885,179	2,635,312	176,500	216,156	1,694,039	21,075	1,600,000	1,273,000
Expenditures								
General Government	3,650,338	-	-	-	-	-	-	-
Public Safety	30,305,922	-	-	-	-	31,637	-	-
Public Works	3,805,412	-	-	-	-	-	1,403,000	-
Economic Development	413,514	-	-	-	1,694,039	-	-	1,303,104
Culture and Recreation	1,324,042	2,635,312	176,686	216,156	-	-	-	-
Garbage	4,160,000	-	-	-	-	-	-	-
Capital	904,336	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	312,465
Water and Sewer	-	-	-	-	-	-	-	-
Claims expense	-	-	-	-	-	-	-	-
Other Financing Uses	312,006	-	-	-	-	-	780,000	401,824
Total Expenditures	44,875,570	2,635,312	176,686	216,156	1,694,039	31,637	2,183,000	2,017,393
Surplus / (Deficit)	9,609	-	(186)	-	-	(10,562)	(583,000)	(744,393)
Projected Beginning Fund Balance	(169,318)	24,228	32,011	-	-	25,059	694,030	852,662
Estimated Ending Fund Balance	\$ (159,709)	\$ 24,228	\$ 31,825	\$ -	\$ -	\$ 14,497	\$ 111,030	\$ 108,269

**City of Berwyn
Budget Summary - All Funds
2009 Budget**

Fund	Special Revenue Funds			Capital Projects Fund	Debt Service Fund	Water & Sewer Fund	Internal Service Fund	Total All Funds
	Cermak TIF Fund	Roosevelt TIF Fund	Ogden Ave TIF Fund					
2009 Budget								
Revenues								
Taxes	\$ 1,700,000	\$ 575,000	\$ 1,027,930	\$ -	\$ 4,816,772	\$ -	\$ -	\$ 40,798,804
Licenses and Permits	-	-	-	-	-	-	-	2,564,800
Charges for Services	-	-	-	-	-	5,600,578	3,473,869	15,396,647
Fines	-	-	-	-	-	195,000	-	4,375,000
Intergovernmental Revenues	-	-	-	2,450,000	-	-	-	5,876,039
Miscellaneous Revenues	153,660	35,000	60,000	300,000	10,000	45,000	-	1,800,180
Other Financing Sources	-	-	-	-	554,071	-	-	2,686,671
Total Revenues	1,853,660	610,000	1,087,930	2,750,000	5,380,843	5,840,578	3,473,869	73,498,142
Expenditures								
General Government	-	-	-	-	-	-	-	3,650,338
Public Safety	-	-	-	-	-	-	-	30,337,559
Public Works	-	-	-	-	-	-	-	5,208,412
Economic Development	4,880,406	1,300,790	1,941,700	-	-	-	-	11,533,553
Culture and Recreation	-	-	-	-	-	-	-	4,352,195
Garbage	-	-	-	-	-	-	-	4,160,000
Capital	-	-	-	17,490,000	-	-	-	18,394,336
Debt Service	-	108,332	-	-	6,320,296	-	-	6,741,093
Water and Sewer	-	-	-	-	-	5,763,000	-	5,763,000
Claims expense	-	-	-	-	-	-	2,927,000	2,927,000
Other Financing Uses	-	78,570	475,501	-	-	-	-	2,047,901
Total Expenditures	4,880,406	1,487,692	2,417,201	17,490,000	6,320,296	5,763,000	2,927,000	95,115,388
Surplus / (Deficit)	(3,026,746)	(877,692)	(1,329,271)	(14,740,000)	(939,453)	77,578	546,869	(21,617,247)
Projected Beginning Fund Balance	8,072,303	1,757,168	1,886,608	18,263,548	876,407	47,105,936	(1,851,195)	77,569,448
Estimated Ending Fund Balance	\$ 5,045,557	\$ 879,476	\$ 557,337	\$ 3,523,548	\$ (63,046)	\$47,183,515	\$ (1,304,326)	\$ 55,952,201

**City of Berwyn
General Fund Summary
2009 Budget**

	2006	2007	2008	2008	2008	2009	Requested Budget Change	
	Balance	Balance	YTD 9/30/2009	Projected	Budget	Budget	Amount	Percent
Revenues								
Taxes	\$24,828,283	\$23,580,915	\$ 15,468,843	\$ 27,414,786	\$27,986,043	\$ 28,930,790	\$ 944,747	3%
Licenses and Permits	2,556,613	2,444,528	2,125,836	2,474,732	2,681,500	2,564,800	(116,700)	-4%
Charges for Services	4,948,659	6,070,053	4,734,003	6,380,338	6,278,000	6,297,200	19,200	0%
Fines	2,131,037	3,428,536	2,950,301	4,074,130	4,212,000	4,160,000	(52,000)	-1%
Intergovernmental Revenues	1,574,682	287,417	24,575	47,689	89,951	88,000	(1,951)	-2%
Miscellaneous Revenues	909,878	1,150,058	786,447	1,411,852	1,116,281	1,023,795	(92,486)	-8%
Other Financing Sources	1,760,000	14,004,715	151,152	1,613,355	2,288,235	1,820,594	(467,641)	-20%
TOTAL REVENUES	38,709,152	50,966,222	26,241,157	43,416,862	44,652,010	44,885,179	233,169	1%
Expenditures								
Mayor	\$ 282,345	\$ 176,988	\$ 112,738	\$ 161,108	\$ 176,427	\$ 153,685	\$ (22,742)	-13%
Clerk	236,816	170,636	109,726	171,789	191,749	186,380	(5,369)	-3%
Treasurer	12,037	16,969	11,323	15,561	15,872	13,975	(1,897)	-12%
Council	211,921	191,294	136,030	206,092	218,513	238,000	19,487	9%
Legal	528,403	537,686	391,951	697,137	598,898	619,772	20,874	3%
Finance	1,203,811	1,437,527	1,055,979	1,479,331	1,475,860	1,477,892	2,032	0%
Human Resources	193,336	161,926	102,186	145,853	196,463	123,818	(72,645)	-37%
Information Technology	485,142	719,188	436,357	622,178	721,498	744,316	22,817	3%
Statutory	468,199	215,992	222,790	99,265	176,000	92,500	(83,500)	-47%
Fire	11,497,640	11,896,598	7,508,836	11,821,055	11,513,531	11,739,573	226,042	2%
Police	15,865,567	17,682,877	10,982,294	17,805,184	18,162,074	18,542,625	380,551	2%
Fire and Police Commission	29,940	31,999	15,837	22,822	25,875	23,724	(2,151)	-8%
Building / Neighborhood Affairs	1,268,537	1,741,803	624,549	1,238,758	1,450,173	1,332,200	(117,973)	-8%
Streets	2,548,671	2,684,774	1,970,709	2,905,363	2,643,949	2,473,212	(170,736)	-6%
Zoning	15,378	15,646	10,689	14,764	16,064	16,064	-	0%
Community Development	495,674	-	-	-	-	-	-	#DIV/0!
Committee and Planning	81,426	337,122	665,715	781,913	650,697	397,450	(253,247)	-39%
Recreation	1,156,705	1,181,728	891,584	1,210,226	1,333,520	1,315,659	(17,861)	-1%
Community Relations	56,041	14,411	4,696	6,388	10,383	8,383	(2,000)	-19%
Garbage	2,516,150	3,793,645	2,963,975	3,971,936	3,996,399	4,160,000	163,601	4%
Capital	643,270	421,617	363,209	619,819	477,404	904,336	426,932	89%
Grants	95,542	-	-	-	-	-	-	#DIV/0!
Youth Commission	13,463	-	-	-	-	-	-	#DIV/0!
Library Fund subsidy	969,391	1,036,394	-	-	-	-	-	#DIV/0!
Community Outreach Fund subsidy	221,048	278,288	-	301,330	336,520	160,000	(176,520)	-52%
Community Development Fund Subsidy	-	3,433	-	-	-	40,000	40,000	#DIV/0!
Contingency	-	-	-	-	250,000	-	(250,000)	-100%
Transfer to other funds	-	139,539	-	-	-	112,006	112,006	#DIV/0!
Transfer out to Debt Service Fund	-	8,963,354	-	-	-	-	-	#DIV/0!
Total General Fund Expenditures	41,096,453	53,851,434	28,581,173	44,297,873	44,637,869	44,875,570	237,701	1%
Revenues less Expenditures	(2,387,301)	(2,885,212)	(2,340,016)	(880,991)	14,141	9,609	(4,532)	-32%
Fund Balance Beginning	6,481,173	3,596,885	711,673	711,673	711,673	(169,318)		
Projected Ending Fund Balance	\$ 4,093,872	\$ 711,673	\$ (1,628,343)	\$ (169,318)	\$ 725,814	\$ (159,709)		

**City of Berwyn
2009
Annual Budget**

For the Fiscal Year Beginning January 1, 2009

Revenue Streams

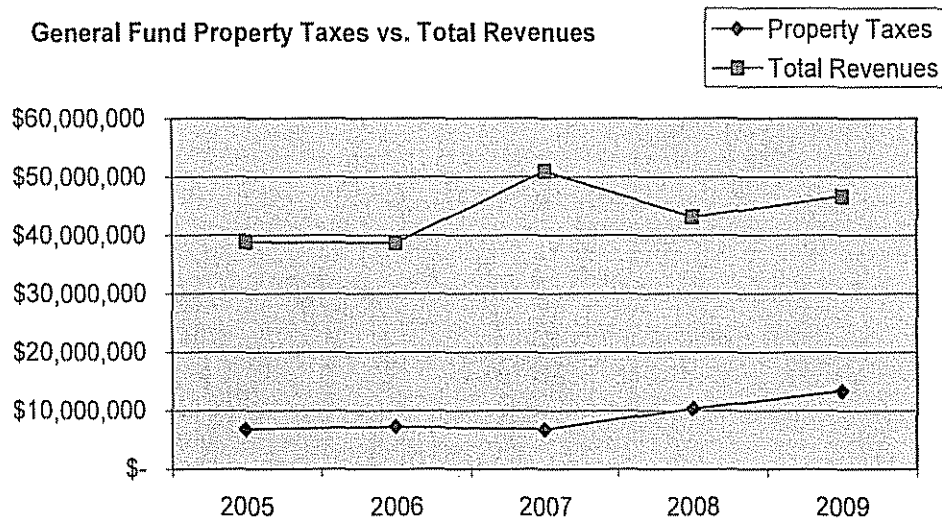
The City relies on a variety of revenue streams to fund services. Many of these revenues are subject to economic fluctuations; however, expenditures are not. Historically speaking 18-19% of the City's revenue comes from property taxes and 45% of the City's revenues are derived from other taxes.

Property taxes –

Property taxes are levied upon all City property owners at a calculated rate per \$1,000 of assessed property valuation on both real and personal property. The tax levy is established by the City by December 31 each year to be collected the year after. Property taxes are collected by the County in two installments, the first in March and the second usually in September or October. The September bills are based on the previous December's levy. However the March collection is based on the levy from two years before. The chart below summarizes the General Fund's reliance on property taxes.

Summary of General Fund Property Taxes					
Revenue Year	2005	2006	2007	Projected 2008	Budgeted 2009
Levy Year	2004	2005	2006	2007	2008
Property Taxes	\$ 6,798,575	\$ 7,282,496	\$ 6,749,063	\$ 10,747,243	\$ 12,380,790
Total Revenues	38,871,644	38,709,152	50,963,719	43,416,882	44,885,179
% of total	17%	19%	13%	25%	28%

General Fund Property Taxes vs. Total Revenues



City of Berwyn
2009
Annual Budget

For the Fiscal Year Beginning January 1, 2009

Revenue Streams

Real Estate Transfer –

Real Estate Transfer fees are accrued based on the sale price of property and remitted to the City. This tax is currently levied at 1% of sale price.

All Other Taxes –

This line encompasses taxes on liquor sales, gasoline sales, parking lot taxes, video taxes, and miscellaneous taxes.

The following chart summarizes tax revenue for 2005 through 2009. Amounts for 2005-2007 are actual, 2008 amounts are a projection based on actual receipts from the first three quarters of the year. The 2009 budget is based on 2008 projections, past years' trends and information provided by the Illinois Municipal League.

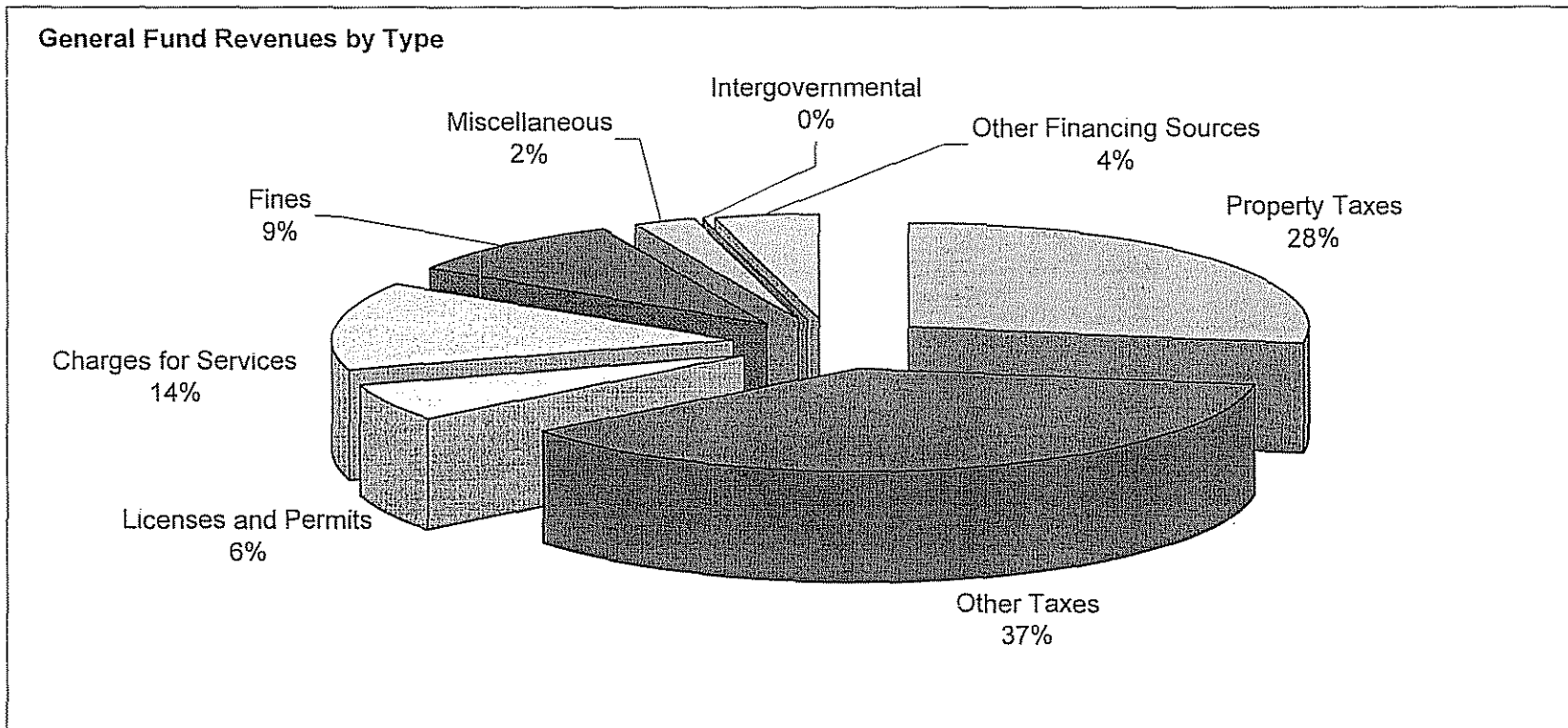
Revenue Year	Summary of Other Tax Revenue				
	2005	2006	2007	Projected 2008	2009
State Income	\$ 4,802,668	\$ 5,132,141	\$ 5,518,357	\$ 5,900,000	\$ 5,900,000
1% State Sales	2,596,951	2,886,605	2,886,108	2,742,450	2,625,000
Home Rule Sales	1,894,374	1,957,207	2,011,687	2,013,423	1,925,000
Municipal Utility	4,234,654	3,979,120	4,178,301	4,500,000	4,400,000
Real Estate Transfer	3,250,800	2,915,139	1,565,735	989,133	975,000
All other	678,993	675,577	671,664	642,748	725,000
Total Other Taxes	\$ 17,458,440	\$ 17,545,788	\$ 16,831,852	\$ 16,787,754	\$ 16,550,000
Total General Fund Revenues	\$ 38,896,768	\$ 38,709,152	\$ 50,963,719	\$ 43,416,882	\$ 44,885,179
Other taxes as a % of Total Revenues	45%	45%	33%	39%	37%

As the table above shows the 2007 actual revenue from Real Estate Transfer taxes is significantly less than received in past years. This decrease was due to a downturn in the real estate market beginning in 2007. The City has continued to feel the effects of the struggling housing market and has had to adjust projections for 2008 remaining collections and for 2009 collections.

The following pages show the details of the 2009 budgeted revenue lines in the General Fund.

**City of Berwyn
Summary of General Fund Revenues
2009 Budget**

Revenue	2006 Actual	2007 Actual	2008 YTD 9/30/2008	2008 Projected	2008 Budget	2009 Budget	Requested Budget Change	
							Amount	Percent
Property Taxes	\$ 7,282,496	\$ 6,749,063	\$ 5,103,697	\$ 10,627,032	\$ 10,747,243	\$ 12,380,790	\$ 1,633,547	15%
Other Taxes	17,545,787	16,831,852	10,365,146	16,787,754	17,238,800	16,550,000	(688,800)	-4%
Licenses and Permits	2,556,613	2,444,528	2,125,836	2,474,732	2,681,500	2,564,800	(116,700)	-4%
Charges for Services	4,948,659	6,070,053	4,734,003	6,380,338	6,278,000	6,297,200	19,200	0%
Fines	2,131,037	3,428,536	2,950,301	4,074,130	4,212,000	4,160,000	(52,000)	-1%
Miscellaneous Revenues	909,878	1,147,555	786,447	1,411,852	1,116,281	1,023,795	(92,486)	-8%
Intergovernmental Revenues	1,574,682	287,417	24,575	47,689	89,951	88,000	(1,951)	-2%
Other Financing Sources	1,760,000	14,004,715	151,152	1,613,355	2,288,235	1,820,594	(467,641)	-20%
Total General Fund Revenues	\$ 38,709,152	\$ 50,963,719	\$ 26,241,157	\$ 43,416,882	\$ 44,652,010	\$ 44,885,179	\$ 233,169	1%



City of Berwyn
General Fund Revenues
2009 Budget

Account Number	Revenue	2006 Balance	2007 Balance	2008 YTD 9/30/2008	2008 Projected	2008 Budget	2009 Budget	Requested Budget Change	
								Amount	Percent
Taxes									
11-4-00-4102	Taxes, Property	\$ 7,282,496	\$ 6,749,063	\$ 5,103,697	\$ 10,627,032	\$ 10,747,243	\$ 12,380,790	\$ 1,633,547	15%
11-4-00-4104	Taxes, Personal Property Replacement	218,026	257,851	207,457	254,006	265,000	270,000	5,000	2%
11-4-00-4106	Taxes, State Income	5,132,141	5,518,357	3,814,559	5,900,000	5,870,000	5,900,000	30,000	1%
11-4-00-4108	Taxes, 1% State Sales	2,886,605	2,886,108	1,372,745	2,742,450	3,000,000	2,625,000	(375,000)	-13%
11-4-00-4109	Taxes, Home Rule Sales	1,957,207	2,011,687	985,782	2,013,423	2,050,000	1,925,000	(125,000)	-6%
11-4-00-4110	Taxes, Municipal Utility	3,979,120	4,178,301	2,929,339	4,500,000	4,100,000	4,400,000	300,000	7%
11-4-00-4121	Taxes, Liquor	169,765	162,672	112,724	154,094	162,000	155,000	(7,000)	-4%
11-4-00-4125	Taxes, Real Estate Transfer	2,915,139	1,565,735	766,417	989,133	1,575,000	975,000	(600,000)	-38%
11-4-00-4130	Taxes, Gasoline	148,918	146,093	124,893	172,752	150,000	160,000	10,000	7%
11-4-00-4135	Taxes, Parking Lot	68,967	43,854	9,573	11,382	4,800	8,000	3,200	67%
11-4-00-4140	Taxes, Video	64,909	56,183	36,795	45,652	57,000	52,000	(5,000)	-9%
	Taxes, Litter	-	-	-	-	-	75,000	75,000	#DIV/0!
11-4-00-4145	Taxes, Misc	4,991	5,011	4,862	4,862	5,000	5,000	-	0%
	Total Taxes	<u>24,828,283</u>	<u>23,580,915</u>	<u>15,468,843</u>	<u>27,414,786</u>	<u>27,986,043</u>	<u>28,930,790</u>	<u>944,747</u>	<u>3%</u>
Licenses and Permits									
11-4-00-4203	RV	4,260	4,140	2,880	2,880	4,000	4,000	-	0%
11-4-00-4204	Motorcycle Transfer, Dealers	6,951	6,750	6,256	6,923	7,000	7,000	-	0%
11-4-00-4205	Trucks	139,535	144,729	133,120	137,595	145,000	145,000	-	0%
11-4-00-4206	License, Business	295,301	346,749	170,884	233,876	324,000	320,000	(4,000)	-1%
11-4-00-4208	License, Liquor	190,502	194,053	162,741	193,810	204,000	200,000	(4,000)	-2%
11-4-00-4210	Permits, Commuter Parking	105,190	120,366	61,660	106,385	146,000	125,000	(21,000)	-14%
11-4-00-4212	Permits, Electric	46,390	48,675	37,800	46,775	46,000	46,000	-	0%
11-4-00-4214	Permits, Municipal Parking	23,795	15,959	42,929	51,287	45,000	50,000	5,000	11%
11-4-00-4216	Permits, Building	233,077	59,436	86,990	93,973	69,000	66,000	(3,000)	-4%
11-4-00-4218	Rental Operating License	-	-	79,870	83,631	-	85,000	85,000	#DIV/0!
11-4-00-4220	Passenger Vehicle	888,188	933,110	919,595	955,490	1,090,000	960,000	(130,000)	-12%
11-4-00-4225	Pet Tags	6,360	7,540	7,350	7,630	6,500	6,800	300	5%
11-4-00-4230	Certificate of Compliance	88,245	51,770	35,064	47,297	60,000	50,000	(10,000)	-17%
11-4-00-4235	Permits, Local Improvement	392,496	362,936	268,833	352,926	380,000	350,000	(30,000)	-8%
11-4-00-4240	Service Charge Inspection	88,410	72,015	83,486	106,726	85,000	85,000	-	0%
11-4-00-4245	Electrical Sign Inspection	47,915	76,300	26,378	47,528	70,000	65,000	(5,000)	-7%
	Total Licenses and Permits	<u>2,556,613</u>	<u>2,444,528</u>	<u>2,125,836</u>	<u>2,474,732</u>	<u>2,681,500</u>	<u>2,564,800</u>	<u>(116,700)</u>	<u>-4%</u>
Charge for Services									
11-4-00-4305	Sale of Gas (from COB Pumps)	59,684	49,985	76,331	99,777	57,000	80,000	23,000	40%
11-4-00-4310	Report, Police	26,142	25,751	17,507	23,439	25,000	25,000	-	0%
11-4-00-4315	Fees, Garbage	2,968,711	3,675,579	3,048,693	4,100,000	4,100,000	4,313,200	213,200	5%
11-4-00-4320	Commuter Parking Meter	61,372	59,878	46,005	62,032	62,000	62,000	-	0%
11-4-00-4325	Paramedic Collections	906,201	1,236,221	571,448	823,123	1,000,000	950,000	(50,000)	-5%
11-4-00-4330	Paramedic MRI Transports	290,875	326,700	280,800	365,700	320,000	160,000	(160,000)	-50%

City of Berwyn
General Fund Revenues
2009 Budget

Account Number	Revenue	2006 Balance	2007 Balance	2008 YTD 9/30/2008	2008 Projected	2008 Budget	2009 Budget	Requested Budget Change	
								Amount	Percent
Miscellaneous Revenues									
11-4-00-4805	Franchises	367,600	395,207	240,738	323,740	380,000	395,000	15,000	4%
11-4-00-4810	100th Anniversary Celebration	-	-	274,179	286,898	150,000	-	(150,000)	-100%
11-4-00-4820	Interest Income	139,955	78,096	27,661	30,009	35,000	40,000	5,000	14%
11-4-00-4825	Cell Tower Rental	25,187	30,846	20,735	36,549	28,500	55,000	26,500	93%
11-4-00-4830	Interdepartmental Charge	226,195	579,888	-	472,781	472,781	483,795	11,015	2%
11-4-00-4835	Other Misc Revenue	150,941	63,518	73,134	111,875	50,000	50,000	-	0%
11-4-00-4845	Sale of City Property	-	-	150,000	150,000	-	-	-	#DIV/0!
	Total Miscellaneous Revenues	<u>909,878</u>	<u>1,147,555</u>	<u>786,447</u>	<u>1,411,852</u>	<u>1,116,281</u>	<u>1,023,795</u>	<u>(92,486)</u>	<u>-8%</u>
Other Financing Sources									
11-4-00-4900	Debt Proceeds	-	12,907,586	-	-	-	-	-	#DIV/0!
11-4-29-4900	Lease Proceeds	-	145,827	151,152	343,152	-	430,594	430,594	#DIV/0!
11-4-00-4910	Trans in from Working Cash	1,500,000	-	-	-	-	-	-	#DIV/0!
11-4-00-4915	Trans in MFT Salaries	260,000	783,888	-	783,888	783,888	780,000	(3,888)	0%
11-4-00-4930	Trans in Capital Projects	-	-	-	486,315	1,504,347	610,000	(894,347)	-59%
11-4-00-4935	Trans in 911 Fund	-	69,914	-	-	-	-	-	#DIV/0!
11-4-00-4999	Trans to/from other funds	-	97,500	-	-	-	-	-	#DIV/0!
	Total Other Financing Sources	<u>1,760,000</u>	<u>14,004,715</u>	<u>151,152</u>	<u>1,613,355</u>	<u>2,288,235</u>	<u>1,820,594</u>	<u>(467,641)</u>	<u>-20%</u>
	Total General Fund Revenues	<u>\$ 38,709,152</u>	<u>\$ 50,963,719</u>	<u>\$ 26,241,157</u>	<u>\$ 43,416,882</u>	<u>\$ 44,652,010</u>	<u>\$ 44,885,179</u>	<u>\$ 233,169</u>	<u>1%</u>

City of Berwyn
2009
Annual Budget

For the Fiscal Year Beginning January 1, 2009

Significant Expenditures and Expenses

The City like many municipalities is primarily a service provider. As such the largest component of its expenditures and expenses are for salaries, benefits and related payments. The City has four unions, one non-represented class and elected officials as employees.

Summary of Expenditures/Expenses by Type					
Fiscal Year	2005	2006	2007	Projected 2008	2009
Salaries	\$ 18,253,140	\$ 19,031,607	\$ 20,242,848	\$ 21,118,478	\$ 20,850,827
Benefits	-	12,918,019	13,703,394	12,687,647	13,078,293
Capital Projects	-	-	159,052	4,887,025	17,490,000
Debt Service	20,964,505	18,871,564	33,013,573	12,474,594	6,320,296
TIF	1,511,264	4,728,192	3,834,495	6,850,224	10,802,692
Utility	7,733,836	8,390,828	9,406,507	9,284,606	5,763,000
Internal Service	2,208,452	2,848,120	2,387,818	3,020,756	2,927,000
All other	29,577,848	15,094,875	26,558,103	14,511,970	17,436,064
Total Expenditures	<u>\$ 80,249,045</u>	<u>\$ 81,883,204</u>	<u>\$ 109,305,790</u>	<u>\$ 84,835,300</u>	<u>\$ 94,668,172</u>

The decrease in the Utility line from the 2008 projected of \$9,284,606 to the 2009 budgeted amount of \$5,763,000 is due to depreciation. As discussed in the section of the budget describing the City's Accounting Structure, the City does not budget depreciation within the Enterprise funds. However, for financial reporting purposing the Utility line includes approximately \$4,000,000 of depreciation expense.

The City did not allocate benefits to individual departments in 2005, thus amounts are not available for this comparison. Payments for Debt Service have fluctuated over the last several years due to bond refundings which artificially increase the total expenditure amounts. In the analysis above as well as in the following tables, benefits include all non-base salary, salary and fringe benefit costs. This category includes overtime, health and dental insurance, FICA costs, education reimbursements, stipends for education, or clothing allowances as well as the costs for pension payments.

City of Berwyn
Summary of total Expenditures/Expenses
2009 Budget

Fund	2005 Actual	2006 Actual	2007 Actual	2008 Projected	2008 Budget	2009 Budget	Requested Budget Change Amount	Change Percent
General Fund Expenditures	40,948,682	41,096,453	53,851,434	44,297,873	44,637,869	44,875,570	237,701	1%
Special Revenue Funds								
Berwyn Public Library	1,781,329	2,450,040	2,549,215	2,488,812	2,627,312	2,635,312	8,000	0%
Community Outreach	73,951	285,726	343,781	309,717	401,220	176,686	(224,534)	-56%
Senior Citizen's Program	-	-	-	-	-	216,156	216,156	#DIV/0!
Community Development	3,120,699	1,155,460	1,239,126	1,393,586	1,480,210	1,246,823	(233,387)	-16%
Foreign Fire	26,788	17,895	16,553	21,008	21,008	31,637	10,629	51%
Motor Fuel Tax	1,879,539	1,543,253	2,059,540	2,778,500	3,096,188	2,183,000	(913,188)	-29%
Tax Incremental Financing Districts								
S. Berwyn TIF	1,004,786	2,363,670	1,505,439	1,283,764	1,903,447	2,017,393	113,946	6%
Cermak TIF	263,891	462,529	691,071	3,305,670	1,023,885	4,880,406	3,856,521	377%
Roosevelt TIF	157,497	1,080,550	436,094	406,787	743,663	1,487,692	744,029	100%
Ogden TIF	85,090	821,444	1,201,891	1,854,003	1,024,856	2,417,201	1,392,345	136%
Total TIF's	1,511,264	4,728,192	3,834,495	6,850,224	4,695,851	10,802,692	6,106,841	130%
Capital Projects	-	-	159,052	4,887,025	7,400,000	17,490,000	10,090,000	136%
Debt Service	20,964,505	18,871,564	33,013,573	12,474,594	7,953,843	6,320,296	(1,633,547)	-21%
Water and Sewer	7,733,836	8,390,828	9,406,507	9,284,606	5,237,409	5,763,000	525,591	10%
Internal Service	2,208,452	2,848,120	2,387,818	3,020,756	3,162,167	2,927,000	(235,167)	-7%
City-Wide Costs	<u>\$ 80,249,045</u>	<u>\$ 81,387,530</u>	<u>\$ 108,861,094</u>	<u>\$ 87,806,700</u>	<u>\$ 80,713,078</u>	<u>\$ 94,668,172</u>	<u>\$ 13,955,094</u>	<u>17%</u>

City of Berwyn
Motor Fuel Tax Fund
2009 Budget

Account Number	Account Name	2006 Balance	2007 Balance	2008 YTD 9/30/2008	2008 Projected	2008 Budget	2009 Budget	Requested Budget Change	
								Amount	Percent
Revenues									
79-4-00-4510	MFT - State Allotment	\$ 1,591,131	\$ 1,542,999	\$ 1,061,872	\$ 1,518,416	\$ 1,529,000	\$ 1,550,000	\$ 21,000	1%
79-4-00-4820	MFT - Interest Income	132,356	116,031	43,564	57,333	95,000	50,000	(45,000)	-47%
79-4-00-4765	Grants - Public Works	11,090	-	-	-	-	-	-	#DIV/0!
	Total MFT Revenues	1,734,577	1,659,030	1,105,436	1,575,749	1,624,000	1,600,000	(45,000)	-3%
Expenditures									
79-5-00-5200	MFT - Rock Salt	49,214	219,197	250,498	599,061	124,800	350,000	225,200	180%
79-5-00-5205	MFT - 26th St. Project	-	-	-	-	137,500	-	(137,500)	-100%
79-5-00-5210	MFT - Project Construction	(8,457)	727	-	65,875	-	40,000	40,000	#DIV/0!
79-5-00-5215	MFT - 16th St. Resurfacing Project	335,934	-	-	-	-	-	-	#DIV/0!
79-5-00-5220	MFT - Oak Park Ave. Lighting	-	23,650	-	22,028	750,000	-	(750,000)	-100%
79-5-00-5225	MFT - Arterial Lighting	-	-	-	-	410,000	-	(410,000)	-100%
79-5-00-5320	MFT - Utilities	281,390	363,100	191,698	199,003	180,000	220,000	40,000	22%
79-5-00-5400	MFT - Engineering General	-	155,367	129,391	141,731	30,000	47,000	17,000	57%
79-5-00-5405	MFT - Contractual Tree Trimming	-	57,276	141,535	193,497	120,000	150,000	30,000	25%
79-5-00-5510	MFT - Repair & Maintenance Street/Sidewalk	159,401	183,675	63,616	107,124	160,000	390,000	230,000	144%
79-5-00-5515	MFT - Repair & Maintenance Sewer System	4,273	15,449	27,424	42,076	20,000	21,000	1,000	5%
79-5-00-5520	MFT - Repair & Maintenance Traffic Control	453,478	257,211	432,319	624,217	380,000	185,000	(195,000)	-51%
79-5-00-5700	MFT - Transfer Out Salaries to Fund 11	260,000	783,888	-	783,888	783,888	780,000	(3,888)	0%
79-5-79-8570	CMAQ Tunnel Project	8,019	-	-	-	-	-	-	#DIV/0!
	Total MFT Expenditures	1,543,253	2,059,540	1,236,481	2,778,500	3,096,188	2,183,000	(913,188)	-29%
	Revenues less Expenditures	191,324	(400,510)	(131,045)	(1,202,751)	(1,472,188)	(583,000)	\$ 868,188	-59%
	Fund Balance Beginning	2,105,967	2,297,291	1,896,781	1,896,781	1,896,781	694,030		
	Projected Ending Fund Balance	\$ 2,297,291	\$ 1,896,781	\$ 1,765,736	\$ 694,030	\$ 424,593	\$ 111,030		

Note: The Oak Park Ave Lighting project has been budgeted for in the Capital Projects Fund

City of Berwyn
Capital Projects Fund
2009 Budget

Account Number	Account Name	2007 Balance	2008 YTD 9/30/2008	2008 Projected	2008 Budget	2009 Budget	Project Budget
Revenues							
40-4-00-4609	Grant Revenue	\$ 84,361	\$ 1,015,639	\$ 1,015,639	\$ -	\$ 2,450,000	\$ 100,000
40-4-00-4820	Interest Income	415,526	365,777	419,099	534,375	300,000	1,054,000
40-4-00-4900	Bond Proceeds	<u>21,375,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>21,375,000</u>
	Total Capital Projects Revenues	<u>\$ 21,874,887</u>	<u>\$ 1,381,416</u>	<u>\$ 1,434,738</u>	<u>\$ 534,375</u>	<u>\$ 2,750,000</u>	<u>\$ 22,529,000</u>
Expenditures							
40-5-00-5609	DCEO - 16th St. Fire Station	\$ 84,361	\$ 1,015,639	\$ 1,015,639	\$ -	\$ -	-
40-5-00-5700	Parking Garage	41,107	-	939,237	3,650,000	11,755,000	9,500,000
40-5-00-5705	Roosevelt Road Sewer Lining	-	-	423,646	-	3,125,000	3,000,000
40-5-00-5706	Purchase of Property	-	-	212,971	-	-	-
	Oak Park Ave. Lighting	-	-	-	-	650,000	650,000
40-5-00-5710	Alleys/Alderman Projects	-	-	-	1,200,000	760,000	2,400,000
40-5-00-5715	Contingency	-	-	-	-	-	300,000
40-5-00-5900	General Fund Capital Spent	-	-	451,000	-	515,000	4,779,000
40-5-06-5700	General Ledger System	-	155,210	202,097	300,000	110,000	300,000
40-5-07-5700	16th Street Fire Station	33,584	445,198	1,493,612	1,500,000	300,000	1,500,000
40-5-16-5700	Citywide Wireless	-	-	-	750,000	275,000	750,000
40-5-23-5700	Pavek Pool Renovation	-	148,823	148,823	-	-	-
	Total Capital Projects Expenditures	<u>159,052</u>	<u>1,764,870</u>	<u>4,887,025</u>	<u>7,400,000</u>	<u>17,490,000</u>	<u>23,179,000</u>
	Revenues less Expenditures	21,715,835	(383,454)	(3,452,287)	(6,865,625)	(14,740,000)	(650,000)
	Net Assets Beginning	<u>-</u>	<u>21,715,835</u>	<u>21,715,835</u>	<u>21,715,835</u>	<u>18,263,548</u>	<u>-</u>
	Projected Ending Net Assets	<u>\$ 21,715,835</u>	<u>\$ 21,332,381</u>	<u>\$ 18,263,548</u>	<u>\$ 14,850,210</u>	<u>\$ 3,523,548</u>	<u>\$ (650,000)</u>

Note: The parking garage expenditures for 2009 includes amounts funded by the 2007 bond issue plus grants totaling \$2.45 million.

The City of Berwyn



Michael A. O'Connor
Mayor

A Century of Progress with Pride

6700 West 26th Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2567
www.berwyn-il.gov

PROCLAMATION

- WHEREAS,** In 1972, Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for planting of trees, this Holiday, called Arbor Day, was first observed with the planting of More that a million trees in Nebraska and is now celebrated Throughout the world; and
- WHEREAS,** trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling cost, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and;
- WHEREAS,** trees in our city increase property values, enhance the economic vitality of business areas and beautify our community; and
- WHEREAS,** City of Berwyn has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways.

NOW, THEREFORE, I Michael A. O'Connor, Mayor of Berwyn, do hereby proclaim **April 24, 2009** as **ARBOR DAY** in the City of Berwyn and I urge all citizens to support efforts to care for our trees and to support our city's community forestry program and I further urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

Michael A. O'Connor
Mayor of the City of Berwyn

Thomas J. Pavlik
City Clerk, City of Berwyn

Patrick J. Ryan
Director of Public Works, City of Berwyn

The City of Berwyn



Michael A. O'Connor
Mayor

A Century of Progress with Pride

6700 West 26th Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2567
www.berwyn-il.gov

Date: March 12, 2009
To: Members of the City Council
From: Mayor Michael A. O'Connor
Re: Firemen's Pension Board

Ladies and Gentlemen:

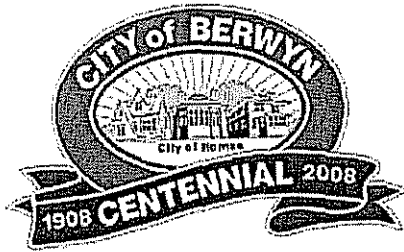
In order for the Firemen's Pension Board to accurately reflect said members, I am requesting the removal of the name of Mike Farnsworth, who was replaced in 2008.

Sincerely,

Michael A. O'Connor
Mayor

MAO/ws

F/S
The City of Berwyn



Michael A. O'Connor
Mayor

A Century of Progress with Pride

6700 West 26th Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2567
www.berwyn-il.gov

Date: March 18, 2009
To: Members of the City Council
From: Mayor Michael A. O'Connor
Re: Liquor License Change

The Friendly Tap of 6733 Roosevelt Road has requested a change in their liquor license classification in order to add an entertainment license (copy of letter attached).

In order to do so, would require an amendment of our current ordinance for liquor license classifications as follows:

- B-1 Tavern Only Classification - Decrease from 17 to 16
- B-3.1 Tavern with Entertainment/Occupancy 0 to 59 - Increase from 7 to 8

This results in a net change of zero (0) in the number of licenses issued by the City of Berwyn.

Your concurrence would be appreciated.

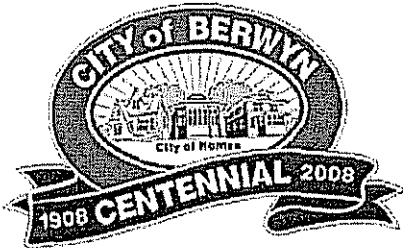
Sincerely,

Michael A. O'Connor
Mayor

MAO/ws

The City of Berwyn

File



Michael A. O'Connor
Mayor

A Century of Progress with Pride

6700 West 26th Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2567
www.berwyn-il.gov

Date: March 19, 2009
To: Members of the City Council
From: Mayor Michael A. O'Connor
Re: Zoning Board Variation Request

Ladies and Gentlemen:

At our meeting on March 10th a request for the Zoning Board to allow for a car wash at the Citgo Station at 16th Street and Ridgeland Avenue was up for consideration.

I would like to request that this item be referred to the Committee of the Whole because some additional information has been provided that might assist all concerned to understand this request.

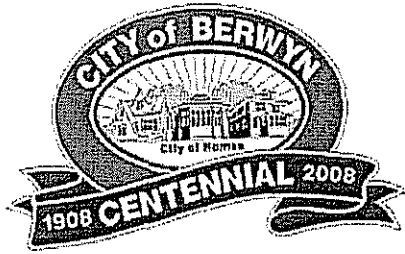
Sincerely,

A handwritten signature in black ink that reads 'Michael A. O'Connor'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael A. O'Connor
Mayor

MAO/ws

F
The City of Berwyn



Michael A. O'Connor
Mayor

A Century of Progress with Pride

6700 West 26th Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2567
www.berwyn-il.gov

Date: March 20, 2009
To: Members of the City Council
From: Mayor Michael A. O'Connor
Re: Intergovernmental Agreement with the North Berwyn Park District

Ladies and Gentlemen:

The swimming pool season is upon us and the writing of our intergovernmental agreement to manage the Maple and Cuyler pools by the North Berwyn Park District is nearly complete. A portion of this agreement includes necessary upgrades to both pools that need to be completed before this season begins regardless who is managing the pools. The assessments were done cooperatively with the Recreation Department Director Tony Martinucci and the North Berwyn Park District Director Joe Vallez. Some of these repairs are required by our insurance and liability responsibilities as well as other necessary repairs and maintenance projects that need to be completed before the season begins.

It would be my recommendation to approve this expenditure not to exceed \$100,000 from our Capitol bond funds so that both pools can be open on time for the coming season and Joe Vallez will be at the Committee of the Whole meeting to discuss.

Sincerely,

Michael A. O'Connor
Mayor

MAO/ws

NORTH BERWYN PARK DISTRICT

March 19, 2009

The Honorable
Michael A. O'Connor
Mayor,
City of Berwyn

Berwyn City Council
6700 W. 26th Street
Berwyn, IL 60402

Subject: Pool Repairs

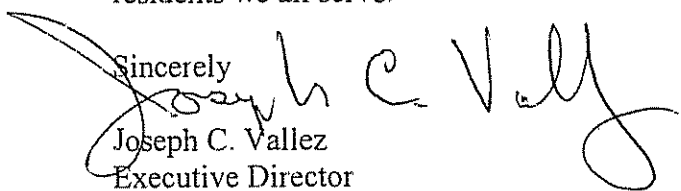
Dear Mayor and City Council Members

The North Berwyn Park District continues to proceed with the transition for the changeover for Maple and Cuyler pools; the district anticipates the completion of the pool assessment report in the next seven to ten days. This report is being completed by W-T Engineering, a well respected firm that specializes in park district projects.

I am requesting an additional \$100,000. funding for the repair and preparation of the pools for their anticipated opening for the summer of 2009. The work that must be completed includes painting, concrete repair, fencing, electrical upgrade, equipment repair and/or replacement, landscaping, safety compliance and anticipated issues included in the forthcoming assessment report.

The North Berwyn Park District remains committed to working with the City of Berwyn to make improvements at these facilities that will improve the quality of life for the residents we all serve.

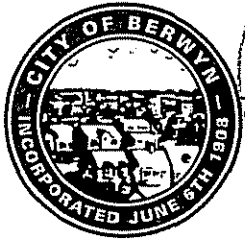
Sincerely


Joseph C. Vallez

Executive Director
North Berwyn Park District

Section G

Reports and Communications From The City Clerk



THE CITY OF BERWYN, ILLINOIS

Building A New Berwyn

MICHAEL A. O'CONNOR, *Mayor*

6700 West 26th Street • Berwyn, Illinois 60402-0701

Telephone: (708) 788-2660 • Fax: (708) 788-2675 • www.berwyn-il.gov

THOMAS J. PAVLIK
CITY CLERK

March 20, 2009

To: Mayor and City Council

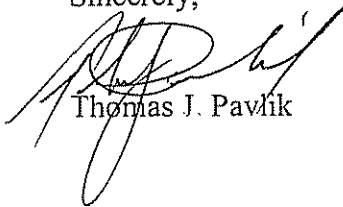
From: Tom Pavlik, City Clerk

Re: Approval of Closed COW Minutes

Ladies and Gentleman;

I request your concurrence on approving the Closed Committee of the Whole Minutes of December 23, 2008, January 13, 27 and February 10, 25, 2009 as reviewed in Closed Session on March 10, 2009.

Sincerely,



Thomas J. Pavlik

Section H

Communications From The Zoning Board of Appeals

H-1

CITY OF BERWYN

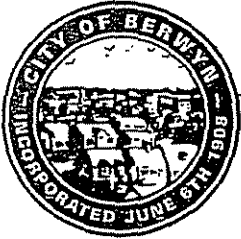
CITY COUNCIL MEETING (Date) 03/24/09

Deferred Communication

Agenda Item H-1 is a Deferred Communication from C C Meeting dated 03/10/09 Item #11

FROM Zoning Board of Appeals

Re: Resol/Ord-Bushouse & Restored Properties, Inc
3133-3137-3441 S. Oak Park Ave.



THE CITY OF **BERWYN, ILLINOIS**

Building A New Berwyn

MICHAEL A. O'CONNOR, *Mayor*

6700 West 26th Street • Berwyn, Illinois 60402-0701

Telephone: (708) 788-2660 • Fax: (708) 788-2675 • www.berwyn-il.gov

February 24, 2009

ITEM NO. 11
 DATE MAR 7 2009
 DISPOSITION Refer

ZONING BOARD OF APPEALS

CHAIRMAN: Joel Chrastka

EXECUTIVE SECRETARY: Milton F. Persin

MEMBERS:

Dominick Castaldo

Robert W. Fejt

Mary Esther Hernandez

Nora Laureto

Don Miller

City Clerk-City of Berwyn
6700 W. 26th Street
Berwyn, Illinois 60402

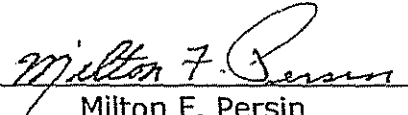
RE: Bushouse & Restored Properties, Inc.
3133-3137-3141 S. Oak Park Avenue

Dear Mr. Pavlik:

Enclosed is a Resolution and Ordinance pertaining to the above captioned Hearing(s) in which the Berwyn Zoning Board of Appeals recommends approval by the City Council.

Please present to the City Council at your earliest convenience.

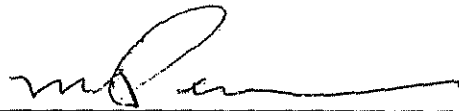
Sincerely


 Milton F. Persin
 Executive Secretary

fourth floor and other improvements as described, including the expansion and registration of a Legal Non-Conforming Use, in accordance with testimony of the witnesses at the hearing, the documents presented, and this resolution.

This resolution was adopted unanimously on the 17th day of February, 2009.

BERWYN ZONING BOARD OF APPEALS

A handwritten signature in black ink, appearing to read 'M. Persin', is written over a horizontal line.

Milton F. Persin-Executive Secretary

8. The building is equipped with a sprinkler system, and having a restaurant to serve the residents and the general public is a very important part of the plan

9. Ms Mary Meisenheimer, who owns the three story commercial tenant occupied building to the north testified that she is concerned about adding a fourth floor which will disturb the aesthetic quality and harmony of the area and right now there is practically no space between the south wall of her building and the north wall of the Bushouse building. The height of her building is about the same as the present height of the Bushouse building and parking in the area is a real problem. Adding a restaurant will just increase the congestion. Also, Mr. Bushouse recently did some work on his property which has caused water to drain into her premises and she is concerned as to how this additional construction will affect her property.

10. Mr. Bushouse concluded by stating that he will promptly resolve any problems and rejuvenating the building will be a real asset to the area.

11. Mr. Don Miller, the area investigator, submitted a written report which is incorporated by reference in this resolution. He did his investigation in presence of Mr. Donald Maynard, the architect, on Friday, February 6, 2009. Mr. Maynard explained the plans to him in detail. Mr. Miller also met with Mr. Sipahi, who is the building manager of the Write-Inn located at 211 N. Oak Park Avenue, Oak Park, Illinois, which is owned by Mr. Bushouse and was shown how a hotel, similar to the Berwyn Hotel operates. The addition of a fourth floor will bring the height up to 55 feet and they intend to lease 20 parking spaces from the City of Berwyn to meet anticipated parking needs. Mr. Miller voted in favor of granting all the requested variations and waivers from restrictions of the Zoning Code to complete the project as described.

12. Messrs: Fejt, Castaldo, Chrastka, Persin, and Mrs. Hernandez and Mrs. Laureto all agreed with the area investigator and voted in favor of granting all the requested variations and waivers from the restrictions of the Zoning Code. Comments were that the changes will bring the building up to code, will improve the appearance of the building, and the addition of a restaurant open to the general public along with the visual improvement to the building will enhance and revitalize the area. The final vote was 7 to 0 to grant all the requested variations and waivers from the Berwyn Zoning Code to allow the addition of a

RESOLUTION

LEGAL DESCRIPTION

The north 13.8 feet of lot 36 and all of lots 37 and 38 in block 2 in Berwyn subdivision of blocks 4, 5, 12, 13, 20, 21, 28, 29, 34, 35, 36 and 39 in LaVergne being a subdivision of all of the northwest ¼ and that part of the northeast ¼ of the southeast ¼ and the east ½ of the southwest ¼ lying north of Ogden Avenue in section 31, township 39 north, range 13 east of the third principal meridian, in Cook County, Illinois.

COMMON ADDRESS

3133-3137-3141 S. Oak Park Avenue

REQUEST BY APPLICANT

Add 4th floor addition, canopy, and renovate building

APPLICANT-(Individually and Collectively)

Restored Properties, Inc., US Bank Trust 3702, and James & Noreen Bushouse

DATE OF PUBLIC HEARING

February 17, 2009

DATE OF PUBLIC NOTICE PUBLICATION

January 28th, 2009, Life Newspaper

MEMBERS PRESENT

Messrs: Chrastka, Persin, Castaldo, Fejt, Miller & Mrs. Hernandez & Laureto

WHEREAS, IT IS HEREBY RESOLVED by the **BERWYN ZONING BOARD OF APPEALS**, (the "BOARD"), in a **PUBLIC MEETING** of the **BOARD** on the 17th day of February, in the year 2009, having considered all the facts presented at the Hearing of this matter;

WHEREAS, the APPLICANT has been duly informed that: (a) if the **BOARD** fully or partially approves the request of the **APPLICANT** and the **CITY COUNCIL** concurs in such decision; or (b) if the **CITY COUNCIL** fully or partially approves the request even though the **BOARD** has rejected the request of the **APPLICANT** or if the **BOARD** has made no recommendation to the **CITY COUNCIL**; the **APPLICANT** must obtain a building permit within **SIX (6) MONTHS** after the date that the **ORDINANCE** is enacted;

The **BOARD** has reached its decision after considering the testimony of the witnesses and the documents presented both prior to and during the Hearing, briefly set forth as follows:

1. Mr. James Bushouse, the applicant, testified along with Mr. Donald P. Maynard, d/b/a Carapolo Maynard Architects, 1101 Care street, Suite 307, Oak Park, Illinois 60301.

2. Mr. Bushouse testified that the three story brick hotel was built in 1922, is 37 feet high, to the flat roof deck, and has been used as a hotel all through the years to the present day. He and his wife Noreen, purchased the hotel in the year 1977 and title is in their names. The building occupies around 93% of the lot which measures 63.85' wide from north to south, and 124.19' in dept. from east to west, and has no side yards. (Mr. Persin went through the various Sections of the Zoning Code, and although there is a definition for a hotel under #68 of Section 1240.04, a hotel is not allowed as a Primary or Conditional Use in any Zoning District. Since the hotel was built in 1922 and has been occupied as a hotel from its existence to the present day, the hotel has the status of a Legal Non-Conforming Use). The witness stated that he never registered the hotel as a Non-Conforming use, (claimed he had no knowledge of such registration requirements), so the applicant needs to get relief and a waiver from Sections 1266.01-Existing Uses-Registration Required; and Section 1266.06-Change in Non-Conforming Uses.

3. When he initially purchased the building the first floor consisted of a partial basement, and two business locations, with a large center public lobby area; four hotel rooms at the front of the building; 6 hotel rooms at the rear of the first floor; 22 hotel rooms on the second floor level including 3 rooms with a full kitchen and murphy bed; and same on the third floor level for a total of 54 rooms.

4. Occupancy varies but is usually no less than 70% full. They have guests that pay rent on a by-weekly basis that have been there for many years. This is strictly lodging for guests with no food included, and single bed rooms which are fully furnished with common public bathrooms and a lavatory with a water sink in each room. There was no air conditioning initially and the rooms were centrally heated. There were many improvements made through the years including 3 new steam boilers in the basement and a three stop elevator that is no longer in operation that will be replaced with a new four (4) stop elevator from the basement to the fourth floor.

5. The building has some violations and in order to make the necessary changes they need to add a fourth floor to a height of 55 feet and a total of 50 rooms plus a manager apartment. They intend to reconfigure the first floor to accommodate four separate businesses with a new store front on either side of the main front entrance, a new canopy measuring 10' x 9' at the front entrance, and a separate entrance for a restaurant that will occupy about 2000 square feet in one of the business locations. There will be a managers apartment and five (5) hotel rooms with kitchen & common public bathroom on the first floor; second floor will have fifteen (15) rooms, including one full size two bedroom hotel room with a water closet and shower; the third floor will have fifteen (15) one bedroom hotel rooms with a bathroom and kitchen, including a full size one bedroom hotel room with bathroom and kitchen; and the fourth (4th) floor will have fifteen (15) one bedroom hotel rooms with bath room and kitchen. Number of rooms had to be adjusted to 50 plus the managers apartment, to make way for the new stairwells and elevator that will run from the basement to the 4th floor. There will be a small lobby on the first floor and area will have to be reconfigured to accommodate the new stairwell and to bring the building up to code. Main entrance will remain at Oak Park Avenue with emergency egress and ingress from the rear of the building into the alley. Other work, such as restoring the front façade, substantial tuck pointing, and other work as necessary, will be included in this project.

6 There is no on site parking but they will have access to about 20 parking spaces in the City parking lot across the street and another 34 spaces in the new City inside parking garage when completed, and also have additional parking at the railroad tracks. Plans also include a conference room and a general lounge room in the basement. In addition to the on site live in manager there will be anywhere from 5 to 8 housekeeping and janitorial employees on the premises between the hours of 7:00 A.M. to 5:00 P.M.

7. Mr. Bushouse who has 40 years of building experience, will act as the general contractor, and he estimates that the total cost for this project will be anywhere from 1,800,000.00 to 2,800,000.00. The fourth floor will be set back about 6 feet and they will use a dumpster compact system to up grade the refuse pick up and to improve the all around good housekeeping. All units will have self control of their heating and air conditioning systems. The witness stated that the project can be completed within 14 months after start.

WAIVERS FROM RESTRICTIONS, VARIATIONS, AND
CHANGE IN NON-CONFORMING USE ORDINANCE

Be it ordained by the City of Berwyn that:

Whereas, the question of granting a change in a Non-Conforming Use, included in this ordinance was referred to the Board of Zoning Appeals to hold a Public Hearing thereon;

Whereas, such Public Hearing was held after Public Notice was given in the manner provided by law;

Whereas, the said Board has made a report containing findings of fact, and has recommended the granting of said change in the Non-Conforming Use;

Whereas, the Applicant RESTORED PROPERTIES, INC., TRUST 3702 & JAMES & NORA BUSHOUSE has agreed to adhere to the Building Code of the City of Berwyn, Illinois;

Whereas, the Applicant has agreed that the representations made to the Zoning Board of Appeals and all other matters considered and as decided by the Zoning Board of Appeals shall be binding upon the Applicant and all of ITS & THEIR privies, successors and assigns;

AND WHEREAS, THE FINDINGS AND RECOMMENDATIONS OF THE ZONING BOARD OF APPEALS ARE HEREBY ADOPTED AND MADE A PART HEREOF;

NOW THEREFORE, be it ordained by the City Council of the City of Berwyn, Illinois: Common address is 3133-3137-3141 S. Oak Park Avenue and legally described as follows:

The north 13.8 feet of lot 36 and all of lots 37 and 38 in block 2 in Berwyn subdivision of blocks 4, 5, 12, 13, 20, 21, 28, 29, 34, 35, 36 and 39 in LaVergne being a subdivision of all of the northwest ¼ and that part of the northeast ¼ of the southeast ¼ and the east ½ of the southwest ¼ lying north of Ogden Avenue in section 31, township 39 north, range 13 east of the third principal meridian, in Cook County, Illinois.

Waivers from Zoning Code restrictions, variations, and change in a Legal Non-Conforming Use with registration, are hereby approved to allow the renovation of the hotel building, including a fourth floor addition, all in accordance with the testimony at the hearing, documents presented, and resolution.

This Ordinance shall become and be effective immediately upon its passage, approval and publication in the manner prescribed by law.

Passed this _____ day of _____, _____.

Number Voting Yes: _____ Number Voting No: _____

Absent: _____ Abstain _____

Approved this _____ day of _____, _____.

ATTEST:.

Tom Pavlik- City Clerk

Michael O'Connor-Mayor



Section I

Reports and Communications From Aldermen, Committees, Boards and Commissions

1-1

CITY OF BERWYN

CITY COUNCIL MEETING (Date) 03/24/09

Deferred Communication

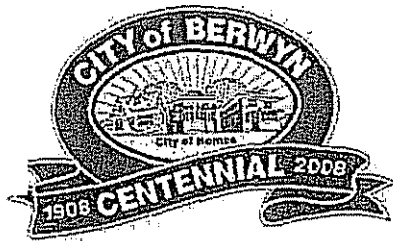
Agenda Item I-1 is a Deferred Communication from C C Meeting dated 03/10/09 Item #13

FROM Berwyn Historic Preservation Commission

Re: Nominate Marik & Sons Building-6507 Cermak Rd.
Historic Landmark

10
I-1

Michael A. O'Connor
Mayor



Berwyn Historic
Preservation Commission

ITEM NO. 21

DATE FEB 25 2009

DISPOSITION _____

A Century of Progress with Pride

6700 West 26th Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660
www.berwyn-il.gov

Fax: (708) 788-1447
Refer
Refer

February 20, 2009

**Report and Recommendation of the
Berwyn Historic Preservation Commission to City Council**

ITEM NO. 13

DATE _____

DISPOSITION _____

Re: Nomination of the Marik & Sons Funeral Home building,
6507 W. Cermak Road, as a Berwyn Historic Landmark

Refer

Report:

The Berwyn Historic Preservation Commission held a public hearing regarding the nomination of the Marik & Sons Funeral Home building, 6507 W. Cermak Road, on Wednesday, October 29, 2008, which was publicized as required by the Berwyn Historic Preservation Ordinance. Six members of the Commission were present:

Six out of seven members of the BHPC were present at the hearing, as well as members of the public. The BHPC heard a presentation from Rebecca Houze, who prepared the nomination form, then asked for public comment. Two members of the public spoke in favor of designation: Lorraine Marik, a family member of the original owners, and Dario Solano, Executive Director of the Cermak Road Main Street Program. The Commissioners then had several questions for Dr. Houze regarding the building and its history. At the end of the hearing, the Commission determined that an interior inspection was necessary before it could make a determination as to the historic value of the property. The Commission also requested that Dr. Houze provide additional information about the history of the property and its architect. The Commission thus deferred making a decision on the nomination until those two elements could be completed (an option permitted by the Ordinance, which requires a decision within 45 days of the hearing).

On November 21, 2008, several members of the BHPC toured Marik's interior. Also present were Christine Morris, Program Officer for Illinois and Minnesota, National Trust for Historic Preservation; Anthony Rubano, Project Designer, Illinois Historic Preservation Agency; and Eileish Tuffy, Preservation Programs Director, Landmarks Preservation Council of Illinois. These three agencies' representatives examined the property carefully and stated during the tour that they believed the property to be a good candidate for local landmarking.

On December 5, 2008, Ms. Tuffy wrote Andrew Heckencamp, the National Register Coordinator of the Illinois Historic Preservation Agency, and described the results of her visit to Marik. She stated that she conducted a "thorough tour of the building" and that, "[b]ased on the architectural merits of the building and the amount of historic fabric that remains, despite water

damage sustained from improper plumbing maintenance, Landmark Illinois believes it meets National Register Criterion C as an historic resource” She also stated that “with further research ... it possible that the property could also meet Criterion B.” On December 8, 2009, Mr. Heckencamp issued a letter to the BHPC and the City of Berwyn stating that it is the IHPA’s position that “the building is a good candidate for individual listing in the National Register of Historic Places.”

Shortly after the tour, the BHPC received a letter from the building’s owner, SCI, requesting an extension to January 14, 2009 to submit a statement regarding the nomination. The BHPC, which has no authority to grant extensions, referred the request to City Council, which approved it and ordered that SCI had 30 days from December 10, 2008 to submit its position statement, and that the BHPC had an additional 30 days to respond. SCI submitted its Statement in Opposition to Historic Landmark Nomination on January 6, 2009, explaining its reasons for opposing the designation of the Marik building as a local landmark. On February 10, 2009, Dr. Houze provided a revised nomination to the BHPC containing new information learned from her further research into the history and significance of Marik. The BHPC then prepared a response to the arguments advanced by SCI in its opposition.

All the materials discussed above were submitted to the Clerk and City Council on February 11, 2009 to be included in the record of deliberations regarding this matter. For additional copies of any part of the record, please contact the BHPC by email at BHPC@ci.berwyn.il.us, or call Jamie Franklin, BHPC secretary, at 312-498-5143.

The BHPC’s response to SCI’s opposition is summarized below:

- **The Marik nomination is proper in both form and substance.** The Marik nomination supplied all the information required by Berwyn’s Historic Preservation Ordinance, and the BHPC has followed the provisions of the Ordinance exactly during the nomination process. The original nomination contains a lengthy section on architectural significance, cultural context, and the argument for preservation. After the BHPC requested more information, Dr. Houze submitted a revised nomination containing additional information about the property and the architect who shaped it. Her additional research indicates that the Art Deco portion of the property was built *circa* 1927-1929, and the building was expanded and modified to include its current Gothic Revival façade between 1947 and 1963. Her new research confirms that the architect was a Czech-American architect named Bohumil T. Moravec (1909-1992), whose cultural background, the stylistic choices he made in his work, and the specific design that he used to unify the Marik property all support the nomination.
- **Three governmental agencies support the Marik nomination.** The Illinois Historic Preservation Agency’s staff has determined that the building is a good candidate for application to the National Register of Historic Places. The IHPA does not make such determinations lightly, and the BHPC believes that this determination should carry significant weight with City Council. Further, the Landmarks Preservation Council of Illinois stated in writing that the building meets two criteria for nomination to the National Register. Finally, Illinois’ Program Officer for the National Trust for Historic

Preservation viewed the Marik building and stated that it was a good candidate for the National Register.

- **Marik is eligible to be designated a Berwyn Historic Landmark under the Ordinance's Criteria one, seven and eight.** SCI argued that because the property is not one single building, but an amalgam of several, it lacks "integrity" and thus cannot be a historic landmark under the Ordinance's Criteria. SCI is wrong from a preservation standpoint: buildings change along with the needs of their owners and inhabitants, and the changes themselves may then become part of the historical significance of the structure. Here, the property was modified over a period of years, all at the request of the Marik family and for the purpose of using the building as a funeral home with a particular style and clientele. "Integrity," here, refers to how much material survives from the period in which the Mariks used the building. The "historic period" encompassed by the Marik building is not just the time period of the first building, or of the second, but the period in which the Mariks used and reused the elements of the property to create a business that reflected the Bohemian aesthetic and traditions that were sought in the Berwyn of that era.
- **Economic hardship is not a factor in determining whether Marik should become a local landmark.** SCI argues that the property cannot be rehabilitated and thus should be demolished because it would cause SCI to lose money. But the potential economic hardship of SCI *not* a factor that can be considered at this stage of the process. The Ordinance has other procedures related to economic hardship that would kick in if City Council decides to accept the BHPC's recommendation and landmark the property. If a property is designated as a historic landmark and the owner wishes to make a change that is not permitted (say, by demolishing the property), the owner may apply for a certificate of economic hardship. That process was designed to provide a full and fair hearing to property owners who find that historic designation causes a substantial decrease in the fair market value of the property or reduces the economic feasibility of rehabilitation or reuse. SCI may avail itself freely of this provision if Marik is landmarked, but until it is, SCI's arguments related to economic hardship are immaterial.
- **The damage to Marik's interior was caused by SCI's own negligence.** Even if economic hardship issues were relevant at this time, SCI's primary argument is that there is "extensive damage" to the interior of the property that was caused by a broken water pipe during the winter of 2007-8. The real estate listing indicates that the property was in good condition when it went on the market, yet SCI, through neglect, allowed it to deteriorate. The interior damage was caused by SCI's own negligence, and its full effect must be borne by SCI and no one else. Furthermore, SCI has not shown that the water damage caused by its failure to maintain the property is, indeed, "extensive" – no reports or studies have been submitted to substantiate such a claim.
- **The Ordinance is neither void nor unenforceable.** Berwyn's Historic Preservation Ordinance is modeled on ordinances that have passed legal muster throughout the country. The criteria for preservation are clear and well-defined, and the procedures are fair and offer numerous opportunities for property owners to participate in the process,

including, as discussed above, the ability to apply for a certificate of economic hardship. The case law cited by SCI does not support its position.

First, *Penn Central Transportation v. New York City*, 438 U.S. 104 (1978) is a key decision *supporting* historic preservation ordinances. In that case, the U. S. Supreme Court upheld New York City's Landmarks Law, noting that "the Landmarks Law ... has been extensively applied and was enacted on the basis of the legislative judgment that the preservation of landmarks benefits the citizenry both economically and by improving the overall quality of city life." *Id.* at 106.

Second, the recent Illinois Appellate Court decision *Hanna v. City of Chicago*, No. 06 CH 19422 (Ill.App.1st Jan. 30, 2009) has no bearing whatsoever on whether Marik should be designated as a Berwyn local landmark. The only thing the Illinois Appellate Court did in *Hanna* was to allow the complaint to go forward in the trial court. The decision is purely procedural, and a final judgment on the issues raised therein are years down the road (and in all likelihood, will be made by the Illinois Supreme Court). The decision is not, as SCI states, "legally determinative" in any way whatsoever with respect to the Marik nomination. Further, there has been no legal challenge brought against Berwyn's Ordinance, and, as such, it remains in full operation.

- **SCI is wrong in arguing that Cermak Road, where Marik is situated, is not worthy of preservation and is not a true "main street."** SCI and its consultant Linda Peters made no effort to learn anything about Berwyn or its history, because they did not seem to know that Cermak Road – indeed, the very stretch where Marik sits – is part of the Illinois Main Street program administered by the Illinois Historic Preservation Agency. They minimized the importance of historic Cermak Road, which has been recognized as a major commercial thoroughfare through Berwyn and was home of many of Berwyn's storied Bohemian Savings and Loans, theaters, ethnic bakeries, clothing stores, restaurants and other commercial buildings. SCI's failure to recognize the importance of Cermak Road to Berwyn severely reduces the credibility of all its conclusions.

At its regularly scheduled monthly meeting on February 12, 2009, the BHPC reviewed the entire record that has been developed on the Marik nomination and then voted on whether to recommend to City Council that the Marik building be designated as a Berwyn Historic Landmark. Six members were present, and all six voted yes (Lori Thielen, Jamie Franklin, Rebecca Houze, Robert Sellars, Douglas Walega, and Jeromie Winsor).

Recommendation:

Based on the evidence presented at the public hearing, developed by the BHPC after the hearing, and presented by the property owner, SCI, **the Berwyn Historic Preservation Commission recommends that City Council designate the Marik & Sons Funeral Home building 6507 W. Cermak Road, as a Berwyn Historic Landmark.** We find that it meets three of the criteria for designating it as a local landmark, as follows:

1. It possesses significance as an example of architectural, cultural, economic, historic or social development or heritage of the City, the State, or the United States
2. It contains design elements, detail, material or craftsmanship that make the property or building structurally or architecturally innovative, rare or unique; and
3. It is a representation of an architectural, cultural, economic, historic or social theme, style or period, expressed in distinctive areas, districts, places, buildings or structures that may or may not be contiguous.

Further, the Commission finds that the building has sufficient integrity of location, design, material and workmanship to make it worthy of preservation or restoration.

The Commission therefore recommends that City Council designate the Marik & Sons Funeral Home building 6507 W. Cermak Road, as a Berwyn Historic Landmark, as a Berwyn Historic Landmark, pursuant to Section 1-9 of the Historic Preservation Ordinance. That Section holds that within 30 days of receiving this Report and Recommendation,

City Council shall either designate the historic landmark or reject the nomination by a simple majority vote of the full Council. In making this determination, the City Council shall apply the designation standards set forth in Section 1-6 above and shall give due consideration to the record of the public hearing(s), and findings and recommendations of the Commission set forth in the Commission's resolution and report and may take public testimony with regard to the same. Upon a majority vote of the City Council to approve designation, the City Council shall enact an ordinance designating the historic landmark, which ordinance shall provide that the newly designated historic landmark shall be the subject to the provisions of Chapter [], Article 1 of the City Code.

The Commission is available to answer questions or provide information regarding this Report and Recommendation. Please contact the Commission at BHPC@ci.berwyn.il.us.

Dated February 20, 2009

Respectfully submitted,
The Berwyn Historic Preservation Commission

Lori Thielen, Chair
Jamie Franklin, Secretary
Rebecca Houze
Christina Martinez-Sahagun
Robert Sellars
Douglas Walega
Jeromie Winsor
Commissioners

GERMANE TO I-10

TO: Mayor and City Council, City of Berwyn Illinois
FROM: SCI Illinois Services Inc., an Illinois corporation ("Owner")
DATE: February 25, 2009
RE: 6507 W. Cermak Road (former Marik Funeral Home properties) (the "Property")

Protest and Objection to Recommendation for Designation as a Berwyn Historic Landmark

The City of Berwyn Historic Preservation Commission (the "Commission") has recommended to the Mayor and City Council that the above referenced property be designated a Berwyn Historic Landmark. It does so in violation of the City's historic preservation ordinance (ordinance number 06-50, the "Ordinance") and the Constitution of the United States of America. In addition, the recommendation lacks merit even under the terms of the Ordinance.

I. The Recommendation Is in Violation of The Ordinance

The recommendation by the Commission violates the Ordinance in several critical respects. Chronologically, the first is that the Commission was to have notified the owner of the Property of the required hearing. Ordinance Section 1820.08A. It did not. The Owner of the property is SCI Illinois Services, Inc., an Illinois corporation. As can be seen from the Commission's materials filed with the City Council, the Commission sent notice to Service Corporation International, which does not and never did own the Property. Fortunately, it is affiliated with the Owner and because of that the Owner eventually received the notice, but not until after the hearing mandated by the Ordinance. See Exhibit 1 attached hereto, which is a current title insurance commitment showing that it is (as it has been for many years) the owner of the Property. This failure of notice is why the Owner did not participate in the hearing. Among other things, this meant that the Owner had no opportunity to hear the oral testimony at that

hearing, no opportunity to cross-examine any witnesses, no opportunity to present at the hearing and no opportunity to answer any questions of the Commission.

Second, the nomination form forwarded to the City Council by the Commission is not the nomination form that was provided to the Owner. Among other things, Section 7 of the preprinted form, as filled out in the original, is materially different from the original version. As a further example, the narrative statement which is part of the second nomination is completely different from the first nomination; rather than rely on qualitative judgments which may be perceived to be subjective, it can simply be noted that the first nomination's narrative statement was 4 pages of text and the narrative statement attached to the second nomination, which is what was forwarded to City Council, is 10 pages of text.

There is no procedure in the ordinance for property to be nominated on one set of terms and then a second nomination substituted not only after the hearing but without notice to the Owner and submitted only as part of the package submitted to the City Council. Moreover, the Ordinance specifically prohibits the Commission from considering two nominations for the same property in any twelve-month period. Ordinance Section 1820.09.

Third, neither nomination states what elements of the property are to constitute the historic landmark. In its recommendation, the Commission made some comment that maybe the garage doesn't need to be involved. It also says that the interior is not involved, yet both nominations go into great detail about the interior in its description of "the property" that is being nominated. It is a fundamental right of due process that if the property owner's property is to be taken, then it has a right to know what that property is and what the taking entails.

Fourth, contrary to Ordinance Section 1820.08A, the Commission did not forward to the City Council all the materials submitted to the Commission by the Owner or the report of architectural historian Dr. Linda Peters.

Individually, these transactions are each sufficient to reject the recommendation. Together, they show a persistent pattern of disregard for the rights of property ownership.

II. The Ordinance Criteria Are Void for Vagueness

Exhibit 2 attached hereto, and Exhibit K to the materials submitted to the City Council by the Commission, is the Owner's supplement addressing the recent decision in the case of *Hanna et al. v. City of Chicago*. A copy of the appellate court decision in that case is attached as Exhibit L to the Commission's submittals. The Owner's supplement compares, side by side, the criteria for landmark designation in the City of Berwyn and the City of Chicago preservation ordinances. It was in the Hanna case that the City of Chicago's criteria were determined to be so vague and useless as standards as to violate the Constitution of the United States. As the side by side comparison in that supplement shows, the two sets of criteria are virtually identical.

The Commission says that that case did not involve the Ordinance, which is of course true, but the Hanna case is today the controlling precedent in Illinois.

III. On Its Merits the Property Does Not Qualify as a Berwyn Historic Landmark.

The second nomination drops the claim that the Property meets the criteria of "design elements from materials making building innovative, rare or unique." (Quoting the preprinted nomination form.) It relies exclusively on the 1st and 8th criteria of the Ordinance, namely "architectural, cultural, economic, historic or social significance" and a "representation of theme, style, or period." (Quoting the preprinted nomination form.) Although cited by the Commission, criteria number 8 clearly applies only to buildings in districts. The Ordinance clearly provides that the property must be "a representation of an architectural, cultural, economic, historic or

social theme, or style or period, expressed in distinctive areas, districts, places, buildings or structures that may or may not be contiguous.” Section 1820.07a.8. Clearly, both use of the words “areas and districts” and that all the other building words are plural and that the requirement is that they need not necessarily be contiguous clearly indicates that what the standard is referring to is a property which is representative of a distinctive area or groups of buildings that may or may not be contiguous. If it doesn’t mean that, it is redundant with the earlier criteria.

This leaves only the first of the criteria as applicable in this matter. It is noteworthy that this criteria is virtually identical to the criteria held constitutionally void for its vagueness. See Exhibit 2. This criterion provides that the property must have significance as an example of the architectural, cultural, economic, historic or social development or heritage of the city, the state of the United States. The real question here is how this is to be interpreted in some way so that every single piece of property in the City of Berwyn does not meet this criteria. For if it does apply to every single piece of property in Berwyn then why is the Property being singled out?

The Commission makes much of a letter from an official of the Illinois Historic Preservation Agency that the property is eligible for listing on the National Register of Historic Places. The applicable criteria of the Ordinance (No. 4) is whether the property is listed in the National Register of Historic Places; it obviously does not meet that criterion nor does this Commission so contend. Not only is the individual’s comment irrelevant, the letter is according to it’s terms “Based upon the documentation you have provided,” which documentation the Owner has shown in its submission to the Commission was false and incomplete.

The Commission in its decision ignored the Owner’s point that the Property cannot be used without material modifications to the front facade. The apartments on the upper floors of

the building have no external exit other than through other parts of the building. The original exit for the residential units onto the street was changed when the Marik family occupied the upper floors thus obviating the need for a separate entrance. Aside from the obvious safety violation, what apartment dweller would want to live this way? What store owner would want strangers having 24 hour access to his store?

The City wants more retail businesses on Cermak Road and has adopted a retail overlay zoning district to achieve that objective. But we ask you, what retailer would want a store that did not have windows to showcase his merchandise? The Property has no show windows and the windows it does have are of the variety common to funeral homes, opaque, leaded and colored.

CONCLUSION

The Property had been sold for \$1,250,000, subject to the ability to demolish the structure. If the nomination is accepted by the City Council, the damages to the Owner will be that simple to prove.

Respectfully submitted,

SCI Illinois Services Inc.

By: _____

Its: _____

Exhibit 1

LAW TITLE INSURANCE COMPANY, INC.

Authorized agent for STEWART TITLE GUARANTY COMPANY

COMMITMENT

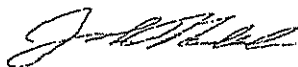
IV. SCHEDULE A

File No.: 08LT3447

Effective Date: March 10, 2008

- | 1. Policy or Policies to be issued: | AMOUNT |
|--|-----------------|
| (a) ALTA Owner's Policy – (06/17/2006) | \$ 1,250,000.00 |
| Proposed Insured: | |
| HD ACQUISITIONS, LLC | |
| (b) ALTA Loan Policy – (06/17/2006) | \$TBD |
| Proposed Insured: | |
| TO BE DETERMINED | |

ISSUED BY: Law Title Insurance Company, Inc.
Authorized Agent for: STEWART TITLE GUARANTY COMPANY
Refer inquiries to Authorized Agent:
LAW TITLE - NATIONAL DIVISION
2000 W. Galena Blvd., Suite 200
Aurora, Illinois 60506
(630) 892-4063



John Neuenkirchen

LAW TITLE INSURANCE COMPANY, INC.

Authorized agent for STEWART TITLE GUARANTY COMPANY

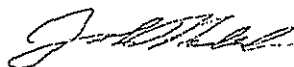
2. Title to the Fee Simple estate or interest in the land described or referred to in this Commitment is at the effective date hereof vested in:

SCI ILLINOIS SERVICES, INC., AN ILLINOIS CORPORATION, successor by merger to SERVICE CORPORATION ILLINOIS, AN ILLINOIS CORPORATION

3. The land referred to in this Commitment is described as follows:

See Schedule A 1 attached hereto and made a part hereof

ISSUED BY: Law Title Insurance Company, Inc.
Authorized Agent for: STEWART TITLE GUARANTY COMPANY
Refer inquiries to Authorized Agent:
LAW TITLE - NATIONAL DIVISION
2000 W. Galena Blvd., Suite 200
Aurora, Illinois 60506
(630) 892-4063



John Neuenkirchen

LAW TITLE INSURANCE COMPANY, INC.

Authorized agent for STEWART TITLE GUARANTY COMPANY

COMMITMENT

File No.: 08LT3447

SCHEDULE A 1

Legal Description

LOTS 1, 2, 3, 4 AND 5 IN BLOCK 3 IN GROH AND CHRISTIAN'S SUBDIVISION OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ISSUED BY: LAW TITLE - NATIONAL DIVISION
Authorized Agent for: STEWART TITLE GUARANTY COMPANY
2000 W. Galena Blvd., Suite 200
Aurora, Illinois 60506
(630) 892-4063

This commitment is invalid unless the Insuring Provisions and Schedules A and B are attached.

LAW TITLE INSURANCE COMPANY, INC.

Authorized agent for STEWART TITLE GUARANTY COMPANY

COMMITMENT

File No.: 08LT3447

SCHEDULE B – Section 1 Requirements

The following are the requirements to be complied with:

1. PAYMENT TO, OR FOR THE ACCOUNT OF, THE SELLERS OR MORTGAGORS OF THE FULL CONSIDERATION FOR THE ESTATE OR INTEREST TO BE INSURED.
2. INSTRUMENTS IN INSURABLE FORM WHICH MUST BE EXECUTED, DELIVERED AND DULY FILED FOR RECORD:

PROPERLY EXECUTED DEED, MORTGAGE AND ANY OTHER REQUIRED DOCUMENT.

NOTE: ANY DEED OR ASSIGNMENT OF BENEFICIAL INTEREST MAY BE SUBJECT TO REAL ESTATE TRANSFER TAXES LEVIED BY THE STATE, COUNTY AND CITY. LIEN IN FAVOR OF SAID MUNICIPALITY SHOULD A DEED OF CONVEYANCE BE RECORDED WITHOUT SAID REVENUE STAMPS AFFIXED.

3. THE COVERAGE AFFORDED BY THIS COMMITMENT AND ANY POLICY ISSUED PURSUANT HERETO SHALL NOT COMMENCE PRIOR TO THE DATE ON WHICH ALL CHARGES PROPERLY BILLED BY THE COMPANY HAVE BEEN FULLY PAID.
4. ANY DEED ATTEMPTING TO CONVEY THE LAND MUST BE ACCOMPANIED WITH A PROPERLY EXECUTED AND ACKNOWLEDGED PLAT ACT AFFIDAVIT IN ACCORDANCE WITH THE PROVISIONS OF 765 ILCS 205.
5. IF THE MORTGAGOR, FEE OWNER OR LESSOR/LESSEE IS A CORPORATION, THE FOLLOWING WILL BE REQUIRED:
 - A) A CERTIFIED COPY OF CORPORATE RESOLUTIONS PASSED BY THE STOCKHOLDERS AND/OR BOARD OF DIRECTORS AUTHORIZING THE:
 - I) MORTGAGE, WHICH INCLUDES THE AMOUNT OF THE LOAN AND THE INTEREST RATE;
 - II) DEED OR LEASE, WHICH INCLUDES APPROVAL OF THE SALE PRICE OR LEASE TERMS.
 - B) A CERTIFICATE OF GOOD STANDING WITH THE OFFICE OF THE ILLINOIS SECRETARY OF STATE.
6. IF THE MORTGAGOR, FEE OWNER OR LESSOR/LESSEE IS A

PARTNERSHIP, THE FOLLOWING WILL BE REQUIRED:

ISSUED BY: LAW TITLE - NATIONAL DIVISION
Authorized Agent for: STEWART TITLE GUARANTY COMPANY
2000 W. Galena Blvd., Suite 200
Aurora, Illinois 60506
(630) 892-4063

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LAW TITLE INSURANCE COMPANY, INC.

Authorized agent for STEWART TITLE GUARANTY COMPANY

COMMITMENT

File No.: 08LT3447

SCHEDULE B - Section 1 Requirements

- A) A COPY OF THE PARTNERSHIP AGREEMENT AND ALL AMENDMENTS THERETO, CERTIFIED IN WRITING BY THE GENERAL PARTNERS AS BEING TRUE, CORRECT AND COMPLETE.
- 7. IF THE MORTGAGOR, FEE OWNER OR LESSOR/LESSEE IS A LIMITED LIABILITY COMPANY, THE FOLLOWING WILL BE REQUIRED:
 - A) UPON A CONVEYANCE OR MORTGAGE BY SAID LIMITED LIABILITY COMPANY OF THE LAND, A CERTIFIED COPY OF THE ARTICLES OF ORGANIZATION, TOGETHER WITH ALL AMENDMENTS THERETO AND AN OPERATING AGREEMENT, TOGETHER WITH ALL AMENDMENTS THERETO, SHOULD BE FURNISHED TO THE COMPANY FOR REVIEW.
 - B) A CERTIFICATE OF GOOD STANDING FOR THE LIMITED LIABILITY COMPANY ISSUED BY THE SECRETARY OF STATE SHOULD BE PROVIDED.
- 8. ANY LIEN OR RIGHT TO A LIEN FOR PROPERTY MANAGEMENT UNDER THE ILLINOIS MECHANIC LIEN ACT.

NOTE: THE ABOVE EXCEPTION WILL APPEAR ON THE SCHEDULE B OF THE POLICY UNLESS THE PROPERTY MANAGER WAIVER OF LIEN IS PROPERLY EXECUTED AND SUBMITTED TO STEWART TITLE GUARANTY COMPANY.

- 9. IF EXTENDED COVERAGE IS REQUESTED, WE SHOULD BE FURNISHED THE FOLLOWING:
 - A. A CURRENT ALTA/ACSM LAND TITLE SURVEY FOR COMMERCIAL PURPOSES, CERTIFIED TO LAW TITLE INSURANCE COMPANY AND STEWART TITLE GUARANTY COMPANY.
 - B. A PROPERLY EXECUTED ALTA STATEMENT (SIGNED BY OWNER, PURCHASER AND MAJOR TENANTS) AND AFFIDAVIT OF TITLE FROM OWNER.
 - C. UTILITY LETTERS LOCATING UNRECORDED EASEMENTS. IN THE ALTERNATIVE, THE COMPANY WILL ACCEPT AN AFFIDAVIT FROM THE OWNER IN EFFECT STATING THAT HE IS UNAWARE OF ANY UNRECORDED EASEMENTS.
 - D. A LETTER FROM THE MUNICIPALITY STATING THAT THE LAND DOES NOT LIE WITHIN THE BOUNDARIES OF ANY PROPOSED OR EXISTING SPECIAL SERVICE AREA.

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COMMITMENT

File No.: 08LT3447

SCHEDULE B – Section 1 Requirements

11. ANY LIEN OR RIGHT TO A LIEN, IMPOSED BY LAW UNDER THE PROVISIONS OF THE COMMERCIAL REAL ESTATE BROKER LIEN ACT AND NOT SHOWN IN THE PUBLIC RECORDS FOR COMPENSATION AGREED UPON BY A BROKER AND THE BROKER'S CLIENT OR CUSTOMER UNDER THE TERMS OF A WRITTEN AGREEMENT ENTERED INTO FOR THE PURPOSES OF BUYING, SELLING, LEASING OR OTHERWISE CONVEYING ANY INTEREST IN THE LAND DESCRIBED IN SCHEDULE A.
12. IF NEW CONSTRUCTION HAS TAKEN ON THE SUBJECT PROPERTY IN THE PAST SIX MONTHS, WE SHOULD BE FURNISHED WITH EVIDENCE OF PAYMENT IN FULL OF THE COST OF FURNISHING THE LABOR AND MATERIALS FOR CONSTRUCTION.
13. THE ILLINOIS LAW RELATING TO THE RECORDING OF DOCUMENTS HAS BEEN AMENDED TO PROVIDE FOR A STANDARDIZATION OF DOCUMENTS PRESENTED FOR RECORDATION. THE LAW APPLIES TO DOCUMENTS WHICH ARE DATED AFTER JANUARY 1, 1995. ANY DOCUMENTS WHICH DO NOT CONFORM TO THE NEW LAW WILL REQUIRE PAYMENT OF RECORDING FEES DOUBLE THE AMOUNT THAT WOULD OTHERWISE BE REQUIRED FOR RECORDING. ALL DOCUMENTS SUBMITTED FOR RECORDING MUST COMPLY WITH THE FOLLOWING:
 - A. THE PERMANENT REAL ESTATE TAX NUMBER(S) MUST APPEAR ON EACH INSTRUMENT.
 - B. THE COMMON PROPERTY ADDRESS(ES) MUST APPEAR ON EACH INSTRUMENT. IF THE PROPERTY IS VACANT INDICATE STREET COORDINATES FOR THE ADDRESS.
 - C. EACH INSTRUMENT MUST PROVIDE A LEGAL DESCRIPTION.
 - D. EACH INSTRUMENT MUST PROVIDE THE NAME AND ADDRESS OF THE PARTY TO WHOM THE INSTRUMENT SHOULD BE MAILED.
 - E. THE NAME AND ADDRESS OF THE INDIVIDUAL WHO PREPARED EACH INSTRUMENT MUST BE SHOWN ON THE FRONT PAGE.

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File No.: 08LT3447

SCHEDULE B – Section 1 Requirements

- F. 55 ILCS 5/3-5018 SET STANDARDS FOR RECORDING DOCUMENTS, WHICH ARE:
- I THE DOCUMENT SHALL CONSIST OF ONE OR MORE INDIVIDUAL SHEETS MEASURING 8.5 INCHES BY 11 INCHES, NOT PERMANENTLY BOUND AND NOT A CONTINUOUS FORM;
 - II THE DOCUMENT SHALL BE PRINTED IN BLACK INK, TYPEWRITTEN OR COMPUTER-GENERATED, IN AT LEAST 10 POINT TYPE;
 - III THE DOCUMENT SHALL BE OF WHITE PAPER OF NOT LESS THAN 20 POUND WEIGHT AND SHALL HAVE A CLEAN MARGIN OF AT LEAST ONE-HALF INCH ON ALL FOUR SIDES;
 - IV THE FIRST PAGE OF THE DOCUMENT SHALL CONTAIN A BLANK SPACE, MEASURING AT LEAST THREE INCHES VERTICALLY BY FIVE INCHES HORIZONTALLY, IN THE UPPER RIGHT HAND CORNER;
 - V THE DOCUMENT SHALL NOT HAVE ANY ATTACHMENTS STAPLED OR OTHERWISE AFFIXED TO ANY PAGE.
 - VI AFTER JANUARY 1, 1995, NONCOMPLIANCE WITH THE ABOVE STANDARDS, THE RECORDER WILL CHARGE A FEE THAT IS DOUBLE THE RECORDING CHARGE FOR A PARTICULAR DOCUMENT. A COVER SHEET WILL NOT AVOID THE PENALTY CHARGE.
 - VII IN COMPLIANCE WITH PUBLIC ACT 91-555, EFFECTIVE JANUARY 1, 2000, THE ILLINOIS DEPARTMENT OF REVENUE REQUIRES THE USE OF A SUBSTANTIALLY REVISED REAL ESTATE TRANSFER DECLARATION (PTAX 203 AND 203A). ACCORDING TO CHAPTER 35 ILCS 200/31-25 OF THE ILLINOIS COMPILED STATUTES. THE FORMS MUST BE COMPLETED IN FULL, WITHOUT ANY OMISSIONS, AND MUST BE SIGNED BY THE SELLER AND BUYER, OR THEIR AGENTS. THESE FORMS AND INSTRUCTIONS MAY BE OBTAINED BY CONTACTING THE COUNTY RECORDER FOR THE COUNTY IN WHICH THE LAND IS LOCATED. THE FORMS AND INSTRUCTIONS MAY ALSO BE AVAILABLE ON THE WORLD WIDE WEB AT:
<https://www.revenue.state.il.us/app/rtdi/>

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COMMITMENT

File No.: 08LT3447

SCHEDULE B - Section 1 Requirements

14. THE MUNICIPALITY MAY REQUIRE PURCHASE OF MUNICIPAL TRANSFER TAX STAMPS, IN ADDITION TO STATE AND COUNTY TRANSFER TAX STAMPS. MANY MUNICIPALITIES HAVE REQUIREMENTS, INCLUDING BUT NOT LIMITED TO THE PAYMENT IN FULL OF ANY FEES DUE, SUCH AS WATER AND SEWER USAGE FEES, AND CODE VIOLATIONS. AN INSPECTION OF THE PROPERTY MAY ALSO BE REQUIRED. ALL REQUIREMENTS MUST BE COMPLETED IN ADVANCE OF THE CLOSING. PLEASE CONTACT THE MUNICIPALITY FOR FURTHER INFORMATION.
- CITY OF BERWYN
15. NOTE: THE POLICY TO BE ISSUED CONTAINS AN ARBITRATION CLAUSE. ANY MATTER IN DISPUTE BETWEEN YOU AND THE COMPANY MAY BE SUBJECT TO ARBITRATION AS AN ALTERNATIVE TO COURT ACTION. UPON REQUEST, THE COMPANY WILL PROVIDE A COPY OF THIS CLAUSE AND THE ACCOMPANYING ARBITRATION RULES PRIOR TO THE CLOSING OF THE TRANSACTION. ANY DECISION REACHED BY ARBITRATION SHALL BE BINDING UPON BOTH YOU AND THE COMPANY. THE ARBITRATION AWARD MAY INCLUDE ATTORNEY'S FEES, IF ALLOWED BY STATE LAW, AND MAY BE ENTERED AS A JUDGMENT IN ANY COURT OF PROPER JURISDICTION."

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COMMITMENT

File No.: 08LT3447

SCHEDULE B – Section 2 Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON BY THIS COMMITMENT.
2. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS.
3. EASEMENTS OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS.
4. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.
5. ANY LIEN OR RIGHT TO A LIEN, FOR SERVICES, LABOR, OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
6. TAXES OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS.
7. GENERAL REAL ESTATE TAXES FOR THE YEARS 2007 AND 2008 AND YEARS THEREAFTER WHICH ARE A LIEN, NOT YET DUE OR PAYABLE.

GENERAL REAL ESTATE TAXES FOR THE YEAR 2007: FIRST INSTALLMENT IN THE AMOUNT OF \$882.51 ARE PAID IN FULL SECOND INSTALLMENT IS NOT YET DUE OR PAYABLE IN AN UNKNOWN AMOUNT. PRIOR YEARS TAXES ARE PAID IN FULL.

TAX IDENTIFICATION NUMBER: 16-30-205-004-0000 (LOT 5)

GENERAL REAL ESTATE TAXES FOR THE YEAR 2007: FIRST INSTALLMENT IN THE AMOUNT OF \$4,656.02 ARE PAID IN FULL SECOND INSTALLMENT IS NOT YET DUE OR PAYABLE IN AN UNKNOWN AMOUNT.

TAX IDENTIFICATION NUMBER: 16-30-205-005-0000 (LOT 4)

GENERAL REAL ESTATE TAXES FOR THE YEAR 2007: FIRST INSTALLMENT IN THE AMOUNT OF \$4,656.02 ARE PAID IN FULL SECOND INSTALLMENT IS NOT YET DUE OR PAYABLE IN AN UNKNOWN AMOUNT.

TAX IDENTIFICATION NUMBER: 16-30-205-006-0000 (LOT 3)

GENERAL REAL ESTATE TAXES FOR THE YEAR 2007: FIRST INSTALLMENT IN THE AMOUNT OF \$1,483.62 ARE PAID IN FULL SECOND INSTALLMENT IS NOT YET DUE OR PAYABLE IN AN UNKNOWN AMOUNT.

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File No.: 08LT3447

SCHEDULE B – Section 2 Exceptions

TAX IDENTIFICATION NUMBER: 16-30-205-007 (LOTS 1 AND 2)

NOTE: THE LAND IS LOCATED IN BERWYN TOWNSHIP.

NOTE: THE PERMANENT TAX INDEX NUMBERS ARE PROVIDED FOR INFORMATION ONLY. THE COMPANY NEITHER GUARANTEES NOR INSURES THE ACCURACY OR COMPLETENESS THEREOF. YOU ARE ADVISED THAT YOU SHOULD NOT RELY UPON THESE NUMBERS AND SHOULD INDEPENDENTLY VERIFY THE ACCURACY THEREOF.

8. COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN DEED RECORDED MAY 26, 1914 AS DOCUMENT 5424327 RELATING TO THE USE, MATERIALS, CONSTRUCTION AND COST OF BUILDINGS TO BE ERECTED ON THE LAND. (AFFECTS LOTS 1 AND 2)

NOTE: SAID INSTRUMENT CONTAINS NO PROVISION FOR A FORFEITURE OF OR REVERSION OF TITLE IN CASE OF BREACH OF CONDITION.

9. COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN WARRANTY DEED FROM HENRY GROH TO BOHUMIL LINKA AND MARIE LINKA, HIS WIFE, DATED FEBRUARY 24, 1919 AND RECORDED FEBRUARY 26, 1919 AS DOCUMENT 6471414, RELATING TO THE USE, CHARACTER, CONSTRUCTION AND COST OF BUILDINGS TO BE ERECTED ON THE LAND. (AFFECTS LOT 3)

NOTE: SAID INSTRUMENT CONTAINS NO PROVISION FOR A FORFEITURE OF OR REVERSION OF TITLE IN CASE OF BREACH OF CONDITION.

10. COVENANTS AND RESTRICTIONS CONTAINED IN THE WARRANTY DEED FROM HENRY GROH TO LADISLAV STOLFA DATED MAY 21, 1920 AND RECORDED MAY 21, 1920 AS DOCUMENT 6832299, RELATING TO THE USE, CONSTRUCTION, MATERIAL AND COST OF BUILDINGS TO BE ERECTED ON THE LAND. (AFFECTS LOT 4)

NOTE: SAID INSTRUMENT CONTAINS NO PROVISION FOR A FORFEITURE OF OR REVERSION OF TITLE IN CASE OF BREACH OF CONDITION.

11. COVENANTS AND RESTRICTIONS CONTAINED IN WARRANTY DEED RECORDED SEPTEMBER 18, 1914 AS DOCUMENT 5489935, RELATING TO THE COST, USE AND CONSTRUCTION OF BUILDINGS TO BE ERECTED ON THE LAND. (AFFECTS LOT 5)

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File No.: 08LT3447

SCHEDULE B – Section 2

Exceptions

NOTE: SAID INSTRUMENT CONTAINS NO PROVISION FOR A FORFEITURE OF OR REVERSION OF TITLE IN CASE OF BREACH OF CONDITION.

12. INTENTIONALLY DELETED.
13. INTENTIONALLY DELETED.
14. INTENTIONALLY DELETED.
15. INTENTIONALLY DELETED.
16. TERMS AND PROVISIONS OF ORDINANCE RECORDED DECEMBER 7, 1993 AS DOCUMENT 93861465 BY THE CITY COUNCIL OF THE CITY OF BERWYN, AN ORDINANCE AMENDING CHAPTER 888 OF THE CODIFIED ORDINANCE. (SEE DOCUMENT FOR PARTICULARS)
17. INTENTIONALLY DELETED.
18. INTENTIONALLY DELETED.
19. SUBJECT TO EXISTING LEASES, IF ANY, AND RIGHTS OF PARTIES IN POSSESSION UNDER SUCH UNRECORDED LEASES.
20. MATTERS AS DISCLOSED BY ALTA SURVEY BY REBECCA Y. POPECK, OF CONSULTING ENGINEERS, DATED MARCH 14, 2008 AS JOB NUMBER 5711, AS FOLLOWS:
 - A) WALL ENCROACHES OVER THE NORTH PROPERTY LINE INTO THE CERMAK ROAD RIGHT OF WAY BY 0.1 FEET.
 - B) ENCROACHMENT OF 2 STORY BRICK BUILDING ENCROACHING FROM THE ADJOINING LAND ONTO THE PREMISE BY 0.11 FEET.
 - C) 4 INCH CLAY DRAIN LOACTED ON THE WESTERLY LINE OF LOT 5.

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(630) 892-4063

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Exhibit 2

TO: Berwyn Historic Preservation Commission
RE: 6507 North Cermak Road (former Marik Funeral Home)
DATED: February 9, 2009

Supplement to Statement in Opposition to Historic Landmark Nomination

This supplements the Statement in Opposition to Historic Landmark Nomination dated January 6, 2009, previously filed by SCI Illinois Services, Inc. in connection with the above-referenced property ("Statement in Opposition"). The reason for this supplement is to discuss the relevance of the opinion (the "Decision") of the Appellate Court of Illinois (First Judicial District) in Hanna, et al. vs. City of Chicago, et al., No. 1-07-3548 (the "Case") rendered January 30, 2009.

The Decision in the above-referenced Case is relevant because the language interpreted by the Court relating to the Chicago of Chicago landmarks ordinance is either identical in pertinent part to that of the Berwyn Historic Preservation Ordinance or, when compared with the City of Berwyn ordinance, is even less vague.

The Court held: "We believe that the terms "value," "important," "significant," and "unique" are vague, ambiguous, and overly broad." (Slip opinion, p. 10.) The Court further held: "We find that the seven criteria outlined in the Ordinance are unconstitutionally vague and therefore do not adequately provide intelligible standards by which to guide the Commission." (Slip opinion, p. 16.) The conclusion of the Court in the Case is identical to the conclusion in Part V of our Statement in Opposition, captioned "The Ordinance is Void and Unenforceable for Vagueness."

There follows below a criterion by criterion comparison of the standards set forth in the Berwyn ordinance for designation of a historic landmark at Section 1820.06A and the comparable standards set forth in the City of Chicago ordinance as recited in the Case:

<u>City of Berwyn</u>	<u>City of Chicago</u>
1. <u>Significance</u> as an example of the architectural, cultural, economic, historic or social development or heritage of the City, the State, or the United States.	1. Its <u>value</u> as an example of the architectural, cultural, economic, historic, social, or other aspects of the heritage of the City of Chicago, State of Illinois or the United States
2. Location as a site of a historic event, with a <u>significant</u> effect on the City, the State, or the United States	2. Its location as a site of a <u>significant</u> historic event which may or may not have taken place within or involved the use of any existing improvements.
3. Identification with a person or persons who <u>significantly</u> contributed to the architectural, cultural, economic, historic or social heritage, or other aspect of the City, the State, or the United States.	3. Its identification with a person who <u>significantly</u> contributed to the architectural, cultural, economic, historic, social, or other aspect of the development of the city of Chicago, State of Illinois or the United States.

4. Existence in the National Register or Historic Places.	(Not Comparable)
5. Embodiment of those distinguishing characteristics of <u>significant</u> architectural type, or style, or engineering specimen.	4. Its exemplification of an architectural type or style distinguished by innovation, rarity, <u>uniqueness</u> , or overall quality of design, detail, materials, or craftsmanship.
6. Identification as the work of a builder, designer, architect, craftsman, engineer or landscape architect whose individual work is <u>significant</u> in the development of the City, the State, or the United States.	5. Its identification as the work of an architect, designer, engineer or builder whose individual work is <u>significant</u> in the history or development of the City of Chicago, State of Illinois, or the United States.
7. Contains design elements, detail, material or craftsmanship that make the property or building structurally or architecturally innovative, rare or <u>unique</u> .	4. Its exemplification of an architectural type or style distinguished by innovation, rarity, <u>uniqueness</u> , or overall quality of design, detail, materials, or craftsmanship.
8. Representation of an architectural, cultural, economic, historic or social theme, style or period, expressed in distinctive areas, districts, places, buildings or structures that may or may not be contiguous.	6. Its representation of an architectural, cultural, economic, historic, social, or other theme expressed through distinctive areas, districts, places, buildings, structures, works of art, or other objects that may or may not be contiguous.
(Not Comparable)	7. Its <u>unique</u> location or distinctive physical appearance or presence representing an established and familiar visual feature of a neighborhood, community or the City of Chicago.
Emphasis added. The numbering in each column corresponds to the numbers used in the respective ordinances.	

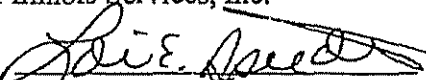
In addition to the standard by standard comparison above, we have underlined those very words that the Court determined are, in the context of a landmark preservation ordinance designation process, unconstitutionally vague. As can be seen, the very words that the Court found to be constitutionally vague are the ones that are relied upon in the Berwyn Ordinance.

Not only is the Case legally determinative, it also underscores that the Owner's Statement in Opposition represents the state of the art on the relevant issues and confirms its conclusion that the nomination in question should not proceed.

Respectfully submitted,

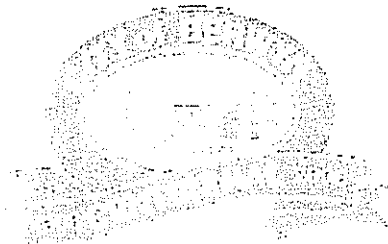
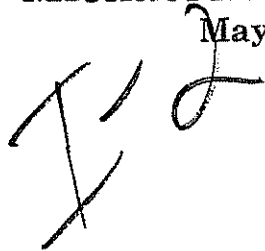
SCI Illinois Services, Inc.

By:



Lori E. Spilde, Vice President

Michael A. O'Connor
Mayor



Santiago "Jim" Ramos
Second Ward Alderman
(708) 484-4275
2ndWard@Berwyn-IL.Gov

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www.berwyn-il.gov

Mayor Mike O'Connor
City Council Members
City Clerk

March 19, 2009

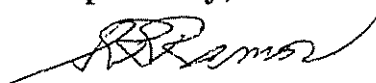
**Re: Stop Signs at 33rd Street and Clarence Avenue,
Previously Referred to Traffic Engineer**

Dear Mayor and City Council Members,

In conversations that I've had with Father Tom McQuaid, pastor of St. Leonard Church, he has asked that stop signs be installed on the intersecting corners of 33rd Street and Clarence Avenue. Unfortunately, too many drivers speed down these streets during school hours as well as during Saturday and Sunday services. We both feel that placing stop signs at these two corners would reduce the danger to the school children and the parishioners crossing these streets.

I motion that Father Tom's request be approved by this council and that our Director of Public Works be instructed to install the requested signs as soon as possible.

Respectfully,



Santiago "Jim" Ramos
2nd Ward Alderman

Michael A. O'Connor
Mayor



Santiago "Jim" Ramos
Second Ward Alderman
(708) 484-4275
2ndWard@Berwyn-IL.Gov

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www.berwyn-il.gov

Mayor Mike O'Connor
City Council Members
City Clerk

March 19, 2009

Re: Emmanuel Bible Church's Request Approval of Access to
Handicap Ramp

Dear Mayor and City Council Members,

The Emmanuel Bible Church is currently making an \$850,000 major investment in our community by expanding and upgrading their church. One of the upgrades is a handicap ramp leading from Ogden Avenue up to the first level entrance to the church. The original plans submitted were found to be not in compliance with Federal codes for handicap ramps. Therefore, new plans were drawn and given to the construction manager. The construction manager thought they had been submitted to our Building Department and went ahead and constructed the ramp using the new plans. With the new plan a pad is planned that will now allow entrance and exit onto a public sidewalk leading to their parking lot. The EBC is asking permission to build this pad parallel with Ogden Avenue. The pad will be 10' away from the street and is currently separated by a city sidewalk and a grassy parkway. EBC is willing to sign any hold harmless waiver that the City may feel is necessary to protect itself and the citizens of Berwyn.

I motion that this City Council allow the EBC to build the requested pad and send this request to our Law Department to draw up any waivers that may need to be signed.

Respectfully,

Santiago "Jim" Ramos
2nd Ward Alderman



EMMANUEL BIBLE CHURCH

TO KNOW CHRIST & TO MAKE HIM KNOWN

March 4, 2009

City of Berwyn
6700 W. 26th Street
Berwyn, IL 60402

Dear Alderman Ramos and City Council Members,

We have had the privilege of being located in the City of Berwyn since 1965. As you may know we have many ministries that directly serve the residents of Berwyn and the surrounding communities. These include youth activities, marriage, benevolence, food pantry, and food baskets given out during the holidays. We believe that building strong families builds a stronger community.

I am writing to you regarding a problem we encountered in our \$850,000 project to add additional space to our church to serve this community. First, a mistake was made by our contractor when they constructed our handicap ramp. Our architect, with the concurrence of the construction manager, felt that the new configuration of the ramp would better meet the Federal guidelines concerning handicap ramps. In the new plans the direction of the ramp was to be built reversed to what we showed on the plans we submitted to your Build Department. New plans were drawn but, unfortunately they were not presented to the Building Director. Upon inspection by the Building Director we were informed that because of this mistake we would have to tear down the ramp and rebuild it according to the original plans. To tear out the current ramp and rebuild it according to the original plans would cost us over \$30,000 and this is money that we simply do not have. Second, due to the change of direction of our handicap ramp the concrete pad leading to its' entrance must now come off a public sidewalk.

In light of the above we are asking the City of Berwyn to accept our new plans for the handicap ramp and allow us to keep it as it was built. Second, we are asking that we be allowed to build a concrete pad leading from the ramp to the public sidewalk leading to our parking lot. The pad will be five feet wide and will be approximately 10' away from Ogden Avenue. Currently there is a grassy parkway and a five foot public sidewalk between our planed pad and the street. This design would not pose any conceivable danger to our church members or the citizens of the City of Berwyn. We would be willing to sign any hold harmless waiver the City may feel is necessary to protect itself and the citizens of Berwyn.

Thank you for your consideration,

Respectfully yours,

Larry Pilkington, Pastor

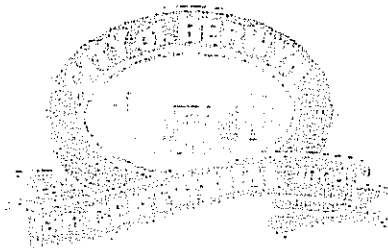
EMMANUEL BIBLE CHURCH

RIGHTEDUSNESS EXALTS
A NATION, BUT SIN IS A
DISGRACE TO ANY PEOPLE
END 9:00 10:30 12:00



Michael A. O'Connor

Mayor



Santiago "Jim" Ramos

Second Ward Alderman

(708) 484-4275

2ndWard@Berwyn-IL.Gov

A Century of Progress with Pride

6700 West 26th Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660
www.berwyn-il.gov

**Mayor Mike O'Connor
City Council Members
City Clerk**

March 19, 2009

Re: Emmanuel Bible Church's Request Approval of Alternate Plans

Dear Mayor and City Council Members,

The Emmanuel Bible Church is currently making an \$850,000 major investment in our community by expanding and upgrading their church. One of the upgrades is a handicap ramp leading from Ogden Avenue up to the first level entrance to the church. The original plans submitted were found to be not in compliance with Federal codes for handicap ramps. Therefore, new plans were drawn and given to the construction manager. The construction manager thought they had been submitted to our Building Department and went ahead and constructed the ramp using the new plans. When Dan LeBeau inspected the work he found that the ramp was not according to the original plans and informed the church that it would have to be torn down and rebuilt according to the plans submitted. This will cost the church an additional \$30,000 and it will make the ramp non-compliant to Federal codes. EBC is asking that the City Council accept the amended plans and leave the ramp as constructed.

I motion that this City Council accept the revised plans submitted and allow the handicap ramp to remain as constructed.

Respectfully,

A handwritten signature in cursive script, appearing to read "Santiago Ramos".

**Santiago "Jim" Ramos
2nd Ward Alderman**



EMMANUEL BIBLE CHURCH

TO KNOW CHRIST & TO MAKE HIM KNOWN

March 4, 2009

City of Berwyn
6700 W. 26th Street
Berwyn, IL 60402

Dear Alderman Ramos and City Council Members,

We have had the privilege of being located in the City of Berwyn since 1965. As you may know we have many ministries that directly serve the residents of Berwyn and the surrounding communities. These include youth activities, marriage, benevolence, food pantry, and food baskets given out during the holidays. We believe that building strong families builds a stronger community.

I am writing to you regarding a problem we encountered in our \$850,000 project to add additional space to our church to serve this community. First, a mistake was made by our contractor when they constructed our handicap ramp. Our architect, with the concurrence of the construction manager, felt that the new configuration of the ramp would better meet the Federal guidelines concerning handicap ramps. In the new plans the direction of the ramp was to be built reversed to what we showed on the plans we submitted to your Build Department. New plans were drawn but, unfortunately they were not presented to the Building Director. Upon inspection by the Building Director we were informed that because of this mistake we would have to tear down the ramp and rebuild it according to the original plans. To tear out the current ramp and rebuild it according to the original plans would cost us over \$30,000 and this is money that we simply do not have. Second, due to the change of direction of our handicap ramp the concrete pad leading to its' entrance must now come off a public sidewalk.

In light of the above we are asking the City of Berwyn to accept our new plans for the handicap ramp and allow us to keep it as it was built. Second, we are asking that we be allowed to build a concrete pad leading from the ramp to the public sidewalk leading to our parking lot. The pad will be five feet wide and will be approximately 10' away from Ogden Avenue. Currently there is a grassy parkway and a five foot public sidewalk between our planed pad and the street. This design would not pose any conceivable danger to our church members or the citizens of the City of Berwyn. We would be willing to sign any hold harmless waiver the City may feel is necessary to protect itself and the citizens of Berwyn.

Thank you for your consideration,

Respectfully yours,

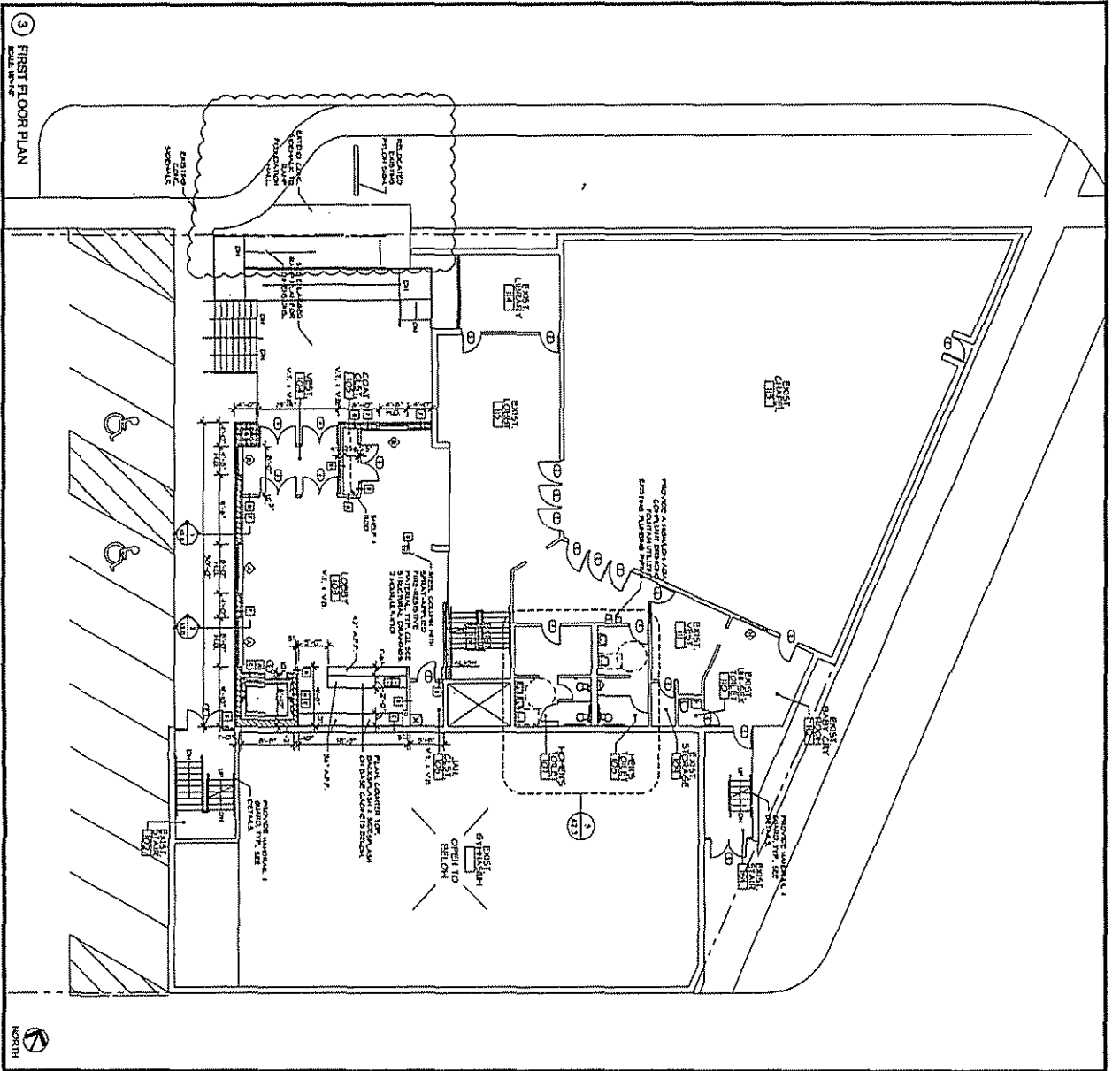
A handwritten signature in cursive script that reads "Larry Pilkington".

