

**ROBERT J. LOVERO**  
**MAYOR**

**THOMAS J. PAVLIK**  
**CITY CLERK**

**MINUTES**  
**BERWYN CITY COUNCIL**  
**MARCH 9, 2010**

1. The regular meeting of the Berwyn City Council was called to order by Mayor Lovero at 8:00 p.m. Upon the call of the roll, the following responded present: Chapman, Boyajian, Paul, Skryd, Santoy, Polashek, Avila, Laureto.
2. The Pledge of Allegiance was recited and a moment of silence was observed for the Kramer Family and for the safety of the men and women on the streets, serving and protecting our city.
3. The Open Forum portion of the meeting was announced. A representative from Linhart Funeral Home, 6820 W. Cermak Road spoke regarding the Aztec America Bank expansion project and the loss of parking spaces in the Vacin Fairway and the added congestion in the alley, which is used for service deliveries to the businesses. Susan Stall, president of the 16<sup>th</sup> Street Theater, asked for the City's continued support for the 16<sup>th</sup> Street Theater.
4. The minutes of the regular City Council meeting and the Committee of the Whole of February 23, 2010 were presented. Thereafter, Skryd made a motion, seconded by Boyajian, to concur and approve as submitted. The motion carried by a voice vote.
5. The Berwyn Development Corporation submitted a communication regarding the TIF application for the Usa Equilibrium, 6306 W. Cermak Rd. The Mayor recognized Anthony Griffin of the Berwyn Development Corporation who reviewed same. Thereafter, Santoy made a motion, seconded by Avila, to concur and approve as submitted in an amount not to exceed \$3,000. The motion carried by a unanimous roll call vote.
6. The Berwyn Development Corporation submitted a communication regarding the TIF application for the Autre Monde, 6727 W. Roosevelt Road. After discussion, Laureto made a motion, seconded by Skryd, to concur and approve as submitted in an amount not to exceed \$125,000. The motion carried by a unanimous roll call vote.

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7. The Mayor submitted a Proclamation for Berwyn Police Chief William Kushner, who resigned effective March 6, 2010 and has declared March 9, 2010 as William Kushner Day in the City of Berwyn. Thereafter, Skryd made a motion, seconded by Boyajian, to concur and **adopt** the proclamation as presented. The motion carried by a unanimous roll call vote.
8. The Mayor submitted a communication regarding Chief William Kushner's buy back request. After discussion, Chapman made a motion, seconded by Avila, to refer the matter to the Fire and Police Committee. Mayor Lovero noted that he has additional information regarding the request and will pass along to the committee. The motion carried by a voice vote.
9. The Mayor submitted a communication regarding the appointment of Berwyn Fire Department's Deputy Chief Paul Gardner, to the 9 1 1 Board. Thereafter, