

**THOMAS G. SHAUGHNESSY**  
**MAYOR**

**MICHAEL J. WOODWARD**  
**CITY CLERK**

**MINUTES**  
**BERWYN CITY COUNCIL**  
**DECEMBER 14, 2004**

- 1) The regular meeting of the Berwyn City Council was called to order at 8:00 p.m., with Mayor Shaughnessy presiding. Upon the call of the roll, the following members responded present: Chapman, A. Bojovic, B. Bojovic, Pechota, Brocato, Fron, Lovero, Fortunato. Absent: none. Thereafter, the meeting was duly convened for further business.
- 2) The Pledge of Allegiance was recited and the Mayor called for a moment of silence for the betterment of the community, for the passing of David Fedele and the brother of Paul Cisco; and for the veterans and the military overseas.
- 3) The open forum portion of the meeting was announced. Santiago Ramos, 3341 Highland, spoke of permit parking problems around the area of Cuyler and Ogden.
- 4) The minutes of the Berwyn City Council meeting held on November 23, 2004, were submitted. A. Bojovic made a motion, seconded by Chapman, to approve the minutes as presented. The motion carried by voice vote.
- 5) The bids for the 2005 latest model Ford Dump Truck with snow plow and material spreader were submitted. Fron made a motion, seconded by Pechota, to authorize the Finance Director and any other interested parties to proceed to the conference room to open, tabulate and return same to the council chambers for public reading. The motion was carried by voice vote.
- 6) The Mayor submitted a communication from the City Engineer regarding East Avenue, Cermak Road to Roosevelt Road and Citywide Infrastructure Paving Improvements. A. Bojovic made a motion, seconded by Pechota, to waive the reading and accept the matter as informational. The motion carried by voice vote.
- 7) The City Clerk submitted a communication indicating the schedule of meetings and holidays for the year 2005. B. Bojovic made a motion, seconded by A. Bojovic, to concur and authorize publication of same. The motion carried by the following roll call: Yeas: Chapman, A. Bojovic, B. Bojovic, Pechota, Brocato, Fron, Lovero, Fortunato. Nays: none.

- 8) The Zoning Board of Appeals submitted a Resolution and Ordinance pertaining to Mary Ann Peterson, 7000 W. 26th Parkway for a variance to convert a two flat duplex to two condominiums. B. Bojovic made a motion, seconded by Chapman, to concur, adopt the Resolution and Ordinance as presented and authorize the appropriate corporate authorities to affix their signatures thereto. The motion carried by the following roll call: Yeas: Chapman, A. Bojovic, B. Bojovic, Pechota, Brocato, Fron, Lovero, Fortunato. Nays: none.
- 9) A. Bojovic submitted a communication requesting City Council to order a change in the policy manual of the Berwyn Police Department that allegedly established parking ticket quotas. Thereafter, the Mayor ordered a communication submitted by the Director of Public Safety, Frank Marzullo, on Police Department Policies read into the record. After discussion, A. Bojovic made a motion, seconded by B. Bojovic, to concur in the recommendation. The motion failed by the following roll call: Yeas: Chapman, A. Bojovic, B. Bojovic, Fron. Nays: Pechota, Brocato, Lovero, Fortunato, Shaughnessy.
- 10) Alderman Lovero submitted the payroll report for December 1, 2004, in the total amount of \$649,024.97. Lovero made a motion, seconded by Chapman, to concur in the recommendation and approve for payment. The motion carried by the following roll call: Yeas: Chapman, A. Bojovic, B. Bojovic, Pechota, Brocato, Fron, Lovero, Fortunato. Nays: none
- 11) Alderman Lovero submitted the Payables report for December 14, 2004, in the total amount of \$941,409.21. Lovero made a motion, seconded by Chapman, to concur in the recommendation and approve for payment. The motion carried by the following roll call: Yeas: Chapman, Pechota, Brocato, Fron, Lovero, Fortunato. Nays: A. Bojovic, B. Bojovic.
- 12) Alderman B. Bojovic submitted a communication on behalf of the Parking and Traffic Committee directing the Director of Public Works to install signage on the 3100 block of Oak Park Avenue to ban parking from 3am to 6am one day of the week to allow street maintenance. After discussion, B. Bojovic made a motion, seconded by A. Bojovic, to concur in the recommendation and refer the matter to the Public Works Director for his determination of the appropriate day to ban said parking. The motion carried by the following roll call: Yeas: Chapman, A. Bojovic, B. Bojovic, Pechota, Brocato, Fron, Lovero, Fortunato. Nays: none.
- 13) Alderman B. Bojovic submitted an ordinance entitled:

**AN ORDINANCE SETTING LIMITATIONS ON PROPERTY TAX EXTENSIONS**

B. Bojovic made a motion, seconded by A. Bojovic, to concur and adopt the ordinance as presented. After discussion, the Mayor ordered the matter deferred and referred to the Budget Committee by Order of the Chair.

Alderman B. Bojovic asked for a roll call vote. The Mayor's order was upheld by the following roll call: Yeas: Pechota, Brocato, Fron, Lovero, Fortunato. Nays: Chapman, A. Bojovic, B. Bojovic.

- 14) A deferred communication was submitted by Building Director Mark Fiebig requesting a variance for John Citari, 1624 Euclid Avenue, to construct a fence parallel to his neighbors fence because his neighbor refuses to remove her fence. Lovero made a motion, seconded by Chapman, to bring forth items I-9a and I-9b. ordinances entitled:

**I-9a-ORDINANCE TO ALLOW A SECOND FENCE TO BE ERECTED PARALLEL TO AN EXISTING FENCE ALONG THE SAME LOT LINE**

**I-9b-ORDINANCE TO NOT ALLOW A SECOND FENCE TO ERECTED PARALLEL TO AN EXISTING FENCE ALONG THE SAME LOT LINE**

The motion carried by voice vote. Thereafter, Lovero made a motion, seconded by Pechota, to concur and adopt the ordinance entitled:

**ORDINANCE TO NOT ALLOW A SECOND FENCE TO BE ERECTED PARALLEL TO AN EXISTING FENCE ALONG THE SAME LOT LINE (I-9b)**

and authorize the appropriate corporate authorities to affix their signatures thereto. The motion carried by the following roll call: Yeas: A. Bojovic, B. Bojovic, Pechota, Brocato, Fron, Lovero, Fortunato.

Thereafter, Lovero made a motion, seconded by Pechota, to deny an ordinance to allow a second fence to be erected parallel to an existing fence along the same lot line (I-9a). The motion carried by voice vote.

Thereafter, Fron made a motion, to authorize the variance at 1624 Euclid Avenue. The motion failed for lack of a second.

- 15) Paul Nosek, Director of Finance/HR submitted a communication requesting authority to obtain an attorney to take action to recover TIF money from Duke's Roadhouse based on a condition that if they ceased operations, they would be liable for the return of said money. After discussion, Lovero made a motion, seconded by Pechota, to render the matter moot since the matter has been rectified. The motion carried by voice vote.
- 16) Tom Martirano, Director of Public Works, submitted a communication regarding City, State and County responsibilities for snow plowing for Ridgeland Avenue and 31st Street. Fron made a motion, seconded by Brocato, to accept the matter as informational. The motion carried by voice vote.
- 17) Tom Martirano, Director of Public Works, submitted a "Resolution for Improvement by a Municipality" in the amount of \$64,221.59. Pechota made a motion, seconded by Brocato, to concur, adopt the Resolution as presented and authorize the appropriate corporate authorities to affix their signature thereto. The motion carried by the following roll call: Yeas: Chapman, A. Bojovic, B. Bojovic, Pechota, Brocato, Fron, Lovero, Fortunato. Nays: none.
- 18) Tom Martirano, Director of Public Works, submitted a communication recommending that the Lyons Electric contract be extended until December 31, 2005, with no price increase. Fron made a motion, seconded by Chapman, to concur in the recommendation as presented. The motion carried by the following roll call: Yeas: Chapman, A. Bojovic, B. Bojovic, Pechota, Brocato, Fron, Lovero, Fortunato. Nays: none.
- 19) Paul Nosek, Director of Finance/HR submitted a communication recommending the City of Berwyn adopt the 2004 Tax Levy for operational expenses at \$7,902,526 representing no increase; the tax levy for debt service and public building commission leases at \$10,077,710, which represents no increase; and the overall tax levy to be \$17,980,236 for 2004, which represents no increase. After discussion, Lovero made a motion, seconded by Chapman, to concur, adopt the tax levy as presented and authorize the appropriate corporate authorities to affix their signatures thereto. The motion carried by the following roll call: Yeas: Chapman, A. Bojovic, B. Bojovic, Pechota, Brocato, Fron, Lovero, Fortunato. Nays: none.
- 20) Paul Nosek, Director of Finance/HR submitted a communication recommending consideration of IMRF Retirement Incentive Window Program starting December 15, 2004 and concluding December 15,

2005. Chapman made a motion, seconded by B. Bojovic, to refer the matter to the Budget Committee. The motion carried by voice vote.

- 21) The Law Department submitted three ordinances amending the Planning and Zoning Code of the City of Berwyn entitled:

1. **DEFINITION OF PLANNED DEVELOPMENTS**
2. **CREATION OF RETAIL OVERLAY DISTRICT**
3. **CONDITIONAL USE STANDARDS**

After discussion, Lovero made a motion, seconded by A. Bojovic, to refer and defer the matter to the Committee of the Whole. The motion carried by voice vote.

- 22) The Law Department submitted an ordinance entitled:

**AN ORDINANCE TO ALLOW DWELLING UNITS BELOW THE SECOND STORY OF BUILDINGS IN ALL THREE COMMERCIAL DISTRICTS (C-1, C-2, C-3)**

Lovero made a motion, seconded by Pechota, to defer and refer the matter to the Committee of the Whole. The motion carried by voice vote.

- 23) The Law Department submitted an ordinance entitled:

**AN ORDINANCE TO ALLOW BUILDING, WITH ITS ACCESSORY BUILDINGS, IN AN A-1 SINGLE FAMILY RESIDENCE DISTRICT TO OCCUPY UP TO FIFTY FIVE PERCENT OF THE AREA OF A ZONING LOT**

Lovero made a motion, seconded by Chapman, to concur, adopt the ordinance as presented and authorize the corporate authorities to affix their signatures thereto. The motion carried by the following roll call: Yeas: Chapman, A. Bojovic, B. Bojovic, Pechota, Brocato, Fron, Lovero, Fortunato. Nays: none.

- 24) The Law Department submitted an ordinance entitled:

**AN ORDINANCE TO INCREASE THE PERMIT FEE TO ERECT A FENCE FROM \$20 TO \$25 UNDER SECTION 1272.02**

Lovero made a motion, seconded by Pechota, to concur, adopt the ordinance as presented and authorize the appropriate corporate authorities to affix their signatures thereto. The motion carried by the

following roll call: Yeas: Chapman, Pechota, Brocato, Fron, Lovero, Fortunato. Nays: A. Bojovic, B. Bojovic.

- 25) The Law Department submitted an ordinance entitled:

**AN ORDINANCE TO ALLOW BUILDING, WITH ITS ACCESSORY BUILDINGS, IN A B-1 TWO FAMILY RESIDENCE DISTRICT TO OCCUPY UP TO FIFTY FIVE PERCENT OF THE AREA OF A ZONING LOT**

Lovero made a motion, seconded by Chapman, to concur in the recommendation, adopt the ordinance as presented and authorize the appropriate corporate authorities to affix their signatures thereto. The motion carried by the following roll call: Yeas: Chapman, A. Bojovic, B. Bojovic, Pechota, Brocato, Fron, Lovero, Fortunato. Nays: none.