Larry Pilkington, Pastor

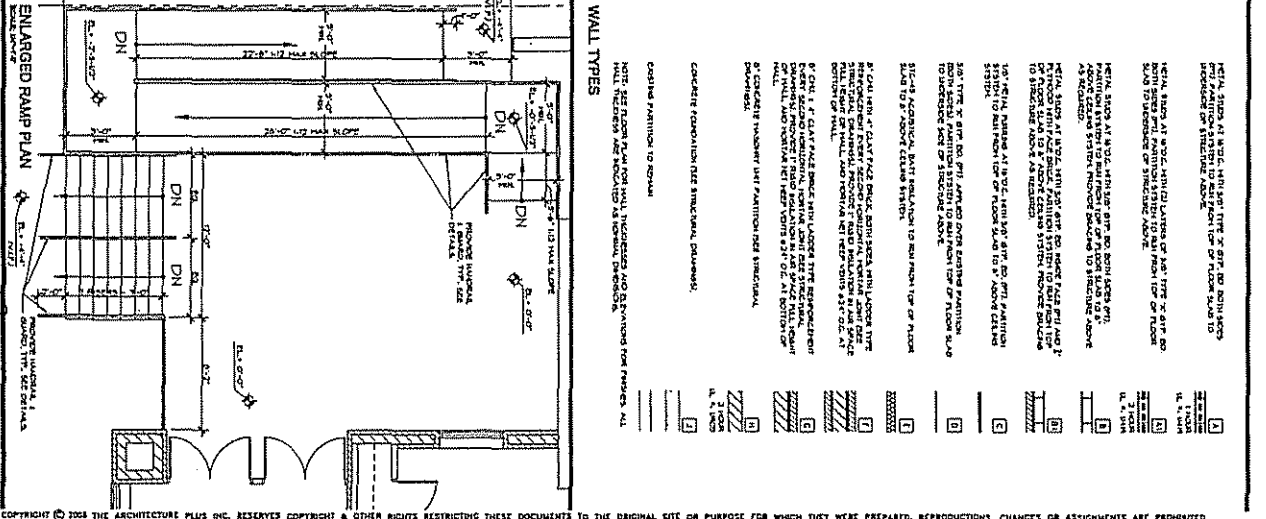
EMMANUEL BIBLE CHURCH

RIGHTEOUSNESS EXALTS
A NATION, BUT SIN IS A
DISGRACE TO ANY PEOPLE
ENG 9:00 10:30 ESP 12:00





3 FIRST FLOOR PLAN



2 ENLARGED RAMPA PLAN

1 WALL TYPES

CONCRETE FOUNDATION (SEE STRUCTURAL DRAWINGS)

COASTED PARTITION TO ROOM

NEW: SEE FLOOR PLAN FOR WALL, HEIGHTS AND DOOR/WINDOW PLACEMENTS. ALL WALL HEIGHTS ARE INDICATED AS NORMAL, UNLESS NOTED.

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EMMANUEL BIBLE CHURCH ADDITION
6630 WEST OGDEN AVENUE
BERWYN, ILLINOIS

AP1 ARCHITECTURE PLUS, INC.
5300 Harvard Ave.
Berwyn, IL 60404
P: 708.339.4400
F: 708.339.4401
E: info@ap1arch.com
www.ap1arch.com

PROJECT NO. A1.1
DATE: 10/2011

AP1

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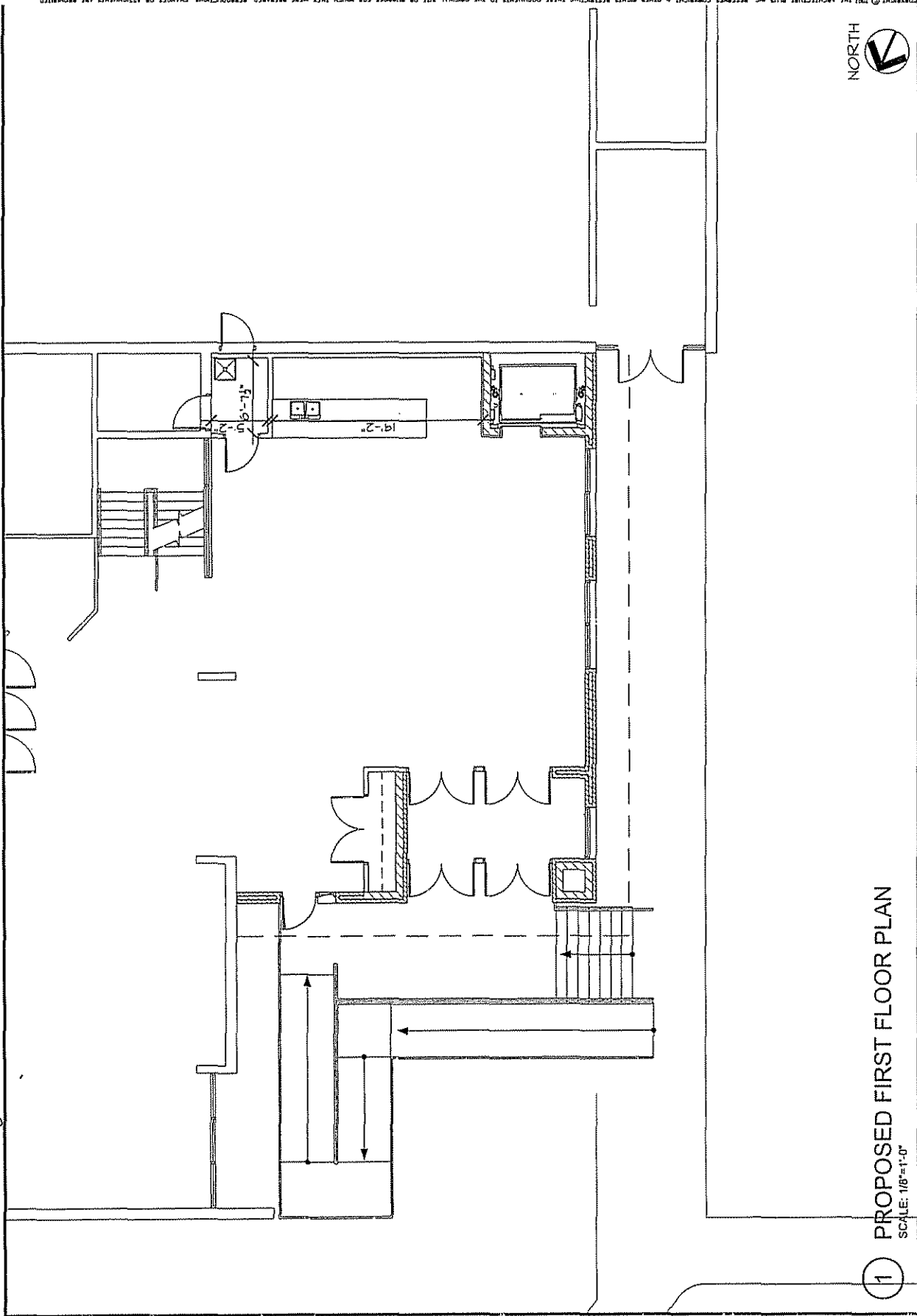
APL ARCHITECTURE
 350 West Ave.
 Chicago, IL 60610
 312.467.1100
 8-hour guaranteed response

Professional Design Firm
 Licensed in the State of Illinois
 No. 043-000001

EMMANUEL BIBLE CHURCH ADDITION
 6660 WEST OGDEN AVENUE
 BERYN, ILLINOIS

NO.	DATE	DESCRIPTION
01	11-11-07	PRELIMINARY
02	01-10-08	REVISED
03	03-10-08	REVISED
04	05-10-08	REVISED
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07	11-10-08	REVISED
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SK1.0
 SCHEMATIC DESIGN
 1/2" = 1' (SEE DETAILS)

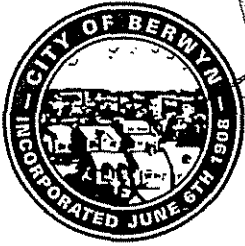


Original

1 PROPOSED FIRST FLOOR PLAN
 SCALE: 1/8"=1'-0"



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THE CITY OF BERWYN, ILLINOIS

MICHAEL A. O'CONNOR, *Mayor*

6700 West 26th Street • Berwyn, Illinois 60402-0701 • Telephone: (708) 788-2660 • Fax: (708) 788-2567
www.berwyn-il.gov

Honorable Mayor Michael O'Connor
Members of City Council

March 20, 2009

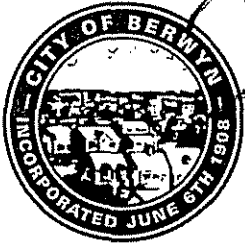
RE: Crime Free Multi-Family Housing Ordinance

Ladies and Gentlemen,

There are some issues I would like to discuss with you this evening. Thank you for your consideration.

Respectfully Submitted,

Michael J. Phelan
6th Ward Alderman



THE CITY OF BERWYN, ILLINOIS

MICHAEL A. O'CONNOR, *Mayor*

6700 West 26th Street • Berwyn, Illinois 60402-0701 • Telephone: (708) 788-2660 • Fax: (708) 788-2567
www.berwyn-il.gov

Honorable Mayor Michael O'Connor
Members of City Council

March 20, 2009

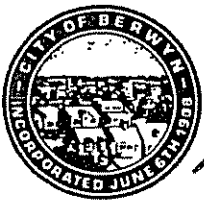
RE: 1926 East Avenue

Ladies and Gentlemen,

After having more questions than answers as to the professionalism or lack thereof in the handling of this issue by public works department heads, as well as questions regarding the cities liability in this matter, it would be my motion to authorize the finance director to issue a check in the amount of one half the cost to Mr. and Mrs. Rosado at the above mentioned address for sewer rodding recently incurred by them in an amount not to exceed \$400.00. Thank you for your consideration.

Respectfully Submitted,

Michael J. Phelan
6th Ward Alderman



**Board of
Fire & Police Commissioners**

6401 West 31st Street
Berwyn, Illinois 60402-0701

HONORABLE MAYOR MICHAEL A. O'CONNOR
FIRE CHIEF DENIS O'HALLORAN
ALD. MARK WEINER, CHAIRMAN FIRE AND POLICE COMMITTEE
CITY CLERK THOMAS PAVLIK
CITY TREASURER GERALD PATER
BERWYN CITY COUNCIL MEMBERS

MARCH 17, 2009

RE: FIREFIGHTER PROMOTION

PLEASE BE ADVISED THAT THE BERWYN BOARD OF FIRE AND POLICE COMMISSION HAS PROMOTED THE FOLLOWING TO LIEUTENANT, EFFECTIVE MARCH 19, 2009, REPLACING LT. DENNIS MADDEN WHO RETIRED.

RAYMOND FRON

THE BOARD CONGRATULATES THE NEW LIEUTENANT AND WISHES HIM WELL IN HIS NEW ENDEAVOR.

THE BERWYN BOARD OF FIRE AND POLICE COMMISSIONERS

ANTON ADOLF

CARL REINA

RICK TOMAN



I-8

**Board of
Fire & Police Commissioners**

6401 West 31st Street
Berwyn, Illinois 60402-0701

HONORABLE MAYOR MICHAEL A. O'CONNOR
FIRE CHIEF DENIS O'HALORAN
ALD. MARK WEINER, CHAIRMAN FIRE & POLICE COMMITTEE
CITY CLERK THOMAS PAVLIK
CITY TREASURER GERARD PATER
BERWYN CITY COUNCIL MEMBERS

MARCH 16, 2009

RE: FIREFIGHTER APPOINTMENT

PLEASE BE ADVISED THAT THE BOARD OF FIRE AND POLICE COMMISSIONERS HAS APPOINTED THE FOLLOWING TO PROBATIONARY FIREFIGHTER EFFECTIVE MARCH 19, 2009. THIS WAS PROMPTED BY THE RETIREMENT OF LT. DENNIS MADDEN.

ROBERT MC CORRY

THE BOARD WELCOMES AND CONGRATULATES THE AFOREMENTIONED CANDIDATE, AND WISHES HIM WELL IN HIS NEW ENDEAVOR.

THE BOARD OF FIRE AND POLICE COMMISSIONERS,

ANTON ADOLF

CARL REINA

RICK TOMAN

Section J

Staff Reports

5-1

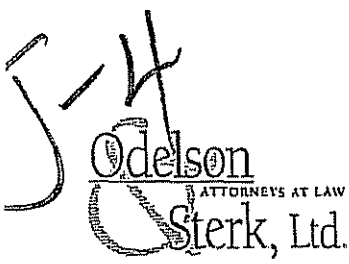
CITY OF BERWYN

CITY COUNCIL MEETING (Date) 03/24/09

Deferred Communication

Agenda Item J-1 is a Deferred Communication from C C Meeting dated 03/10/09 Item #26

FROM Law Department
Re: Ordinance amending Chapter 480
Regarding Street Sweeping on Windsor & Stanley Avenues



ITEM NO. 26
DATE MAR 10 2009
DISPOSITION Refer
March 6, 2009

3318 WEST 95TH STREET
EVERGREEN PARK, IL 60805
(708) 424-5678
FAX (708) 425-1898
www.odelsonsterk.com

Thomas J. Pavlik
City Clerk
City of Berwyn
6400 W. 26th St.
Berwyn, IL 60402

**Re: Ordinance Amending Chapter 480 of the Codified Ordinances Regarding
Street Sweeping on Windsor and Stanley Ave.**

Dear Mr. Pavlik:

Please put the attached ordinance on the City Council Agenda for March 10, 2009.

Very truly yours,

Richard F. Bruen, Jr.

RFB/jt

THE CITY OF BERWYN

COOK COUNTY, ILLINOIS

ORDINANCE

NUMBER

**AN ORDINANCE AMENDING CHAPTER 480 OF THE CODIFIED
ORDINANCES OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS
REGARDING STREET SWEEPING ON WINDSOR AND STANLEY
AVENUE**

**MICHAEL A. O'CONNOR, Mayor
THOMAS J. PAVLIK, City Clerk**

**NONA N. CHAPMAN
SANTIAGO "JIM" RAMOS
MARK WEINER
MICHELE D. SKRYD
THOMAS J. DAY
MICHAEL J. PHELAN
ROBERT J. LOVERO
JOEL ERICKSON
Aldermen**

Published in pamphlet form by authority of the Mayor and City Clerk of the City of Berwyn on 3/10/09

Odelson & Sterk, Ltd. - City Attorneys - 3318 West 95th Street - Evergreen Park, Illinois 60805

ORDINANCE NO.: _____

**AN ORDINANCE AMENDING CHAPTER 480 OF THE CODIFIED
ORDINANCES OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS
REGARDING STREET SWEEPING ON WINDSOR AND STANLEY
AVENUE**

WHEREAS, the City of Berwyn, Cook County, Illinois (the "*City*") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "*Home Rule Powers*"); and

WHEREAS, the City of Berwyn, Cook County, Illinois (the "*City*") sets forth regulations regarding street sweeping passes in the City pursuant to Chapter 480 of its Codified Ordinances; and

WHEREAS, the City has found that the current regulations governing street sweeping should be updated; and

WHEREAS, the City Council has decided to modify Chapter 480 to modify its street sweeping policy to improve the efficiency of parking and traffic in the City as a whole; and

WHEREAS, the Mayor and the City Council (the "*Corporate Authorities*") of the City of Berwyn determine that it is in the best interests of the residents of the City to amend the Codified Ordinances as set forth below.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Berwyn, Cook County, Illinois, by and through its home rule powers, as follows:

Section 1: That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2: Chapter 480 of the Codified Ordinances is modified by adding the following as Sections 480.05(I) and (J):

(I) From January 1 through December 31, inclusive, between 2:00 a.m. and 5:00 a.m. on Wednesdays on the south side of Windsor Avenue from Harlem Avenue to Oak Park Avenue.

(J) From January 1 through December 31, inclusive, between 2:00 a.m. and 5:00 a.m. on Tuesdays on the north side of Stanley Avenue from Harlem Avenue to Ridgeland Avenue.

Section 3: Current Subsection 480.05(I) shall remain in the Code and shall be redesignated as 480.05(K).

Section 4: If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

Section 5: All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6: This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

Adopted by the City Council of the City of Berwyn, Cook County, Illinois on this _____ day of _____ 2009, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	PRESENT
Chapman				
Ramos				
Weiner				
Skryd				
Day				
Phelan				
Lovero				
Erickson				

(Mayor O'Connor)				
TOTAL				

APPROVED by the Mayor on _____, 2009.

 Michael A. O'Connor
 MAYOR

 Thomas J. Pavlik
 CITY CLERK



The City of BERWYN, Illinois Fire Department

FRANK SIMEK, Assistant Chief
708 788.2660 ext 3279

DENIS O'HALLORAN, Fire Chief
788 788.2660 ext 3280

6700 West 26th Street * Berwyn, Illinois 60402-0701 *Fax 708.788.3039

MEMO

March 16, 2009

To: Mayor O'Connor
Members of City Council

From: Fire Chief Denis O'Halloran

RE: Promotion to Lieutenant Raymond Fron
Seniority Promotion to Engineer Joseph Lotito
Hiring of Probationary firefighter Robert McCorry

After 29 years of dedicated service Lieutenant Dennis Madden has chosen to retire from the Department. With Lt. Madden's retirement we have filled his spot with the next candidate on the Lt. Exam Engineer Raymond Fron per the collective bargaining agreement. His promotion created a seniority promotion to Engineer for senior firefighter Joseph Lotito. A probationary firefighter has been contacted by the Fire & Police Commissioners to begin his employment with the fire department on March 19, 2009. Mr. Robert McCorry has accepted the position for probationary firefighter and is scheduled to begin the fire academy on March 23, 2009. All parties will be present at City council meeting for introduction and swearing in.

Respectfully,

Denis O'Halloran
Fire Chief



We Serve and Protect

J-3

BERWYN POLICE DEPARTMENT



6401 West 31st Street
Berwyn, Illinois 60402-0733
Phone (708) 795-5600
Fax (708) 795-5627 Emergency 9-1-1

March 18, 2009

Members of the Berwyn City Council
6700 W. 26th St.
Berwyn, IL 60402

RE: Swearing in Probationary Patrol Officer

Ladies and Gentlemen:

I respectfully request the City Clerk to swear in Probationary Police Officer Robert Trofimchuk who has been hired per your approval, from the Berwyn Police Department's Lateral Pool of eligible candidates.

Sincerely,

William R. Kushner
Chief of Police

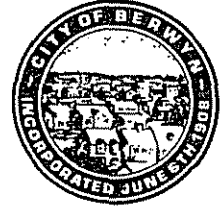
WRK/md



We Serve and Protect

JH

BERWYN POLICE DEPARTMENT



6401 West 31st Street
Berwyn, Illinois 60402-0733
Phone (708) 795-5600
Fax (708) 795-5627 Emergency 9-1-1

March 17, 2009

RE: Morton West Traffic Plan

Mayor Michael O'Connor
Members of the Berwyn City Council

Dear Mayor and Aldermen;

The District 201 Board and the Berwyn Police Department have had meetings regarding the safe and orderly dismissal of students from Morton West High School. Attached please find a correspondence from the District 201 Board legal representative, Mr. Michael DeBartolo, outlining the proposed temporary traffic realignments.

Briefly stated, during student arrival and dismissal times, Home Avenue between Riverside Drive and 24th would be closed to vehicular traffic. Students would be dropped off in the parking lot, utilizing the Harlem Avenue entrances, and exiting the school lots to either Harlem or Home avenues. Additionally, 24th Street from Home to Clinton would need to have the same intermittent, temporary closures. This proposed traffic pattern will alleviate the traffic congestion on Home Avenue at arrival and dismissal times.

It is proposed that this traffic pattern be piloted beginning April 20, 2009, until the close of the school year. At the conclusion of the school year, meetings will be held to ascertain if this traffic pattern is in the best interest of all concerned parties. Notice of this new traffic pattern, if approved by City Council, will be distributed to all Morton West High School parents and students.

Respectfully submitted,

William R. Kushner
Chief of Police

Del Galdo Law Group, LLC

Attorneys & Counselors

10526 W. Cermak Road • Suite 300 • Westchester, Illinois 60154
(708) 531-8800 – telephone • (708) 531-8801 – facsimile
www.dlglawgroup.com

March 5, 2009

VIA FACSIMILE (708) 788-3813 and FIRST CLASS U.S. MAIL

Mr. William R. Kushner
Chief of Police
Berwyn Police Department
6401 West 31st Street
Berwyn, Illinois 60402

RE: Interim Traffic Control Procedures for Morton West High School
J. Sterling Morton High School District 201, Cook County, Illinois

Dear Chief Kushner:

As you recall, I am the general counsel for the Board of Education of the J. Sterling Morton High School District 201, Cook County, Illinois. In that capacity I was present at a meeting on February 11, 2009, between the Berwyn Police Department and representatives of the Administration and Board of Education of the School District to discuss issues of safety procedures and traffic control.

During the meeting on February 11, 2009, the representatives of the District and Berwyn Police Department agreed that in order to increase the safety and security of Morton West High School students and staff that a revision of the entrance and exit traffic flow procedures could be advantageous to all parties. During the course of the aforementioned meeting, the parties discussed the possibility of revising the flow of traffic to allow for a more fluid traffic pattern which would provide for safer foot traffic routes for students who are not being transported in motor vehicles. This revision would also provide for a more controlled traffic pattern for motor vehicles which would provide greater passage way for emergency vehicles and less opportunity for a disruption of the peace.

In order to provide the police department and district officials the opportunity to determine if the proposed new traffic flow pattern would be helpful, the parties agreed that, pending approval from the City of Berwyn, the new route should be tested beginning on Monday, April 20, 2009 (first day of student attendance following Spring Break), and continue through the end of the school year (June 5, 2009). At the conclusion of the school year, the parties shall meet to discuss whether such a revised traffic pattern is in the best interests of the City of Berwyn and School District 201.

Mr. William Kushner
Page 2
March 5, 2009

As discussed, the traffic flow pattern calls for the closure of Home Avenue between Riverside Drive to 24th Street during certain designated hours of arrival and dismissal. In addition, parents and staff utilizing the parking lot or dropping off students shall be required to enter at the north end of the parking lot from Harlem Avenue. These individuals shall exit either on Harlem Avenue heading north or proceed through the parking lot in an easterly direction until Home Avenue and be directed to exit heading north. Finally, the students shall be required to exit the building at dismissal time out of the same doorway in which they enter the building at arrival time to provide for a more controlled foot traffic plan and safe passage.

Should you have any questions, please let me know by contacting me on my office telephone (708) 531-8800 OR on my cellular telephone at (708) 308-9917.

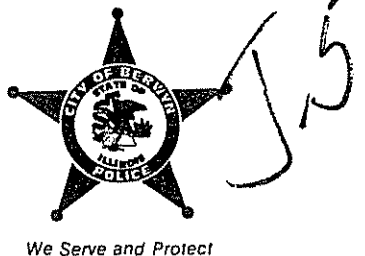
Very truly yours,

DEL GALDO LAW GROUP LLC

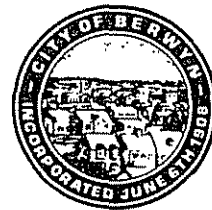


MICHEAL A. DeBARTOLO

cc: Hon. Jeffry Pesek, President; Board of Education
Hon. Jospch Keating, Vice President; Board of Education
Mr. Clyde Senters, Superintendent
Dr. Victoria Parkinson, Assistant Superintendent
Mr. Robert Gordon, Supervisor of Security (Morton West High School)



BERWYN POLICE DEPARTMENT



6401 West 31st Street
Berwyn, Illinois 60402-0733
Phone (708) 795-5600
Fax (708) 795-5627 Emergency 9-1-1

March 18, 2009

**RE: Asset Forfeiture Letter, U.S. Department of Justice dated March 11, 2009
(attached)**

Mayor Michael O'Connor
Members of the Berwyn City Council

Dear Mayor and Aldermen;

Attached please find a copy of the three page letter I received this week from the US Department of Justice Asset Forfeiture and Money Laundering Section regarding our response to their initial inquiry. Pursuant to this written request, I have made contact with School Districts 98 and 100, the Berwyn Park District and Youth Crossroads for documentation of the expenditure of the grants made to them from the Asset Forfeiture Fund.

Additionally, I am in the process of locating documentation regarding expenditures of asset forfeiture money for educational materials, speakers, or anti-drug literature as it relates to the Senior's and Children's programs. As indicated in the USDOJ correspondence, the cost of travel for these two groups is not a permissible expense.

The USDOJ has notified us that the salaries paid (as a part of the Summer Work Program) do not fit within any allowable exceptions to the salary policy.

The vehicle transferred to the Berwyn Fire Department has been deemed an impermissible transfer. While the USDOJ has indicated that a cash payment for the vehicle or the return of the vehicle to the PD is in order, they are considering a request to allow the FD to use the vehicle for arson investigations.

Once a final determination of the total amount of impermissible expenditures has been made by the US Department of Justice Asset Forfeiture and Money Laundering Section, plans will be made regarding repayment or funding offsets against future sharing payments.

THIS PAGE SIGNATURE ONLY
Respectfully submitted,

A handwritten signature in black ink, appearing to read "William R. Kushner". The signature is fluid and cursive, with a large, stylized initial "W" and "R".

William R. Kushner
Chief of Police



U.S. Department of Justice

Criminal Division

Washington, D C 20530

MAR 11 2009

William R. Kushner
Chief of Police
Berwyn Police Department
6401 West 31st Street
Berwyn, IL 60402-0733

Re: Single Audit Report for the City of Berwyn, Illinois, Audit Report Number
TO-80-08-062

Dear Chief Kushner:

The Asset Forfeiture and Money Laundering Section (AFMLS) has received and reviewed your letter in response to AFMLS' letter dated October 23, 2009, which outlined the issues raised in the Audit Report for the City of Berwyn (City) for fiscal years ending December 31, 2004 and December 31, 2005. To assist AFMLS in completing its review of the City's equitable sharing expenditures, please provide the following additional information required by AFMLS:

Senior and Children's Programs

AFMLS was unable to fully determine based on the information you provided whether the City's expenditures for Senior and Children's programs are permissible. Accordingly, please forward copies of receipts and an itemized list of expenses incurred to operate these programs (e.g., educational materials, speakers, or anti-drug literature). Funds spent on travel for children and seniors and for salaries are not permissible and must be repaid to the City's federal equitable sharing account. In addition, the City may not expend more than 15 percent of its shared monies received during the prior two fiscal years on expenses associated with various eligible drug abuse, educational, and community programs. See Guide to Equitable Sharing (March 1994) (Guide), Addendum Part 4. A waiver of this policy cap is not allowable.

Cash Donations

AFMLS was unable to determine whether cash donations to the Berwyn Park District and two school districts are permissible based on the information provided. Please forward to AFMLS the following documentation for each claimed expense:

1. City's 2004 contribution of \$57,905 to Berwyn Park District: Documentation of costs associated with running the after-school program; e.g., receipts for purchase of supplies, literature, or facility lease fees. Expenses for salaries associated with this program are not permissible.

2. City's 2004 contribution of \$30,100 to a nonprofit organization: Documentation of costs associated with running the counseling program, e.g., receipts for purchase of supplies, literature, or facility lease fees. Payment of salaries is not permissible.

3. City's 2005 contribution of \$128,480 to School District 100: Receipts from the school district documenting purchase of computer equipment and technology upgrades in the amount of the donation.

4. City's 2005 contribution of \$28,298 to School District 98: Receipts from the school district documenting purchase of computer equipment and technology upgrades in the amount of the donation.

Salaries

The City's expenditures of \$103,887 and \$118,886 on salaries in 2004 and 2005, respectively, do not fit within any allowable exceptions to the salary policy stated in the Guide, Section X.A.2.a, and Addendum Part 2. Therefore, the full amounts expended on salaries in both years must be repaid to the City's equitable sharing account.

Vehicle Transfer

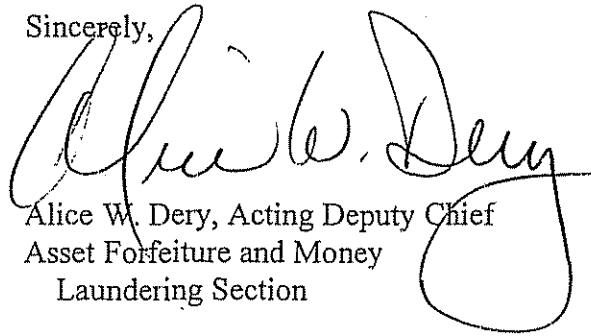
The transfer of the Chevrolet Impala to the Berwyn Fire Department was not a permissible transfer. Accordingly, please provide AFMLS with documentation indicating that the City has either repossessed the vehicle or has received a cash payment for its purchase price which will be repaid to the City's equitable sharing account.

The above documentation and any additional information deemed appropriate to support the City's expenditures should be forwarded within 30 days of the receipt of this letter to:

John Andre
Trial Attorney
Asset Forfeiture and Money Laundering Section
Criminal Division, U.S. Department of Justice
1400 New York Avenue, N.W., Room 10100
Washington, D.C. 20005

We will be pleased to discuss with you or your representative any corrective measures and potential repayment plans and/or funding offsets against future sharing payments. Please feel free to contact AFMLS Trial Attorney John Andre at (202) 514-1263 for further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Alice W. Dery". The signature is fluid and cursive, with a large loop at the end.

Alice W. Dery, Acting Deputy Chief
Asset Forfeiture and Money
Laundering Section

cc: Maureen A. Henneberg
Director
Office of Audit, Assessment, and Management
Office of Justice Programs

LeToya A. Johnson
Deputy Director, Audit and Review Division
Office of Audit, Assessment, and Management

Richard P. Theis
Assistant Director
Audit Liaison Group
Justice Management Division

Amanda LoCicero
Audit Liaison
Bureau of Justice Assistance

Robert Kaufman
Regional Audit Manager
Dallas Regional Office
Office of the Inspector General

Michael A. O'Connor
Mayor



John Wysocki
Finance Director

J-6

A Century of Progress with Pride

6700 West 26th Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-0273
www.berwyn-il.gov

To: Mayor Michael O'Connor and the City Council

From: John Wysocki

Date: March 20, 2009

Subject: 2009 Appropriations Ordinance

Attached is the 2009 Appropriations Ordinance for your approval. The ordinance indicates general fund appropriations by department and totals for each of the other individual funds.

Our new chart of accounts has general fund capital purchases included in the departments to which they relate. However, the ordinance shows capital purchases as a separate line item for easier comparison to the budget document. Also, a new Administrative department is listed. This accounts for those items previously included under Statutory as well as some items shown in the capital department in the budget which benefit all city departments (such as the annual maintenance fee on the general ledger software).

Please feel free to contact me with any questions. Thank you.

ORDINANCE NO. ____

**THE ANNUAL APPROPRIATION ORDINANCE OF
THE CITY OF BERWYN, COOK COUNTY, ILLINOIS
FOR THE FISCAL YEAR 2009**

WHEREAS, the City of Berwyn, Cook County, Illinois, is a home rule municipal corporation under the provisions of the Constitution of the State of Illinois of 1970; and

WHEREAS, the City Code and Illinois Statute require the annual adoption of an appropriation ordinance following public hearing and applicable public notice; and

WHEREAS, such public notice was published on March 11, 2009 in a newspaper of general circulation in the City of Berwyn, and a public hearing was held on March 24, 2009, with all wishing to attend being heard.

NOW, THEREFORE, be it ordained by the City Council of the City of Berwyn, Cook County, Illinois the following:

SECTION 1: The following sums of money for each City fund and/or department, or as much thereof as may be authorized by law, be and are hereby appropriated for the corporate purposes and objects of the City hereinafter specified for the fiscal year commencing January 1, 2009 and ending on December 31, 2009.

SECTION 2: All the appropriation herein made for any purpose shall be regarded only as a maximum amounts to be expended under the respective appropriation funds/departments, shall not be construed as a commitment, agreement, obligation or liability of the City of Berwyn, and each such appropriation being subject to further approval as to the actual expenditure thereof by the Mayor and City Council of the City of Berwyn.

SECTION 3: Any unexpended balance of the appropriation for the fiscal years prior hereto are hereby specifically re-appropriated for the same fund purposes for which they were originally made and may be expended in making up any insufficiency in any item or items provided in the Appropriation Ordinance without supplemental appropriation.

SECTION 4: The following sums are hereby appropriated for each fund/department authorized by law:

Fund	Appropriation
General Fund	
Mayor	\$ 153,685
Clerk	186,380
Treasurer	13,975
Council	238,000
Legal	619,772
Finance	1,477,892
Human Resources	123,818
Information Technology	744,316
Administrative	167,965
Fire	11,739,573
Police	18,542,625
Fire & Police Commission	23,724
Building/Neighborhood Affairs	1,332,200
Public Works	2,473,212
Zoning	16,064
Committee & Planning	397,450
Recreation	1,315,659
Community Relations	8,383
Garbage	4,160,000
Capital Purchases **	828,871
Transfers to Other Funds	312,006
Total General Fund	44,875,570
Senior Citizen Program Fund	216,156
Library Fund	2,635,312
Community Outreach Fund	176,686
Community Development Fund	1,694,039
Foreign Fire Tax Fund	31,637
Motor Fuel Tax Fund	2,183,000
South Berwyn TIF Fund	2,017,393
Cermak TIF Fund	4,880,406
Roosevelt TIF Fund	1,487,692
Ogden Ave TIF Fund	2,417,201
Capital Projects Fund	17,490,000
Debt Service Fund	6,320,296
Water and Sewer Fund	5,763,000
Internal Service Fund	2,927,000
Total Budgeted Funds	<u>\$ 95,115,388</u>

** Capital purchases are being accounted for within the related departments but are broken out for purposes of this ordinance

SECTION 5: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance and replaced by this ordinance.

SECTION 6: If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity or the ordinance as a whole or of any portion not adjudged invalid.

SECTION 7: This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

ADOPTED this _____, pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Chapman				
Ramos				
Weiner				
Skryd				
Day				
Phelan				
Lovero				
Erickson				
(Mayor O'Connor)				
TOTAL				

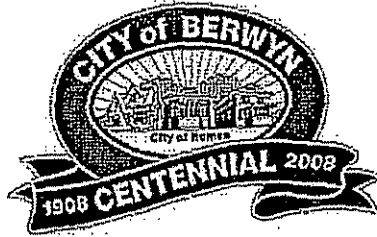
APPROVED by the Mayor on _____

Michael A. O'Connor, Mayor

ATTEST:

Thomas J. Pavlik, City Clerk

Michael A. O'Connor
Mayor



John Wysocki
Finance Director

A Century of Progress with Pride

6700 West 26th Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-0273
www.berwyn-il.gov

To: Mayor Michael O'Connor and the City Council

From: John Wysocki

Date: March 18, 2009

Subject: Update on Use of 2007 Bond Proceeds

This is to update you on the expenditure during 2008 of proceeds of the 2007 bond issue. In addition to the 2008 expenditures, I have attached some documents previously presented to you for your reference.

Attached as Exhibit A is the source and use of funds that was presented to you at the time that the bonds were issued. The line item for Project Funds totaling \$17,650,000 represents the amounts to be paid out of the capital project fund for some of the major construction projects to be funded with the bond issue. Exhibit B is a list of those projects that had been identified at the time the bonds were issued.

Exhibit C shows what was spent during 2008. The Capital Budget amount of \$476,947 represents a transfer to the general fund to reimburse it for capital items paid for out of the general fund. Exhibit D provides additional details of these amounts. Please note that a total of \$3,725,000 was designated for this purpose on exhibit A.

Please feel free to contact me with any questions.

Exhibit A

City of Berwyn
 Summary of Bond Proceeds
 2007A and 2007B

Sources of Funds	Taxable	Tax Exempt	Total
Par Value Debt	\$ 21,395,000	\$ 28,165,000	\$ 49,560,000
Plus Premium/cash on hand	42,653	1,217,924	1,260,577
Total Sources	\$ 21,437,653	\$ 29,382,924	\$ 50,820,577

Uses of Funds	Taxable	Tax Exempt	Total
Debt Refunding	\$ 4,517,850	\$ 8,284,750	\$ 12,802,600
Note payoff	8,963,354	-	8,963,354
Debt issuance costs	320,592	446,508	767,100 *
Project Funds	3,325,000	14,325,000	17,650,000
Capital budget	-	3,725,000	3,725,000
Capitalized interest	362,456	2,600,000	2,962,456
2007 subsidy	3,944,233	-	3,944,233
Contingency	4,168	1,666	5,834
Total Uses	\$ 21,437,653	\$ 29,382,924	\$ 50,820,577

Bank held	Taxable	Tax Exempt	Total
Citizen's	\$ 12,911,754	\$ 1,666	\$ 12,913,420
Illinois Funds	3,687,457	-	3,687,457
Illinois Funds	-	20,650,000	20,650,000
Refundings	4,517,850	8,284,750	12,802,600
Issuance costs paid	320,592	446,508	767,100
Total	\$ 21,437,653	\$ 29,382,924	\$ 50,820,577

*Originally estimated at	\$ 1,251,868
Cost savings due to the following:	
Decreased bond insurance premiums due to better bond rating	382,741
Pricing negotiations with Underwriters and legal counsels	102,026
Total amount saved from original estimates	484,767

Exhibit B

City of Berwyn
Capital Projects to be
funded with borrowing

<u>Projects</u>	<u>Estimated Cost</u>	<u>Estimated Construction Date</u>	<u>Estimated Completion Date</u>	<u>Project Manager</u>
Fire station - 16th street	\$ 1,400,000	March, 2008	Dec, 2008	Dan LeBeau
Garage	9,500,000	Dec, 2007	May, 2009	Brian Pabst / TBD
Roosevelt Rd Sewer lining	3,000,000	May, 2009	April, 2010	Patrick Ryan
Alleys	2,400,000	July, 2008	June, 2009	Patrick Ryan
Citywide Wireless	750,000	Sept, 2008	Dec, 2008	Jim Frank
Cost overruns or alleys	300,000	July, 2008	June, 2009	TBD
General Ledger	<u>300,000</u>	Dec, 2007	March, 2008	Stephanie Navarro
Total cost all projects	<u>\$ 17,650,000</u>			

City of Berwyn
2007 Bond Proceeds
Uses in 2008

Exhibit C

<u>Account Name</u>	<u>2008 Actual</u>
Project Funds	
Parking Garage	\$ 1,000,579
Roosevelt Road Sewer Lining	449,197
Purchase of Property	212,971
General Ledger System	202,097
16th Street Fire Station	1,741,292
Pavek Pool Renovation	<u>148,823</u>
Sub total Project Funds	3,754,959
Capital Budget	476,947
Capitalized Interest	<u>945,453</u>
Total 2008 Expenditure of bond proceeds	\$ 5,177,359

Exhibit D

Details of General Fund Capital Spent
2008

Account Number	Account Name	Amount	Explanation
11-5-07-5600	Fire-Equipment Purchases	\$ 20,108	
11-5-07-5605	Fire-Turnout Gear	13,671	
11-5-07-5500	Fire-Repairs & Maintenance	83,082	
11-5-08-5500	Police-Repairs & Maintenance	38,780	
11-5-16-5215	IT-Hardware Purchases	23,458	
11-5-16-5220	IT-Hardware Maintenance	1,044	
11-5-11-5500	Building-Repairs & Maintenance	16,936	Includes \$7,700 for security cameras & equipment
11-5-20-5500	Streets-Repairs & Maintenance	112,436	Includes \$78,000 for engineering for various projects
11-5-21-5500	Forestry-Repairs & Maintenance	33,509	Trees
11-5-23-5500	Recreation-Repairs & Maintenance	7,970	
11-5-29-5702	Fire Department Capital Purchases	60,962	2 fire vehicles & Windsor Fire Station costs exceeding grant funds
11-5-29-5705	Public Works Capital Lease	47,401	Principal portion of lease entered into after bond issue
11-5-29-5706	Fire Ambulance Lease	<u>17,592</u>	Principal portion of lease entered into after bond issue
	Total	\$ 476,947	

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Michael A. O'Connor
Mayor



John Wysocki
Finance Director

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6700 West 26th Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-0273
www.berwyn-il.gov

To: Mayor Michael O'Connor and the City Council

From: John Wysocki

Date: March 18, 2009

Subject: CCMSI 2008 Excess Claims

The City's contract with Cannon Cochran Management Services, Inc ("CCMSI") for processing workers compensation and liability claims provides for a minimum fee based on the expected volume of claims to be processed. If the actual number of claims submitted exceeds the amount contemplated in the calculation of the minimum fee, additional charges will be assessed based on per claim rates specified in the agreement

In 2008, the actual claims exceeded the expected number resulting in additional charges totaling \$10,760 – a 25% increase over the minimum contract amount. Attached for your review and approval is a copy of the CCMSI invoice including the calculation of how the fee was arrived at

Please feel free to contact me with any questions.



C C M S I

Cannon Cochran Management Services, Inc.

CITY OF BERWYN
ATTN: FINANCE DEPARTMENT
6700 W. 26TH STREET
BERWYN, IL 60402

CUSTOMER NO.

01-0000275

INVOICE DATE

2/28/2009

INVOICE NO.

0039800-IN

DESCRIPTION	AMOUNT
CLAIMS TRUE UP FEE CONTRACT YEAR 2008 SEE ATTACHED WORKSHEET FOR DETAILS CLAIMS DETAIL REPORTS ATTACHED	10,760 00
TOTAL AMOUNT DUE	<u>10,760.00</u>

DUE DATE: 3/31/2009

REMIT TO: P.O. Box 2205, Indianapolis, IN 46206-2205
Please include invoice number on check.

CITY OF BERWYN

CLAIMS TRUE UP CALCULATION

CONTRACT YEAR 2008

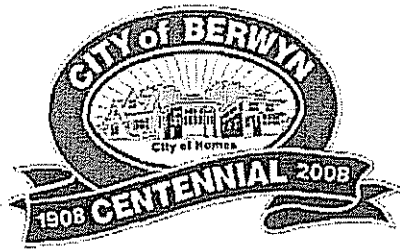
WORKERS COMP INDEMNITY CLAIMS	18 @ \$775 / CLM =	\$	13,950 00
WORKERS COMP MEDICAL CLAIMS	27 @ \$130 / CLM =	\$	3,510 00
WORKERS COMP INCIDENT CLAIMS	3 @ \$35 / CLM =	\$	105 00
LIABILITY PROPERTY DAMAGE CLAIMS	45 @ \$395 / CLM	\$	17,775 00
LIABILITY BODILY INJURY CLAIMS	26 @ \$670 / CLM	\$	17,420 00

TOTAL CLAIMS FEE INCURRED FOR YEAR 2008 \$ 52,760.00

TOTAL CLAIMS FEE PAID \$ (42,000.00)

NET CLAIMS TRUE UP FEE DUE \$ 10,760.00

Michael A. O'Connor
Mayor



John Wysocki
Finance Director

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To: Mayor Michael O'Connor and the City Council

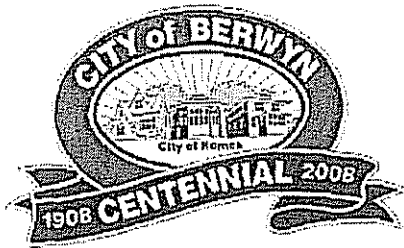
From: John Wysocki

Date: March 20, 2009

Subject: 2008 Preliminary Financial Results

At the Committee of the Whole meeting on March 24, 2009 I will be presenting preliminary financial results for 2008. These will be the figures that I will be forwarding to our auditors for the 2008 annual audit.

Michael A. O'Connor
Mayor



Patrick Ryan
Director of Public Works

A Century of Progress with Pride

6700 West 26th Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 749-9503
www.berwyn-il.gov

March 18, 2009

To: Mayor Michael O'Connor & City Council Members

From: Patrick Ryan, Public Works Director

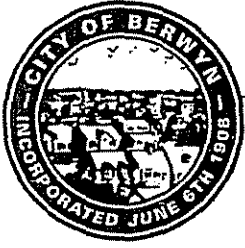
Re: Landscape Maintenance Services

Staff is seeking authorization to seek proposals for monthly landscape maintenance services for the Cermak Road, Depot District, and Ogden TIF areas for 2009 during the March 25, 2009 City Council meeting. Opening of the RFP's will occur during the April 14, 2009 City Council meeting.

These proposals involve the maintenance of public ways, planters, trash receptacles, and grass covered areas. A proposal for plantings in the planters is under a separate RFP.

Recommended Actions:

Staff recommends the City Council authorize the publication of the request for proposals for monthly landscape maintenance services for the Cermak Road, Depot District, and Ogden TIF areas for 2009 during the March 24, 2009 City Council meeting.



THE CITY OF **BERWYN, ILLINOIS** *Building A New Berwyn*

MICHAEL A. O'CONNOR, *Mayor*

6700 West 26th Street • Berwyn, Illinois 60402-0701 • Telephone: (708) 788-2660 • Fax: (708) 788-2567
www.berwyn-il.gov

INVITATION TO BID

The City of Berwyn will accept sealed Bids for **Landscaping Services for Cermak District**. Bids will be received until **12:00 Noon on Monday, April 13, 2009** at the office of the City Clerk at 6700 W. 26th Street, Berwyn, Illinois; and will be opened at the City Council Meeting to be held on **Tuesday, April 14, 2009**.

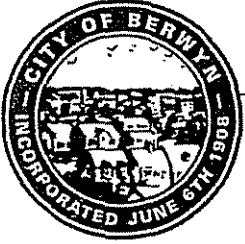
Specification for such work can be obtained by calling the Public Works Office at (708) 749-4700.

All envelopes must be marked **"Sealed Bid Cermak District Landscaping"**

A 5% bid bond or bank check is required.

The City Reserves the right to reject any and all bids

Patrick Ryan
Director of Public Works



Landscaping Maintenance – Cermak Road

The City of Berwyn is seeing Bids for Landscaping Maintenance for Cermak Road (both sides from Harlem Avenue to Lombard Avenue). The parkway north of Cermak on East Avenue (both sides), from Cermak to El Strip, should also be maintained. The Maintenance Contract begins May 1st through October 31, 2009.

Scope of Work

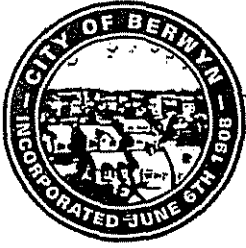
- Weekly grass cutting, string trimming and edging (all debris must be picked up prior to grass cutting)
- Trimming and weeding of trees, shrubs and bushes planted in planter boxes
- Removal of waste and debris from all planters and planter boxes.
- Fertilizing weed control and watering of grass and plants to ensure healthy growth.
- Removal of weeds from all paver blocks and concrete walkways
- Spraying lawn area's with fertilizer and weed control three times per season (notify Public Works when completed)
- Emptying all public trash receptacles on Monday and Friday of each week

All clean up and yard waste removal is the contractor's responsibility.

A 5% bid bond or bank check is required.

Contractor must provide all insurance, license and bond required by the City of Berwyn and State of Illinois.

Total Bid Price \$ _____



THE CITY OF **BERWYN, ILLINOIS** *Building A New Berwyn*

MICHAEL A. O'CONNOR, *Mayor*

6700 West 26th Street • Berwyn, Illinois 60402-0701 • Telephone: (708) 788-2660 • Fax: (708) 788-2567
www.berwyn-il.gov

INVITATION TO BID

The City of Berwyn will accept sealed Bids for **Landscaping Services for Depot District**. Bids will be received until **12:00 Noon on Monday, April 13, 2009** at the office of the City Clerk at 6700 W. 26th Street, Berwyn, Illinois; and will be opened at the City Council Meeting to be held on **Tuesday, April 14, 2009**.

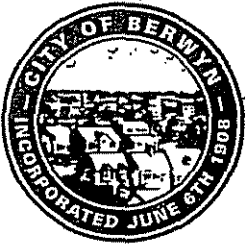
Specification for such work can be obtained by calling the Public Works Office at (708) 749-4700.

All envelopes must be marked **“Sealed Bid Depot District Landscaping”**

A 5% bid bond or bank check is required.

The City Reserves the right to reject any and all bids.

Patrick Ryan
Director of Public Works



THE CITY OF BERWYN, ILLINOIS *Building A New Berwyn*

MICHAEL A. O'CONNOR, *Mayor*

6700 West 26th Street • Berwyn, Illinois 60402-0701 • Telephone: (708) 788-2660 • Fax: (708) 788-2567
www.berwyn-il.gov

Landscaping Maintenance – Commuter Rail Right of Way/Depot

The City of Berwyn is seeking bids for Landscaping Maintenance of The Commuter Rail Right of Way, Harlem Avenue to Ridgeland Avenue, along Stanley and Windsor Avenue.

The Maintenance contract begins on May 1, 2009 to October 31st 2009.

Scope of Work

- Weekly grass cutting, string trimming and edging (all debris must be picked up prior to grass cutting)
- Trimming and weeding of trees, shrubs and bushes planted in planter boxes
- Trimming and weeding of shrubs and bushes along Harlem Avenue and Oak Park Avenue Train Stations
- Removal of waste and debris from all planters and planter boxes.
- Fertilizing weed control and watering of grass and plants to ensure healthy growth.
- Removal of weeds from all paver blocks and concrete walkways
- Spraying lawn area's with fertilizer and weed control three times per season (notify Public Works when completed)
- Emptying all public trash receptacles on Monday and Friday of each week

All clean up and yard waste removal is the contractor's responsibility.

Payment is made through monthly invoice.

A 5% bid bond or bank check is required.

The Contractor must provide all insurance, license and bond that are required by the City of Berwyn and State of Illinois.

Total Bid Price per Month \$ _____



THE CITY OF **BERWYN, ILLINOIS** *Building A New Berwyn*

MICHAEL A. O'CONNOR, *Mayor*

6700 West 26th Street • Berwyn, Illinois 60402-0701 • Telephone: (708) 788-2660 • Fax: (708) 788-2567
www.berwyn-il.gov

INVITATION TO BID

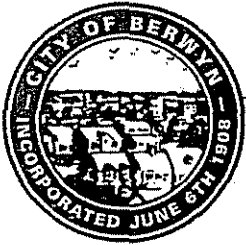
The City of Berwyn will accept sealed Bids for **Landscaping Services for Ogden District**. Bids will be received until **12:00 Noon on Monday, April 13, 2009** at the office of the City Clerk at 6700 W. 26th Street, Berwyn, Illinois; and will be opened at the City Council Meeting to be held on **Tuesday, April 14, 2009**.

Specification for such work can be obtained by calling the Public Works Office at (708) 749-4700.

All envelopes must be marked "**Sealed Bid Ogden Avenue Landscaping**"

A 5% bid bond or bank check is required.

The City Reserves the right to reject any and all bids.



Landscaping Maintenance – Ogden Avenue

The City of Berwyn is seeking bids for Landscaping Maintenance for Ogden Avenue. The Maintenance Contract begins May 1, 2009 through October 31, 2009.

Scope of Work

- Weekly grass cutting, string trimming and edging (all debris must be picked up prior to grass cutting)
- Trimming and weeding of trees, shrubs and bushes planted in planter boxes
- Removal of waste and debris from all planters and planter boxes.
- Fertilizing weed control and watering of grass and plants to ensure healthy growth.
- Removal of weeds from all paver blocks and concrete walkways
- Spraying lawn area's with fertilizer and weed control three times per season (notify Public Works when completed)
- Emptying all public trash receptacles on Monday and Friday of each week

All clean up and yard waste removal is the contractor's responsibility.

Limits Of Work

Both sides of Ogden Avenue from Harlem to Lombard
The Ogden Avenue curb to the alley line
The Corner of Ridgeland and Ogden at the Memorial

Payment is made through monthly invoice.

A 5% bid bond or bank check is required.

The Contractor must provide all insurance, license and bond that are required by The City of Berwyn and State of Illinois.

Total Bid Price per Month \$ _____



3318 WEST 95TH STREET
EVERGREEN PARK, IL 60805
(708) 424-5678
FAX (708) 425-1898
www.odelsonsterk.com

March 20, 2009

Thomas J. Pavlik
City Clerk
City of Berwyn
6400 W. 26th St.
Berwyn, IL 60402

Re: 7135 W. Roosevelt Rd., Yard Depth Variance

Dear Mr. Pavlik:

Please put the attached ordinance on the March 24, 2009 City Council agenda for consideration by Council. Thank you.

Very truly yours,

A handwritten signature in cursive script that reads 'Richard F. Bruen, Jr.'.

Richard F. Bruen, Jr.

RFB/jt

THE CITY OF BERWYN
COOK COUNTY, ILLINOIS

ORDINANCE
NUMBER _____

**AN ORDINANCE GRANTING A REAR YARD DEPTH VARIANCE
FOR COMMERCIAL PROPERTY IN
THE CITY OF BERWYN, COOK COUNTY, ILLINOIS**

MICHAEL A. O'CONNOR, Mayor
THOMAS J. PAVLIK, Clerk
GERARD "GARY" PATER, Treasurer

NONA N. CHAPMAN
SANTIAGO "JIM" RAMOS
MARK WEINER
MICHELE D. SKRYD
THOMAS DAY
MICHAEL J. PHELAN
ROBERT J. LOVERO
JOEL ERICKSON
Aldermen

Published in pamphlet form by authority of the Mayor and City Clerk of the City of Berwyn on 3-24-09
Odelson & Sterk, Ltd. - City Attorneys - 3318 West 95th Street - Evergreen Park, Illinois 60805

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A REAR YARD DEPTH VARIANCE
FOR COMMERCIAL PROPERTY IN
THE CITY OF BERWYN, COOK COUNTY, ILLINOIS**

WHEREAS, McDonald's Corporation (the "Petitioner") has petitioned for a variance in the rear yard depth requirement for its new restaurant facility at 7135 W. Roosevelt Rd., Berwyn, IL at 6800 Stanley Avenue (the "Subject Property"); and

WHEREAS, the City Council has elected to waive the public hearing requirements for the proposed variance; and

WHEREAS, the City Council has determined that allowing the requested variance will promote the continued redevelopment in the City and thereby serve a corporate purpose.

NOW, THEREFORE, be it ordained by the Mayor and City Council of the City of Berwyn, Cook County, Illinois, in the exercise of Berwyn's home rule powers, as follows:

SECTION 1: The foregoing preambles are incorporated herein by reference and the public hearing requirements set forth in section 1258.06(c) of the Codified Ordinances are hereby waived and repealed for the sole purpose of the variance granted by this ordinance but otherwise remain in full force and effect.

SECTION 2: The Petitioner is hereby granted a variance in the yard depth requirement from twenty-five (25') to seventeen point four (17.4') for its new restaurant to be constructed on the Subject Property.

SECTION 3: If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

SECTION 4: All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

ADOPTED this 24th Day of March, 2009, pursuant to a roll call vote as follows:

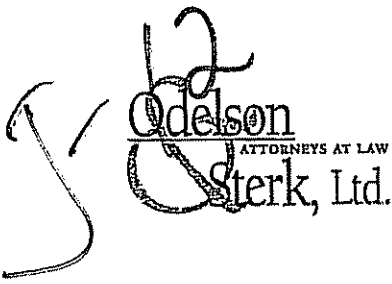
	YES	NO	ABSENT	PRESENT
Chapman				
Ramos				
Weiner				
Skryd				
Day				
Phelan				
Lovero				
Erickson				
O'Connor (Mayor)				
TOTAL				

APPROVED by the Mayor on _____ 2009.

Michael A. O'Connor
MAYOR

ATTEST:

Thomas J. Pavlik
CITY CLERK



3318 WEST 95TH STREET
EVERGREEN PARK, IL 60805
(708) 424-5678
FAX (708) 425-1898
www.odelsonsterk.com

March 20, 2009

Thomas J. Pavlik
City Clerk
City of Berwyn
6400 W. 26th St.
Berwyn, IL 60402

Re: LaNotte Handicap Ramp

Dear Mr. Pavlik:

Please put the attached Ordinance on the March 24, 2009 City Council agenda for consideration by Council. Thank you.

Very truly yours,

Richard F. Bruen, Jr.

RFB/jt

**THE CITY OF BERWYN
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER _____**

**AN ORDINANCE AUTHORIZING THE CITY OF BERWYN, COOK
COUNTY, ILLINOIS TO ENTER INTO A LICENSE AGREEMENT WITH
CHE CE' CE' CORPORATION**

**MICHAEL A. O'CONNOR, Mayor
THOMAS J. PAVLIK, City Clerk**

**NONA N. CHAPMAN
SANTIAGO "JIM" RAMOS
MARK WEINER
MICHELE D. SKRYD
THOMAS J. DAY
MICHAEL J. PHELAN
ROBERT J. LOVERO
JOEL ERICKSON
Aldermen**

**AN ORDINANCE AUTHORIZING THE CITY OF BERWYN, COOK COUNTY, ILLINOIS
TO ENTER INTO A LICENSE AGREEMENT WITH CHE CE' CE' CORPORATION**

WHEREAS, the City of Berwyn, Cook County, Illinois (the "*City* ") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "*Home Rule Powers*");

WHEREAS, the City owns certain property located along the public way on Grove Avenue near the intersection with Windsor Avenue in Berwyn, Illinois (the "*Property* ");

WHEREAS, Che Ce' Ce' Corporation d/b/a LaNotte Café (the "*Corporation*") desires to construct a concrete ramp at 6822 Windsor Ave., Berwyn, IL in order to provide handicap accessible entry to the La Notte Café, which is located and operated by the Corporation at that address;

WHEREAS, the City and the Corporation (the "*Parties*") now wish to enter into a License Agreement to allow the Corporation access to the Property to perform the necessary work to construct a concrete ramp upon the Property (the "*Ramp* "); and

WHEREAS, the City has determined that it is necessary, desirable, and in the public interest to enter into this License Agreement to construct the Ramp.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Berwyn, Cook County, Illinois, by and through its home rule powers, as follows:

Section 1. That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety..

Section 2. That the Mayor is hereby authorized to execute the License Agreement attached hereto.

Section 3. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity shall not affect any of the other provisions of this Ordinance.