- 26) The Law Department submitted an ordinance entitled:

**AN ORDINANCE DELETING REQUIREMENT THAT ANY BUILDING DAMAGED TO THE EXTENT OF MORE THAN 50% OF ITS FAIR MARKET VALUE MUST BE RESTORED IN CONFORMITY WITH THE ZONING CODE**

Lovero made a motion, seconded by Brocato, to concur in the recommendation, adopt the ordinance as presented and authorize the appropriate corporate authorities to affix their signatures thereto. The motion carried by the following roll call: Yeas: Chapman, A. Bojovic, B. Bojovic, Pechota, Brocato, Fron, Lovero, Fortunato. Nays: none.

- 27) The Law Department submitted and ordinance entitled:

**AN ORDINANCE TO BRING LOCAL REGULATION FOR CEILING HEIGHT IN BEDROOMS IN LINE WITH "2003 INTERNATIONAL PROPERTY MAINTENANCE CODE" STANDARDS**

Lovero made a motion, seconded by Brocato, to concur in the recommendation, adopt the ordinance as presented and authorize the appropriate corporate authorities to affix their signatures thereto. The motion carried by the following roll call: Yeas: Chapman, A. Bojovic, B. Bojovic, Pechota, Brocato, Fron, Lovero, Fortunato. Nays: none.


- 28) A deferred communication was submitted by the Berwyn Development Corporation regarding the South Berwyn Depot District Parking Structure requesting council to approve the application process to secure a Metra Grant, to authorize the BDC to continue working with Walker Parking consultants and to direct bond counsel to sell bonds

necessary to construct the parking structure. Brocato made a motion, seconded by Chapman to waive the reading. The motion carried by voice vote. Chapman made a motion, seconded by Lovero, to concur in the recommendation as presented. The motion carried by the following roll call: Yeas: Chapman, A. Bojovic, B. Bojovic, Pechota, Brocato, Fron, Lovero, Fortunato. Nays: none.

- 29) The Berwyn Development Corporation submitted a communication regarding the South Berwyn Depot TIF District, 6801-6809 Stanley Avenue. B. Bojovic made a motion, seconded by A. Bojovic, to refer the matter to the resident Alderman B. Bojovic. The motion carried by voice vote.
- 30) The Berwyn Development Corporation submitted a communication regarding the Zoning Text and Map Amendments. Lovero made a motion, seconded by Chapman, to refer the matter to the Committee of the Whole. The motion carried by voice vote.
- 31) The Berwyn Development Corporation submitted a communication regarding a Superblock Mural project. Pechota made a motion, seconded by Brocato, to waive the reading and concur in the recommendation of the BDC and allow the project to proceed with the BDC handling all liability issues. The motion carried by voice vote.
- 32) The bids for the 2005 Dump Truck with snow plow and material spreader were returned to the council floor for public reading. Freeway Ford Sterling Truck Sales was the only bidder for a total price of \$87,333.00. Fron made a motion, seconded by Pechota, to award the contract to Freeway Ford Sterling Truck Sales for the purchase of said vehicle. The motion carried by the following roll call: Yeas: Chapman, A. Bojovic, B. Bojovic, Pechota, Brocato, Fron, Lovero, Fortunato. Nays: none.
- 33) At this time, the consent agenda, items K-1 and K-2 were submitted.  
  
K-1 Building permits issued during November, 2004  
K-2 Business licenses issued during November, 2004  
  
A. Bojovic made a motion, seconded by Chapman, to accept the matters as informational. The motion carried by voice vote.
- 34) The Mayor announced a Committee of the Whole meeting for Tuesday, December 28, 2004, at 7:00 p.m. on referrals.
- 35) Alderman Lovero announced a Budget Committee meeting for Tuesday, December 21, 2004, at 6:30 p.m., on referrals.

- 36) Alderman Chapman announced a joint Library and Budget Committee meeting for Tuesday, December 21, 2004, at 6:30 p.m., on referrals.
- 37) There being no further business to come before the meeting, same was, after a motion by A. Bojovic, seconded by Chapman, adjourned at the hour of 9:05 p.m., by roll call vote.

Respectfully submitted,



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Michael J. Woodward - City Clerk