Section 4. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

[INTENTIONALLY LEFT BLANK]

Adopted this ____ day of _____, 2009, pursuant to a roll call vote as

follows:

	YES	NO	ABSENT	PRESENT
Chapman				
Ramos				
Weiner				
Skryd				
Day				
Phelan				
Lovero				
Erickson				
(Mayor O'Connor)				
TOTAL				

APPROVED by the Mayor on _____, 2009.

Michael A. O'Connor
MAYOR

Thomas J. Pavlik
CITY CLERK

**LICENSE AGREEMENT
BETWEEN THE CITY OF BERWYN AND LA NOTTE CAFÉ**

THIS LICENSE AGREEMENT ("License") is dated and effective as of _____, 2009 ("Effective Date"), by and between the City of Berwyn, an Illinois municipal corporation, ("Licensor") and Che Ce' Ce' Corp., an Illinois corporation, ("Licensee"), collectively known as the "Parties".

RECITALS

WHEREAS, the Licensor owns certain property located along the public way on Grove Avenue near the intersection with Windsor Avenue in Berwyn, Illinois as generally depicted in Exhibit A of this License ("Property"); and

WHEREAS, Licensee operates a restaurant at 6822 Windsor Avenue in Berwyn, Illinois and desires to construct a concrete ramp and related equipment on the exterior of the building in order to provide handicap accessible entry to the restaurant ("Ramp"); and

WHEREAS, Licensor and Licensee wish to provide for Licensee's entry upon and access to the Property to install, operate and maintain the Ramp; and

WHEREAS, Licensor desires to grant Licensee non-exclusive access and use of the Property for the limited purpose of installation, maintenance, and operation of the Ramp subject to the terms and provisions of this License.

COVENANTS

NOW, THEREFORE, in consideration of these premises and mutual promises and conditions in this License, the Parties agree as follows:

1. Incorporation of Recitals. The recitals stated above are an integral part of this License and are incorporated into this License by reference and made part of this License.

2. License. Licensor hereby grants a non-exclusive license to Licensee to access the Property for the installation, maintenance, operation, repair, and removal of the Ramp. The location and orientation of the Ramp to be located upon the Property, is generally described and depicted in Exhibit A.

3. Term. This License shall commence on the Effective Date, and shall remain in full force and effect until terminated by either party in writing to the other as set forth in this section. Either party shall have the right to terminate the License at any time for any reason upon giving the other party thirty (30) days written notice. Upon issuance of notice, the termination date shall be thirty (30) days from the date the notice is mailed.

4. Permitted Use. The Property may only be used by Licensee for the limited and express purposes for the installation, maintenance, operation, repair, and removal of the Ramp.

5. License Fee. Licensee shall be assessed a license fee, in the amount of TEN DOLLARS (\$10.00) for the licensed Property ("License Fee").

6. Interference. Licensee shall not use the Property in any way which materially interferes with the use of the public way immediately adjacent to the Property. Such interference shall be deemed a material breach by the Licensee, who shall, upon written notice from the Licensor, be responsible for terminating said interference immediately upon receipt of such written notice.

7. Installation: Maintenance: Operation: Repair: Removal.

a. Licensee agrees to maintain the Ramp in proper operating condition within industry-accepted safety standards. Licensee agrees that the operation and construction of the Ramp will comply with all federal, state, and local laws. Licensee shall, at all times, obtain and maintain any permits, and public approvals necessary for the installation or operation of the Ramp at its sole cost and expense. Licensor assumes no responsibility for the operation, and/or maintenance of the Ramp.

b. Except for routine maintenance, any additions, changes, replacements, repairs, refurbishments, upgrades, expansions, and/or enhancements to the Ramp as may be needed or desirable for Licensee's use of the Property must be approved in writing by Licensor.

c. Licensee shall cause all construction to occur lien-free and in compliance with all applicable laws and ordinances. If any lien at any time is filed against the Premises by reason of work, labor, services, or materials performed or furnished, or alleged to have been performed or furnished, to Licensee, Licensee shall at its sole cost and within thirty (30) days after receipt of written notice of the presence of the lien by Licensor, cause said lien to be discharged and removed from the record.

d. The Ramp is and shall remain the exclusive property of the Licensee. Within thirty (30) days following termination of this License, Licensee shall remove all of the Ramp and related equipment from the Property. Licensee shall restore the Property to the condition that existed prior to the date hereof, reasonable wear and tear excepted. If Licensee fails to remove its equipment as provided in this Section, and after written notice from the Licensor to Licensee, the equipment will be deemed abandoned and title vested in Licensor, in such event, Licensor

may, in addition to other remedies, remove the equipment, and restore the Property at the cost and expense of the Licensee.

e. Licensee shall, at Licensee's sole expense, keep and maintain the Ramp hereafter located on the Property in commercially reasonable condition and repair during the term of this License. Licensee will make all reasonable efforts to install, construct, maintain, and/or remove the Ramp without damage of injury to the Property, or the surrounding areas. Licensee shall be financially responsible to replace any damaged property resulting from the Licensee's use, access to and from and construction on the Property. Licensor agrees to maintain the Property in good condition, normal wear and tear excepted.

8. Insurance. During the entire term of this License, Licensee agrees to procure and maintain at Licensee's own expense the types of insurance specified herein. Licensee shall make the Licensor, its officers, officials, agents, and employees, individually and collectively, and additional insured for all the required coverages set forth below.

a. Licensee will maintain Commercial General Liability Insurance with not less than \$1,000,000.00 combined single limits per occurrence and aggregate for bodily injury, property damage, and personal injury.

b. Licensee will maintain Workers' Compensation and Occupational Disease Insurance covering all employees, and Employer's Liability coverage with limits not less than \$1,000,000.00 each accident or illness.

c. When any motor vehicles (owned, non-owned and hired) are used in connection with the Ramp or work to be performed in connection with the Ramp, Licensee shall provide Commercial Automobile Liability Insurance with limits not less \$1,000,000.00 per occurrence, combined single limit, for bodily injury and property damage.

d. Licensee's insurance coverage shall be primary insurance as respects to the Licensor, its officers, officials, agents, and employees.

e. Any insurance or self-insurance maintained by the Licensor, its officers, officials, agents, and employees shall not contribute to the Licensee's insurance.

f. The insurance policies required by this Section shall provide that coverage shall not be suspended, voided, canceled, or non-renewed until after sixty (60) days prior written notice has been given to the Licensor and Licensee.

g. The insurance policies required by this Section are to be issued by a company or companies authorized to do business in the State of Illinois with a Best's rating of no less than A:VII covering all operations under this Agreement.

h. By June 15 and by December 31 of each Fiscal Year, Licensee shall furnish the Licensor with original certificate(s) of insurance evidencing the required coverages. In addition, Licensee shall annually furnish the Licensor copies of receipts for payments of premiums regarding such policies.

i. Licensee expressly understands and agrees that any insurance protection furnished by the Licensee hereunder shall in no way limit its responsibility to indemnify and save harmless the Licensor pursuant to the terms of this License nor be used to offset the Licensee's indemnification obligations.

j. Licensor shall require all subcontractors and independent contractors to procure and maintain insurance as required in this Section and submit documentation of the maintenance of such insurance from time to time as may be required by the Licensor.

9. Indemnification. Licensee agrees to indemnify and hold harmless the Licensor from and against any and all claims, damages, costs and expenses, including reasonable attorney fees, which in any way arise out of or relate to any negligent, willful or wrongful act, error or omission of Licensor (or those of its officers, agents, employees, subcontractors, or licensees) or a breach of any obligation of the Licensee under this License.

a. To the extent permissible by law, Licensee waives any limits to the amount of its obligations to indemnify, defend or contribute to any sums due under any claim, damage, cost or expense, including any claim by any employee of Licensee that may be subject to the Workers compensation Act, 820 ILCS 305/1 et seq. or any other related law or judicial decisions (such as, Kotecki v. Cvclops Welding Corporation, 146 Ill.2d 155 (1991)).

b. The indemnities in this Article shall survive the termination of the License for matters occurring or arising prior to such termination.

c. Licensee acknowledges that the requirements set forth in this section to indemnify, keep and hold harmless and defend the Licensor are separate and apart from and not limited by the Licensee's duties under the License, including insurance requirements.

10. MISCELLANEOUS PROVISIONS

a. No amendment, modification, termination, discharge or waiver of any provision of this License shall be effective unless the same shall be in writing and signed by each of the Parties hereto, and then such waiver or consent shall be effective only for the specific purpose for which given. The undertaking of any actions or waiver of any rights shall not be deemed an amendment to this Agreement nor a consent to such action or to any future action or failure to act, unless the party required to so consent or act expressly agrees in writing. No waiver by any party of any breach of any provision of this License shall be construed as a waiver

of any continuing or succeeding breach of such provision, a waiver of the provision itself, or a waiver of any right, power or remedy under this License. No notice to, or deemed on, any party in any case shall, of itself, entitle such party to any further notice of demand in similar or other circumstances.

b. This License shall be governed by, and construed and enforced in accordance with the internal laws of the State of Illinois, without regards to the choice of law provisions of the State of Illinois.

c. In the event any legal proceeding is commenced for the purpose of interpreting, construing, enforcing or claiming under this License, the prevailing party, as determined by the court, shall be entitled to recover reasonable attorneys fees and costs in such proceeding or any appeal therefrom.

d. Unless otherwise provided, the rights and remedies provided by this License are cumulative and the use of any one right or remedy by any party shall not preclude or waive the right to use any other remedy.

e. The parties acknowledge and confirm that each of their respective attorneys have participated jointly in the review and revision of this License and that it has not been written solely by counsel for one party. The parties hereto stipulate and agree that the rules of construction to the effect that any ambiguities are to be or may resolved against the drafting party shall not be employed in the interpretation of this License to favor any party against another.

f. This License contains the entire agreement between the Parties hereto, and there are no promises, agreements, conditions, undertakings or warranties or representations, oral or written, express or implied or by operation of law, between them or other than as herein set forth or as specifically referred to herein.

g. If there is a lawsuit under this License, the Parties agree to submit to the jurisdiction of the courts of Cook County, the State of Illinois and the United States District Court for the Northern District. The Parties hereby waive any objections each party may have based on improper venue or forum non conveniens to the conduct of any proceeding instituted hereunder.

h. Each party irrevocably waives any right to trial by jury in any judicial action or proceeding regarding this License (i) to enforce or defend any rights under or in connection with this License, or (ii) arising from any dispute or controversy in connection with or related to this License.

i. Nothing in this License is intended nor shall be deemed to create an agency, relationship, or partnership, or joint venture between the Licensor on the one hand, and the Licensee on the other hand.

j. Notices and communications ("notices") required or permitted to be given in connection with this License shall be mailed, by certified or registered United States mail, postage prepaid, or delivered (either personal delivery or delivery by private express courier service such as Federal Express). Notices may also be given by fax, provided that (i) confirmation of completed transmission is obtained, and (ii) concurrent notice is given by one of the methods described in the preceding sentence, with deposit in the mail or delivery to the courier to be made no later than the next business day following the fax transmission. The parties' addresses for notices are:

If to Licensee:

City of Berwyn
6700 West 26th Street
Berwyn, Illinois 60402

If to Licensor:

The person and the place to which notices are to be mailed or delivered may be changed by either party by written notice to the other party given in accordance with the provisions of this Section. Notices sent in accordance with this Section shall be effective upon receipt or on the date of refusal to accept delivery of such notice.

k. In the event that any provision of this License or the application thereof is held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions of this License and the application thereof shall not be affected thereby.

l. Except for the indemnity provisions inuring to the benefit of the parties set forth therein, this License, whether express or implied, is not intended to confer upon any person or entity any rights or remedies under or by reason of this License on any persons other than the Parties hereto.

m. Neither Party may make any filing nor recordation of this License to protect their rights and interests hereunder.

n. Subject to the provisions set forth herein, this License shall bind and inure to the benefit of the Licensee and the Licensor. Neither Party shall assign, sublet, transfer or otherwise convey all or any portion of this License without the prior written consent of the other Party, which consent shall not be unreasonably withheld, conditioned or delayed.

o. The Licensor will maintain all ownership interests in the Property. Licensee shall have no ownership rights or interest in the Property nor represent or hold itself as having such rights or interest.

p. Licensee shall not charge any official, employee or agent of the Licensor personally with any liability or expense of defense or hold any official, employee, or agent of such other party personally liable to them under any term or provision of this License or because of the Licensor's execution, attempted execution or breach of this License. The limitation on liability survives expiration or termination of this License for matters occurring or arising during this License.

IN WITNESS WHEREOF, the parties hereto have executed this License as of the date first above written.

LICENSOR: City of Berwyn, an Illinois municipal corporation

By: _____

Its: _____

Date: _____

LICENSEE: Che Ce' Ce' Corp., an Illinois corporation

By: _____

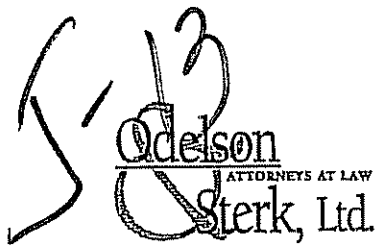
Its: _____

Date: _____

EXHIBIT A

Property

(see attached)



3318 WEST 95TH STREET
EVERGREEN PARK, IL. 60805
(708) 424-5678
FAX (708) 425-1898
www.odelsonsterk.com

March 20, 2009

Thomas J. Pavlik
City Clerk
City of Berwyn
6400 W. 26th St.
Berwyn, IL 60402

Re: 6631 W. 26th St., Resolution to Purchase

Dear Mr. Pavlik:

Please put the attached Resolution on the March 24, 2009 City Council agenda for consideration by Council. Thank you.

Very truly yours,

Richard F. Bruen, Jr.

RFB/jt

THE CITY OF BERWYN
COOK COUNTY, ILLINOIS

RESOLUTION
NUMBER R-

**A RESOLUTION AUTHORIZING THE ACQUISITION
OF PROPERTY COMMONLY KNOWN AS 6631 WEST 26TH
STREET IN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS**

MICHAEL A. O'CONNOR, Mayor
TOM PAVLIK, Clerk
GERARD "GARY" PATER, Treasurer

NONA N. CHAPMAN
SANTIAGO "JIM" RAMOS
MARK WEINER
MICHELE D. SKRYD
THOMAS J. DAY
MICHAEL J. PHELAN
ROBERT J. LOVERO
JOEL ERICKSON
Aldermen

RESOLUTION NO. R-

**A RESOLUTION AUTHORIZING THE ACQUISITION
OF PROPERTY COMMONLY KNOWN AS 6631 WEST 26th STREET
IN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS**

WHEREAS, the Mayor and City Council of the City of Berwyn ("Berwyn") have determined that it is necessary and desirable that certain real property located within Berwyn and described on Exhibit "A" attached hereto ("Subject Property") be acquired by Berwyn.

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Berwyn, Cook County, Illinois, in the exercise of Berwyn's home rule powers as follows:

SECTION 1: The recitals set forth above are incorporated herein by reference and made a part hereof, the same constituting the factual basis for this resolution.

SECTION 2: The Mayor and City Council hereby authorize the acquisition of property commonly known as 6631 West 26th Street, Berwyn, Illinois which is legally described on Exhibit "A" attached hereto and incorporated herein by reference for a purchase price of One Hundred and Twenty Two Thousand and Five Hundred Dollars (\$122,500.00) pursuant to the terms and conditions of a Real Estate Purchase Agreement between the City and the title holder of record.

SECTION 3: The Mayor, Clerk and City Attorney are authorized to execute any documents necessary to complete the acquisition.

SECTION 4: If any section, paragraph, clause or provision of this resolution shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this resolution.

SECTION 5: All resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: This resolution shall be in full force and effect from and after its passage, approval and publication as provided by law.

ADOPTED this 24th day of March, 2009 pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Chapman				
Ramos				
Weiner				
Skryd				
Day				
Phelan				
Lovero				
Erickson				
(Mayor O'Connor)				
TOTAL				

APPROVED by the Mayor on March 24, 2009.

Michael O'Connor
MAYOR

ATTEST:

Thomas J. Pavlik
CITY CLERK

EXHIBIT "A"

Legal Description

LOT 3 IN OAK PARK AVENUE HOME ADDITION, BEING A SUBDIVISION OF LOT 6 IN PARTITION OF THE WEST 51.49 ACRES OF THE WEST HALF OF THE NORTH EAST QUARTER OF THE EAST 41 ACRES OF THE EAST HALF OF THE NORTH WEST QUARTER OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

Common Address: 6631 West 26th Street, Berwyn, Illinois

PIN: 16-30-226-029-0000

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATION

I, THOMAS J. PAVLIK, DO HEREBY CERTIFY that I am the duly qualified and elected Clerk of the City of Berwyn, Cook County, Illinois, and that as such Clerk I do have charge of and custody of the books and records of the City of Berwyn, Cook County, Illinois.

I DO HEREBY FURTHER CERTIFY that the foregoing is a full, true and correct copy of Resolution No. R-____, "A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY COMMONLY KNOWN AS 6631 WEST 26TH STREET IN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS," adopted and approved by the Mayor and City Council of the City of Berwyn, Illinois on March 24, 2009.

IN WITNESS WHEREOF, I have hereunto affixed my hand and the Corporate Seal of the City of Berwyn, Cook County, Illinois this 23rd day of December, 2008.

THOMAS J. PAVLIK
City Clerk
City of Berwyn
Cook County, Illinois



3318 WEST 95TH STREET
EVERGREEN PARK, IL 60805
(708) 424-5678
FAX (708) 425-1898
www.odelsonsterk.com

March 20, 2009

Thomas J. Pavlik
City Clerk
City of Berwyn
6400 W. 26th St.
Berwyn, IL 60402

Re: Ordinance- Stop Signs-33rd Street & Clarence Avenue

Dear Mr. Pavlik:

Please put the attached ordinance on the City Council Agenda. Thank you.

Very truly yours,

O DELSON & STERK, LTD.

Matthew M. Welch

MMW/jdt

THE CITY OF BERWYN
COOK COUNTY, ILLINOIS

ORDINANCE
NUMBER _____

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC WORKS
TO ERECT AND MAINTAIN STOP SIGNS AT THE INTERSECTION OF
33rd STREET AND CLARENCE AVENUE

MICHAEL A. O'CONNOR, Mayor
THOMAS J. PAVLIK, City Clerk

NONA N. CHAPMAN
SANTIAGO "JIM" RAMOS
MARK WEINER
MICHELE D. SKRYD
THOMAS J. DAY
MICHAEL J. PHELAN
ROBERT J. LOVERO
JOEL ERICKSON
Aldermen

ORDINANCE NO.: _____

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC WORKS
TO ERECT AND MAINTAIN STOP SIGNS AT THE INTERSECTION OF
33rd STREET AND CLARENCE AVENUE

WHEREAS, the City of Berwyn, Cook County, Illinois (the "*City* ") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "*Home Rule Powers*");

WHEREAS, the Mayor and the City Council of the City of Berwyn (the "*Corporate Authorities*") has adopted a Traffic Code, which has been amended from time to time;

WHEREAS, the Director of Public Works is authorized, pursuant to Section 442.01(a) of the Traffic Code, to cause to be erected and maintained stop signs to designate an intersection at which vehicular traffic on the roadways should stop and yield before entering the intersection;

WHEREAS, the Corporate Authorities have further decided to concur with the Director of Public Works and enact the traffic regulation identified herein; and

WHEREAS, the Corporate Authorities have determined that it is in the best interests of the residents of the City to provide for stop signs at the intersection identified herein.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Berwyn, Cook County, Illinois, by and through its home rule powers, as follows:

Section 1: That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2: The Director of Public Works is hereby authorized, pursuant to Chapter 442.01(a), as amended, to cause to be erected and maintained stop signs at each corner of the intersection at 33rd Street and Clarence Avenue:

Section 3. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity shall not affect any of the other provisions of this Ordinance.

Section 4. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. This Ordinance shall be in full force and effect upon its passage,
approval and publication as provided by law.

[INTENTIONALLY LEFT BLANK]

Adopted this ____ day of _____, 2009, pursuant to a roll call vote as

follows:

	YES	NO	ABSENT	PRESENT
Chapman				
Ramos				
Weiner				
Skryd				
Day				
Phelan				
Lovero				
Erickson				
(Mayor O'Connor)				
TOTAL				

APPROVED by the Mayor on _____, 2009.

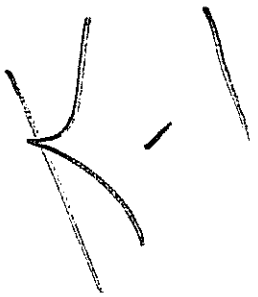
Michael A. O'Connor
MAYOR

Thomas J. Pavlik
CITY CLERK



Section K

Consent Agenda



ALDERMAN MARK WEINER
Berwyn, Illinois 60402
MarkWeiner1@Hotmail.Com

March 20, 2009

Re: Payroll

Council Members:

The current payroll has been prepared for review by the Finance Department and for approval at the March 24, 2009 Council meeting.

Payroll 3-18-09 \$884,940.82

Very truly yours,



Mark Weiner, Budget Committee Chairman

ALDERMAN MARK WEINER
Berwyn, Illinois 60402
MarkWeiner1@Hotmail.Com

March 20, 2009

Re: Payables

Council Members:

The current payables have been prepared for review by the Finance Department and are ready for approval at the March 24, 2009 Council meeting.

Payables: \$1,863,787.77

Very truly yours,

Mark Weiner, Budget Committee Chairman

CITY OF BERWYN
 CHECK REGISTER
 CHECK RANGE: 340924 - 340930

BANK	CHECK #	CHECK AMT	CHECK DATE	VENDOR #	ADDRS #	VENDOR NAME	CHECK STATUS
		AMOUNT	G/L ACCT #			DESCRIPTION	INVOICE #
01	340924	\$217.04 217.04	03/10/09 11-5-04-5202	01635		0 SANTIAGO RAMOS A	08 EXPENSES OUTSTANDING
01	340925	\$3605.66 3605.66	03/10/09 11-5-14-5240	30327		0 BERWYN PARK DISTRICT A	MUN TAXES 08 OUTSTANDING
01	340926	\$150.00 150.00	03/25/09 11-5-06-5505	00017		0 PITNEY BOWES, INC. A	948761 OUTSTANDING
01	340927	\$8820.21 6442.51 435.00 1580.20 362.50	03/25/09 58-5-58-8110 56-5-56-8100 56-5-56-8100 55-5-55-8120	00167		0 FRANK NOVOTNY & ASSC. A A A A	07092 08388 CERMAK TIF PARKING STRUCTURE OUTSTANDING
01	340928	\$14780.00 3957.00 2664.00 1411.00 6748.00	03/25/09 56-5-56-8100 58-5-58-8110 57-5-57-8130 55-5-55-8120	00796		0 FOLGERS FLAG & DECORATING, INC. A A A A	CERMAK TIF OGDEN TIF ROOS RD TIF SO BERWYN TIF OUTSTANDING
01	340929	\$10760.00 10760.00	03/25/09 82-5-00-5210	01925		0 CANNON COCHRAN MANAGEMENT SERVICES, INC. A	0039800 OUTSTANDING
01	340930	\$2090.00 2090.00	03/25/09 15-5-00-5300	33970		0 SKYLITE WEST BANQUETS A	08 SENIOR BKFT OUTSTANDING
TOTAL # OF ISSUED CHECKS:			7	TOTAL AMOUNT:		40422.91	
TOTAL # OF VOIDED/REISSUED CHECKS:			0	TOTAL AMOUNT:		0.00	
TOTAL # OF ACH CHECKS:			0	TOTAL AMOUNT:		0.00	
TOTAL # OF UNISSUED CHECKS:			0				

CITY OF BERWYN
 CHECK REGISTER
 CHECK RANGE: 340924 - 340930

BANK	CHECK #	CHECK AMT	CHECK DATE	VENDOR #	ADDRS #	VENDOR NAME	CHECK STATUS
		AMOUNT	G/L ACCT #			DESCRIPTION	INVOICE #
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01	340925	\$3605.66 3605.66	03/10/09 11-5-14-5240	30327		0 BERWYN PARK DISTRICT A	MUN TAXES 08 OUTSTANDING
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TOTAL # OF ISSUED CHECKS:			7	TOTAL AMOUNT:		40422.91	
TOTAL # OF VOIDED/REISSUED CHECKS:			0	TOTAL AMOUNT:		0.00	
TOTAL # OF ACH CHECKS:			0	TOTAL AMOUNT:		0.00	
TOTAL # OF UNISSUED CHECKS:			0				

FUND TOTALS

FUND	FUND NAME	ISSUED TOTAL	VOIDED/REISSUED TOTAL
-----	-----	-----	-----
011	GENERAL FUND	3,972.70	0.00
015	COMMUNITY OUTREACH FUND	2,090.00	0.00
055	SOUTH BERWYN CORRIDOR TIF FUND	7,110.50	0.00
056	CERMAK TIF DISTRICT	5,972.20	0.00
057	ROOSEVELT TIF FUND	1,411.00	0.00
058	OGDEN AVE. TIF DISTRICT	9,106.51	0.00
082	COB LIABILITY FUND	10,760.00	0.00
		=====	=====
	TOTAL -	40,422.91	0.00

1

FUND TOTALS

FUND	FUND NAME	ISSUED TOTAL	VOIDED/REISSUED TOTAL
011	GENERAL FUND	3,972.70	0.00
015	COMMUNITY OUTREACH FUND	2,090.00	0.00
055	SOUTH BERWYN CORRIDOR TIF FUND	7,110.50	0.00
056	CERMAK TIF DISTRICT	5,972.20	0.00
057	ROOSEVELT TIF FUND	1,411.00	0.00
058	OGDEN AVE. TIF DISTRICT	9,106.51	0.00
082	COB LIABILITY FUND	10,760.00	0.00
TOTAL -		40,422.91	0.00

Live "2009" Production

Payment Register

From Payment Date: 3/21/2008 - To Payment Date: 3/25/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
01 - General Cash									
<u>Check</u>									
612	03/10/2009	Open			Accounts Payable	MICHAEL PHELAN	\$379.44		
613	03/11/2009	Open			Accounts Payable	PACE VANPOOL	\$1,000.00		
614	03/13/2009	Open			Accounts Payable	AT&T	\$5,493.33		
615	03/18/2009	Open			Accounts Payable	Bruce Czajkowski	\$1,703.36		
616	03/25/2009	Open			Accounts Payable	A-AMERICAN VETERINARY HOSPITAL	\$680.00		
617	03/25/2009	Open			Accounts Payable	ABRAHAM LINCOLN PRESIDENTIAL LIBRARY	\$47.88		
618	03/25/2009	Open			Accounts Payable	ACS	\$3,090.00		
619	03/25/2009	Open			Accounts Payable	ADVANTAGE ELECTRIC & TECHNOLOGIES LLC.	\$2,327.45		
620	03/25/2009	Open			Accounts Payable	AETNA-U.S.HEALTHCARE	\$17,882.82		
621	03/25/2009	Open			Accounts Payable	AETNA-U.S.HEALTHCARE	\$7,704.00		
622	03/25/2009	Open			Accounts Payable	AIR ONE EQUIPMENT,INC.	\$214.88		
623	03/25/2009	Open			Accounts Payable	AIRGAS NORTH CENTRAL	\$187.71		
624	03/25/2009	Open			Accounts Payable	ALLIED ASPHALT	\$464.00		
625	03/25/2009	Open			Accounts Payable	ALPHA BUILDING MAINTENANCE SERIVCE INC.	\$260.00		
626	03/25/2009	Open			Accounts Payable	ALSIP MERRIONETTE PARK PUBLIC LIBRARY DIST.	\$11.00		
627	03/25/2009	Open			Accounts Payable	ANDERSON BROS FORD	\$325.69		
628	03/25/2009	Open			Accounts Payable	AT&T	\$2,682.62		
629	03/25/2009	Open			Accounts Payable	AT&T	\$1,305.32		
630	03/25/2009	Open			Accounts Payable	AT&T	\$947.00		

Live "2009" Production

Payment Register

From Payment Date: 3/21/2008 - To Payment Date: 3/25/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
631	03/25/2009	Open			Accounts Payable	BAKER & TAYLOR ENTERTAINMENT	\$1,301.52		
632	03/25/2009	Open			Accounts Payable	BAKER & TAYLOR,INC.	\$6,096.66		
633	03/25/2009	Open			Accounts Payable	BANC OF AMERICA PUB CAPTL CORP	\$5,512.68		
634	03/25/2009	Open			Accounts Payable	BARGE TERMINAL & TRUCKING	\$2,474.19		
635	03/25/2009	Open			Accounts Payable	BARNES & NOBLE	\$1,905.12		
636	03/25/2009	Open			Accounts Payable	BBC AUDIOBOOKS AMERICA	\$25.56		
637	03/25/2009	Open			Accounts Payable	BELLWOOD PUBLIC LIBRARY	\$34.00		
638	03/25/2009	Open			Accounts Payable	BERWYN DEVELOPMENT CORP	\$626,515.61		
639	03/25/2009	Open			Accounts Payable	BERWYN PARK DISTRICT	\$2,200.00		
640	03/25/2009	Open			Accounts Payable	Berwyn Public Library	\$1,911.61		
641	03/25/2009	Open			Accounts Payable	BLACKSTONE AUDIOBOOKS	\$300.00		
642	03/25/2009	Open			Accounts Payable	Bradford Systems Corporation	\$7,759.60		
643	03/25/2009	Open			Accounts Payable	C.O.P.S.TESTING SERVICE	\$1,200.00		
644	03/25/2009	Open			Accounts Payable	Camp Dresser & McKEE	\$29,100.00		
645	03/25/2009	Open			Accounts Payable	CARDINAL CARTRIDGE,INC.	\$1,224.86		
646	03/25/2009	Open			Accounts Payable	CARMEN BONILLA	\$100.00		
647	03/25/2009	Open			Accounts Payable	CASE LOTS INC	\$743.55		
648	03/25/2009	Open			Accounts Payable	CASSIDY TIRE	\$5,554.74		
649	03/25/2009	Open			Accounts Payable	CATHOLIC CHARITIES OF THE ARCHDIOCESE OF CHGO	\$4,082.51		
650	03/25/2009	Open			Accounts Payable	CDW GOVERNMENT,INC.	\$2,300.00		
651	03/25/2009	Open			Accounts Payable	CHICAGO OFFICE TECHNOLOGY GROUP	\$12.75		
652	03/25/2009	Open			Accounts Payable	CICERO PUBLIC LIBRARY	\$29.00		

Live "2009" Production

Payment Register

From Payment Date: 3/21/2008 - To Payment Date: 3/25/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
653	03/25/2009	Open			Accounts Payable	CINTAS # 769	\$884.45		
654	03/25/2009	Open			Accounts Payable	CITADEL	\$135.00		
655	03/25/2009	Open			Accounts Payable	CITY of CHICAGO	\$323,582.05		
656	03/25/2009	Open			Accounts Payable	CNA SURETY	\$7,683.00		
657	03/25/2009	Open			Accounts Payable	CNH CAPITAL AMERICA LLC	\$4,905.26		
658	03/25/2009	Open			Accounts Payable	COLUMN OFFICE EQUIPMENT	\$1,717.00		
659	03/25/2009	Open			Accounts Payable	COM ED	\$33,385.04		
660	03/25/2009	Open			Accounts Payable	COMCAST CABLE	\$93.95		
661	03/25/2009	Open			Accounts Payable	ComEd	\$41.01		
662	03/25/2009	Open			Accounts Payable	COMPUTER POWER SYSTEMS,INC.	\$15,998.90		
663	03/25/2009	Open			Accounts Payable	CON GLOBAL INDUSTRIES,INC.	\$75.00		
664	03/25/2009	Open			Accounts Payable	CONNELLY ELECTRIC CO.	\$752.00		
665	03/25/2009	Open			Accounts Payable	CONSTELLATION NEW ENERGY INC.	\$9,465.90		
666	03/25/2009	Open			Accounts Payable	COUNTY of COOK, ILLINOIS	\$3,215.49		
667	03/25/2009	Open			Accounts Payable	DEMCO EDUCATIONAL CORP	\$281.81		
668	03/25/2009	Open			Accounts Payable	DIAMOND GRAPHICS, INC.	\$713.00		
669	03/25/2009	Open			Accounts Payable	DOWNERS GROVE PUBLIC LIBRARY	\$17.00		
670	03/25/2009	Open			Accounts Payable	ECLI JEREZ-ROOFING INC.	\$29,400.00		
671	03/25/2009	Open			Accounts Payable	EMERGENCY MEDICAL PRODUCTS,INC.	\$114.90		
672	03/25/2009	Open			Accounts Payable	ENMARC & ASSOCIATES	\$6,735.12		
673	03/25/2009	Open			Accounts Payable	Enriquez Lawn Maintenance	\$1,760.00		
674	03/25/2009	Open			Accounts Payable	FEDERAL EXPRESS CORPORATION	\$41.72		

Live "2009" Production

Payment Register

From Payment Date: 3/21/2008 - To Payment Date: 3/25/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
675	03/25/2009	Open			Accounts Payable	FLASH ELECTRIC CO.	\$1,950.00		
676	03/25/2009	Open			Accounts Payable	FMP	\$707.18		
677	03/25/2009	Open			Accounts Payable	FRANCES WASHCO	\$75.00		
678	03/25/2009	Open			Accounts Payable	FRANK NOVOTNY & ASSC.	\$29,425.64		
679	03/25/2009	Open			Accounts Payable	FULLMER LOCKSMITH SERVICE INC	\$231.25		
680	03/25/2009	Open			Accounts Payable	GABRIEL SALES	\$170.44		
681	03/25/2009	Open			Accounts Payable	GABY Q'S CONSTRUCTION,INC.	\$9,460.00		
682	03/25/2009	Open			Accounts Payable	GAYLORD BROS INC	\$155.36		
683	03/25/2009	Open			Accounts Payable	GRAINGER	\$115.69		
684	03/25/2009	Open			Accounts Payable	GREAT WEST ELECTRIC SUPPLY CO	\$45.00		
685	03/25/2009	Open			Accounts Payable	Gurtner Plumbing,Inc.	\$412.00		
686	03/25/2009	Open			Accounts Payable	HD SUPPLY WATERWORKS,LTD	\$5,454.00		
687	03/25/2009	Open			Accounts Payable	HICKMAN,WILLIAMS & COMPANY	\$123,742.95		
688	03/25/2009	Open			Accounts Payable	HIGH PSI LTD.	\$1,102.69		
689	03/25/2009	Open			Accounts Payable	HIGHSMITH COMPANY	\$90.22		
690	03/25/2009	Open			Accounts Payable	HOME DEPOT CREDIT SERVICES	\$454.50		
691	03/25/2009	Open			Accounts Payable	ILLINOIS PAPER & COPIER CO.	\$16.75		
692	03/25/2009	Open			Accounts Payable	INGRAM LIBRARY SERVICES	\$1,544.86		
693	03/25/2009	Open			Accounts Payable	INTELLEGENT SOLUTIONS,INC.	\$22.50		
694	03/25/2009	Open			Accounts Payable	INTERSTATE BATTERY SYSTEM OF CENTRAL CHGO.	\$350.90		
695	03/25/2009	Open			Accounts Payable	ISIDRO ALMENDARIZ & ELBA ROJAS	\$1,475.00		
696	03/25/2009	Open			Accounts Payable	JACK PHELAN CHEVROLET	\$5.50		

Live "2009" Production

Payment Register

From Payment Date: 3/21/2008 - To Payment Date: 3/25/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
697	03/25/2009	Open			Accounts Payable	JACK'S RENTAL INC	\$2,031.78		
698	03/25/2009	Open			Accounts Payable	JAMES A.RHODES	\$2,112.83		
699	03/25/2009	Open			Accounts Payable	JAMES DUNCAN & ASSOCIATES,INC.	\$10,432.79		
700	03/25/2009	Open			Accounts Payable	JIM FRANK	\$55.95		
701	03/25/2009	Open			Accounts Payable	JOE BARTOSZ	\$195.00		
702	03/25/2009	Open			Accounts Payable	JOHN TARULLO	\$2,940.00		
703	03/25/2009	Open			Accounts Payable	JULIE,INC.	\$71.10		
704	03/25/2009	Open			Accounts Payable	JUST TIRES	\$713.17		
705	03/25/2009	Open			Accounts Payable	KDD OF ILLINOIS,LTD.	\$635.34		
706	03/25/2009	Open			Accounts Payable	KEVIN LORR	\$892.68		
707	03/25/2009	Open			Accounts Payable	KEY EQUIPMENT FINANCE	\$2,276.40		
708	03/25/2009	Open			Accounts Payable	KRONOS INCORPORATED	\$4,570.54		
709	03/25/2009	Open			Accounts Payable	L G SPORTS OFFICIALS	\$540.00		
710	03/25/2009	Open			Accounts Payable	LACONI YSS	\$25.00		
711	03/25/2009	Open			Accounts Payable	LANDMARK AUDIOBOOKS	\$26.96		
712	03/25/2009	Open			Accounts Payable	LAURA MUNOZ	\$1,475.00		
713	03/25/2009	Open			Accounts Payable	LEWIS PAPER PLACE	\$97.70		
714	03/25/2009	Open			Accounts Payable	LEXISNEXIS	\$220.00		
715	03/25/2009	Open			Accounts Payable	LIFE NEWSPAPERS-BERWYN	\$1,397.58		
716	03/25/2009	Open			Accounts Payable	LISA DEGORI	\$50.00		
717	03/25/2009	Open			Accounts Payable	LITTLE VILLAGE PRINTING	\$120.00		
718	03/25/2009	Open			Accounts Payable	Local 705 Public Works	\$1,704.50		
719	03/25/2009	Open			Accounts Payable	M.K. SPORTS	\$754.00		

Live "2009" Production

Payment Register

From Payment Date: 3/21/2008 - To Payment Date: 3/25/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
720	03/25/2009	Open			Accounts Payable	MACNEAL PHY GRP [OCCMED]	\$506.00		
721	03/25/2009	Open			Accounts Payable	MARIA DILLON	\$500.00		
722	03/25/2009	Open			Accounts Payable	MARIE L.ROGERS	\$150.00		
723	03/25/2009	Open			Accounts Payable	MARTHA MELENDEZ & ROBERTO DIEGUEZ	\$1,475.00		
724	03/25/2009	Open			Accounts Payable	MC. DRYWALL FINISHERS,INC.	\$225.00		
725	03/25/2009	Open			Accounts Payable	McDONALD MODULAR SOLUTIONS,INC.	\$95.00		
726	03/25/2009	Open			Accounts Payable	McDONOUGH MECHANICAL SERVICES,INC.	\$1,683.42		
727	03/25/2009	Open			Accounts Payable	MENARDS	\$39.96		
728	03/25/2009	Open			Accounts Payable	MENARDS	\$366.00		
729	03/25/2009	Open			Accounts Payable	MES-ILLINOIS	\$1,180.20		
730	03/25/2009	Open			Accounts Payable	MICHAEL O'CONNOR	\$185.92		
731	03/25/2009	Open			Accounts Payable	MICHAEL PHELAN	\$379.44		
732	03/25/2009	Open			Accounts Payable	MICRO MARKETING,LLC	\$259.52		
733	03/25/2009	Open			Accounts Payable	MIDWEST PROPERTY MANAGEMENT	\$1,400.00		
734	03/25/2009	Open			Accounts Payable	MLB FINANCIAL SERVICES,LTD	\$340.00		
735	03/25/2009	Open			Accounts Payable	MLS Computer Fund	\$383.24		
736	03/25/2009	Open			Accounts Payable	MLS General Fund	\$9.68		
737	03/25/2009	Open			Accounts Payable	MODERN MARKETING,INC.	\$1,779.06		
738	03/25/2009	Open			Accounts Payable	NAEIR	\$105.10		
739	03/25/2009	Open			Accounts Payable	NATIONAL ASSOCIATION OF TOWN WATCH	\$25.00		
740	03/25/2009	Open			Accounts Payable	NCPERS GROUP LIFE INSURANCE	\$278.00		
741	03/25/2009	Open			Accounts Payable	NEXTEL COMMUNICATIONS	\$1,555.78		

Live "2009" Production

Payment Register

From Payment Date: 3/21/2008 - To Payment Date: 3/25/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
742	03/25/2009	Open			Accounts Payable	NICOR GAS	\$11,176.67		
743	03/25/2009	Open			Accounts Payable	North East Multi-Regional Training, Inc.	\$760.00		
744	03/25/2009	Open			Accounts Payable	NUTRITION ACTION	\$40.00		
745	03/25/2009	Open			Accounts Payable	OAK LAWN PUBLIC LIBRARY	\$12.00		
746	03/25/2009	Open			Accounts Payable	OFFICE DEPOT	\$426.88		
747	03/25/2009	Open			Accounts Payable	OFFICE EQUIPMENT SALES	\$99.26		
748	03/25/2009	Open			Accounts Payable	OFFICE EQUIPMENT SALES	\$98.66		
749	03/25/2009	Open			Accounts Payable	ORIENTAL TRADING CO.	\$155.10		
750	03/25/2009	Open			Accounts Payable	ORR & ORR INC.	\$21.02		
751	03/25/2009	Open			Accounts Payable	PERSONALIZED AWARDS	\$2,351.50		
752	03/25/2009	Open			Accounts Payable	PHELAN DODGE	\$220.72		
753	03/25/2009	Open			Accounts Payable	PINNER ELECTRIC CO	\$16,219.65		
754	03/25/2009	Open			Accounts Payable	PITNEY BOWES	\$18.00		
755	03/25/2009	Open			Accounts Payable	PRUDENTIAL INS CO. OF AMERICA	\$1,751.66		
756	03/25/2009	Open			Accounts Payable	PURCHASE POWER	\$10,000.00		
757	03/25/2009	Open			Accounts Payable	QUILL CORPORATION	\$242.97		
758	03/25/2009	Open			Accounts Payable	RANDOM HOUSE, INC.	\$48.00		
759	03/25/2009	Open			Accounts Payable	RIZZA FORD	\$171.60		
760	03/25/2009	Open			Accounts Payable	ROBERT R. ANDREAS & SONS	\$437.00		
761	03/25/2009	Open			Accounts Payable	ROBERT YIU	\$83,089.00		
762	03/25/2009	Open			Accounts Payable	ROSCOE COMPANY	\$466.81		
763	03/25/2009	Open			Accounts Payable	Ruben Chavez	\$1,475.00		
764	03/25/2009	Open			Accounts Payable	S & P Distributors	\$175.43		

Live "2009" Production

Payment Register

From Payment Date: 3/21/2008 - To Payment Date: 3/25/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
765	03/25/2009	Open			Accounts Payable	S JANTELEZIO INSURANCE CO	\$30.00		
766	03/25/2009	Open			Accounts Payable	S-P-D- INCORPORATED	\$478.19		
767	03/25/2009	Open			Accounts Payable	SAM'S CLUB	\$906.74		
768	03/25/2009	Open			Accounts Payable	SECRETARY OF STATE	\$143.00		
769	03/25/2009	Open			Accounts Payable	SECRETARY OF STATE	\$65.00		
770	03/25/2009	Open			Accounts Payable	SEYFARTH SHAW LLP	\$12,988.99		
771	03/25/2009	Open			Accounts Payable	SHANE'S OFFICE SUPPLY CO.	\$77.51		
772	03/25/2009	Open			Accounts Payable	SHERWIN WILLIAMS	\$31.95		
773	03/25/2009	Open			Accounts Payable	SHORE GALLERIES INC.	\$156.00		
774	03/25/2009	Open			Accounts Payable	SIMPLEX GRINNELL	\$2,048.50		
775	03/25/2009	Open			Accounts Payable	SIR SPEEDY	\$5,072.29		
776	03/25/2009	Open			Accounts Payable	Soffit And Siding Master	\$4,750.00		
777	03/25/2009	Open			Accounts Payable	SOUTHWEST UNITED FIRE DISTRICTS	\$950.00		
778	03/25/2009	Open			Accounts Payable	Special Events Management	\$2,500.00		
779	03/25/2009	Open			Accounts Payable	SPECIALTY STORE UNLIMITED	\$126.45		
780	03/25/2009	Open			Accounts Payable	Speedy Heating & A/C, Inc.	\$4,500.00		
781	03/25/2009	Open			Accounts Payable	STANDARD EQUIPMENT CO	\$1,270.38		
782	03/25/2009	Open			Accounts Payable	Stephen-Fossler Company	\$170.05		
783	03/25/2009	Open			Accounts Payable	Stralford Career Inst.	\$749.00		
784	03/25/2009	Open			Accounts Payable	SUBURBAN LABORATORIES, INC.	\$498.00		
785	03/25/2009	Open			Accounts Payable	T-MOBILE	\$45.24		
786	03/25/2009	Open			Accounts Payable	TANTOR MEDIA	\$143.96		
787	03/25/2009	Open			Accounts Payable	TELE-TRON ACE HARDWARE	\$154.65		

Live "2009" Production

Payment Register

From Payment Date: 3/21/2008 - To Payment Date: 3/25/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
788	03/25/2009	Open			Accounts Payable	Terracon Consultants, Inc.	\$4,488.00		
789	03/25/2009	Open			Accounts Payable	TEXOR WORLD FUEL SERVICES	\$108.24		
790	03/25/2009	Open			Accounts Payable	THE CHILDREN'S CLINIC	\$7,622.68		
791	03/25/2009	Open			Accounts Payable	THE GALE GROUP	\$494.80		
792	03/25/2009	Open			Accounts Payable	THE WATERS CONSULTING GROUP,INC.	\$350.00		
793	03/25/2009	Open			Accounts Payable	TOMAHAWK LIVE TRAP COMPANY	\$157.20		
794	03/25/2009	Open			Accounts Payable	Trine Construction Corporation	\$186,614.28		
795	03/25/2009	Open			Accounts Payable	TRUCKPRO,INC.	\$241.28		
796	03/25/2009	Open			Accounts Payable	TRYAD AUTOMOTIVE	\$1,123.09		
797	03/25/2009	Open			Accounts Payable	U.S. Cellular	\$113.37		
798	03/25/2009	Open			Accounts Payable	UNITED RADIO COMM,INC	\$1,629.26		
799	03/25/2009	Open			Accounts Payable	UNITED WAY of BERWYN	\$15.00		
800	03/25/2009	Open			Accounts Payable	UPSTART INC	\$321.38		
801	03/25/2009	Open			Accounts Payable	US GAS	\$265.60		
802	03/25/2009	Open			Accounts Payable	VERIZON WIRELESS	\$65.06		
803	03/25/2009	Open			Accounts Payable	VICTORY UPHOLSTERY	\$300.00		
804	03/25/2009	Open			Accounts Payable	VIOLET FLOWER SHOP	\$98.00		
805	03/25/2009	Open			Accounts Payable	WALGREENS CO.	\$11.99		
806	03/25/2009	Open			Accounts Payable	WALKER PARKING CONSULTANTS	\$22,384.11		
807	03/25/2009	Open			Accounts Payable	Warehouse Direct	\$1,879.36		
808	03/25/2009	Open			Accounts Payable	WATER ONE	\$341.25		
809	03/25/2009	Open			Accounts Payable	WEIMER MACHINE	\$4,422.96		
810	03/25/2009	Open			Accounts Payable	WEST CENTRAL MUNICIPAL CONFERE	\$35.00		

Live "2009" Production

Payment Register

From Payment Date: 3/21/2008 - To Payment Date: 3/25/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
811	03/25/2009	Open			Accounts Payable	WEST SUBURBAN PADS	\$5,499.42		
812	03/25/2009	Open			Accounts Payable	Winkler Tree Service	\$6,093.57		
813	03/25/2009	Open			Accounts Payable	WOODRIDGE PUBLIC LIBRARY	\$22.00		
Type Check Totals:					202 Transactions		\$1,823,364.86		

01 - General Cash Totals

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	202	\$1,823,364.86	
	Total	202	\$1,823,364.86	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	202	\$1,823,364.86	
	Total	202	\$1,823,364.86	\$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	202	\$1,823,364.86	
	Total	202	\$1,823,364.86	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	202	\$1,823,364.86	
	Total	202	\$1,823,364.86	\$0.00

Michael A. O'Connor
Mayor



Joel Erickson
Eight Ward Alderman
(708) 484-4999
joelglobal@sbcglobal.net

A Century of Progress with Pride

6700 West 26th Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2675
www.berwyn-il.gov

March 17, 2009

Honorable Mayor Michael A. O'Connor and
Members of the Berwyn City Council

RE: Handicap Request: # 601
Neal Ivy - 1429 Clarence Avenue

Mayor and City Council Members:

I concur with the investigating officer's recommendation to Approve the installation of
handicap signs at the above referenced residence.

Sincerely,

Joel Erickson
8th Ward Alderman



We Serve and Protect

BERWYN POLICE DEPARTMENT

6401 West 31st Street
Berwyn, Illinois 60402-0733
Phone (708) 795-5600
Fax (708) 795-5627 Emergency 9-1-1



**TO: HONORABLE MAYOR MICHAEL A. O'CONNOR AND
MEMBERS OF THE BERWYN CITY COUNCIL**

**FROM: BERWYN POLICE DEPARTMENT
LOCAL ORDINANCE DIVISION**

DATE: March 6, 2009

RE: HANDICAPPED SIGN FOR: NEAL IVY #601

**ATTACHED IS A COPY OF A REQUEST FOR A HANDICAPPED SIGN TO BE
ERECTED IN THE CITY OF BERWYN PARKWAY IN FRONT OF:**

1429 CLARENCE AVE.

PLEASE REVIEW THE ATTACHED PAPERWORK AND ADVISE.

cc: ALDERMAN ERICKSON

Berwyn Police Department

6401 West 31st Street
Berwyn, Illinois 60402-0733
Phone (708) 795-5600
(Fax) 795-5627 Emergency 9-1-1

2009 MAR - 2
CITY OF BERWYN
CLERK'S OFFICE

HANDICAPPED PARKING SIGN REQUEST & REPORT

To: Mayor Michael O'Connor
and Members of City Council

From: Berwyn Police Department
Local Ordinance Division

Date: 03-03-2009

Application #: 601

Name of Applicant: Neal Ivy

Address: 1429 Clarence Ave Berwyn IL 60402

Telephone:

Nature of Disability:

e.

Information	YES	NO	Information	YES	NO
Doctor's Note/Affidavit:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Interviewed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Owner's Support Letter:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Handicap Plates:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Garage:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wheelchair:	---	---
Driveway:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Walker:	---	---
Off Street:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Cane:	---	---
On Street:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Oxygen:	---	---
Meets Requirements:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Report Number: 09-2779		

Recommendation: APPROVE DENY Reporting Officer: S. Diaz #180

Comments: Wheel chair bound.

Alderman:

Ward:



NOT RECEIVED / NO RECORD

6/17/08

SS

THE CITY OF BERWYN, ILLINOIS

CITY OF BERWYN - AFFIDAVIT FOR HANDICAP SIGN

PLEASE PRINT

NEAL IVY (Name of Handicapped Person)

1429 CLARENCE AVE. (Address of Handicapped Person)

NEAL IVY (Name of Applicant)

(Phone Number of Handicapped Person)

I hereby affirm that the information provided is true and correct, and it shall be prohibited and unlawful for any person to file a sworn affidavit which said person knows to be false or believes to be false.

Neal Ivy (Signature of Applicant)

6/10/08 (Date)

PHYSICIANS STATEMENT PLEASE PRINT NATURE OF PATIENT'S HANDICAP

I, HEREBY CERTIFY THAT THE PHYSICAL CONDITION OF THE ABOVE NAMED "HANDICAPPED PERSON" CONSTITUTES HIM/HER A HANDICAPPED PERSON AS DEFINED UNDER THE STATUTORY PROVISION PAR. 1-159.1 (Physically Handicapped Person - Every person who has permanently lost the use of a leg or both legs or an arm or both arms or any combination thereof, or any person who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair).

(Print - Name of Physician)

(Print - Address) 300

(Signature of Physician)

(Physicians Phone #) (Date)

Handicapped State Plate #

Vehicle Tag # AF10818 Year

Regular State Plate #

Handicap State Card # AF10818

YOU MUST HAVE A HANDICAP STATE PLATE OR CARD TO PARK YOUR VEHICLE IN A HANDICAPPED PARKING SPACE.



BERWYN POLICE DEPARTMENT



6401 West 31st Street
Berwyn, Illinois 60402-0733
Phone (708) 795-5600
Fax (708) 795-5627 Emergency 9-1-1

HANDICAPPED PARKING INTERVIEW FORM

Applicant Name: NEAL IVY

Applicant Address: 1429 CLARENCE AVE

Applicant Phone #: _____

Applicant D/L #: _____ D.O.B. _____

Vehicle Make: _____

Vehicle Color: _____

License Plate #: _____

Handicapped Placard #: AF10818

Does Applicant Use:

Wheelchair _____ Walker _____ Cane _____ Oxygen _____

Parking Availability:

Driveway NO Garage YES On Street YES Off Street NO

Notes: MR. IVY goes to dialysis on a daily basis and is wheel chair bound due to leg amputation. HE lives with his daughter in law. Garage is utilized by in-laws

APPLICANT INTERVIEW

Date: <u>3/3/09</u>	Time: <u>1100</u>	Results: <u>APPROVED</u>
Date: _____	Time: _____	Results: _____
Date: _____	Time: _____	Results: _____
Date: _____	Time: _____	Results: _____
Date: _____	Time: _____	Results: _____

Completion Date: 3/3/09

Application Number:

601

Logged in Book: 3/3/09

#601

Berwyn Police Department

(708) 795-5600 6401 West 31st Street Berwyn, IL 60402

Incident#: 09-02779

STATION COMPLAINT UCR 9041 (Applicant File)		DESCRIPTION Applicant File		INCIDENT # 09-02779
REPORT TYPE Incident Report	RELATED CAD # C09-011372	DOT #		HOW RECEIVED Telephone
WHEN REPORTED 03/03/2009 12:47		LOCATION OF OFFENSE (HOUSE NO. STREET NAME) 1429 S CLARENCE AV BERWYN, IL 60402		
TIME OF OCCURRENCE 03/03/2009 12:47		STATUS CODE		STATUS DATE

INVOLVED ENTITIES

NAME Ivy, Neal		DOB	AGE	ADDRESS 1429 S Home AV Berwyn, IL 60402		
SEX M	RACE	HGT	WGT	HAIR	EYES	PHONE
UCR			TYPE		RELATED EVENT #	

INVOLVED VEHICLES

VEH/PLATE #	STATE IL	TYPE	INVOLVEMENT	VIN #
YEAR 2009	MAKF	MODEL	COLOR	COMMENTS

NARRATIVES

PRIMARY NARRATIVE

In Summary:

Mr. Neal Ivy resides at 1429 S. Home Ave Berwyn IL 60402. Mr. Ivy suffers from an _____ is _____ which makes it extremely difficult for him to walk. Mr. Ivy lives with his daughter-in-law which utilizes the garage for her own vehicle. Mr. Ivy goes to dialysis on a daily basis and gets transported to and from the clinic. Mr. Ivy is requesting handicapped signs to be placed in front of his residence due to limited on street parking.

Mr. Ivy meets the State requirements for being handicapped and also meets the City requirements for having handicapped signs.

For the above listed reasons this Officer feels that this application should be approved at the time.

REPORTING OFFICER DIAZ,, SERGIO R	STAR # 180	REVIEWER STOROZYNSKI, PAUL	STAR # 318
--------------------------------------	---------------	-------------------------------	---------------

Berwyn Police Department

2009 MAR 10 A 9:46
 CITY OF BERWYN
 CLERK'S OFFICE



Girl Scouts of Greater Chicago and Northwest Indiana - Lisle Service Center
2400 Ogden Avenue, Suite 400
Lisle, IL 60532-3933
T 630 544 5900 F 630 544 5999
www.girlscoutsgcnwi.org

March 11, 2009

Mr. Thomas Pavlik, City Clerk
City of Berwyn
6700 W. 26th Street
Berwyn, Illinois 60402

Re: Request to Extend Solicitation

On behalf of the Girl Scouts who are members of our council and residents of your community we respectfully request permission to extend solicitation to our Girl Scout Cookie Program in your municipality the following weekends:

April 4 – 5; 11 – 12; 18 -19; 25 - 26

Attached is an information sheet that provides you with general information. If the attached information is sufficient, please check the appropriate box below and e-mail (or fax) this letter back to me as soon as possible. If you require an application or require other specific documentation please fill out the section below.

If you require a Certificate of Insurance, please check your records for the most current certificate on file.

If you have questions or need additional information, e-mail our Program Manager at ckeyser@girlscoutsgcnwi.org or call me at (630) 544-5975

Sincerely,

Christine Keyser
Program Manager

Please check the appropriate box below and return this letter to the address above:

- The attached information is sufficient and your request is approved as submitted
- Please complete and return the enclosed application
- We also require the following documents:



March 16, 2009

Mayor Michael O'Connor
6700 W. 26th Street
Berwyn, IL 60402

City of Berwyn:

The American Cancer Society would first like to thank the City of Berwyn for continuing to support the Relay For Life of Berwyn/Cicero. Last year's event raised over \$90,000 for cancer research, education, advocacy, and patient services! We cannot thank you enough for your part in making this happen.

We have already started preparing for the 2009 event and fundraising has begun. We would like to request a "Tag Day" to be held on Saturday, May 2nd, 2009 from 9am-2pm in Berwyn. Relay For Life Teams would select intersections in Berwyn to collect donations. Team members would wear Relay For Life t-shirts so they could be easily identified as affiliated with the fundraiser. We would gladly provide the City of Berwyn with intersections we will be standing at, if needed.

If you have any questions or would like to request additional information, please contact me at 708-484-8542. Thank you for your consideration and thank you again for your support of the Relay For Life of Berwyn/Cicero!

Sincerely,

A handwritten signature in black ink, appearing to read 'Jose Macias'.

Jose Macias
Income Development Representative
American Cancer Society
7234 W Ogden Ave, Suite 3 South
Riverside, IL 60546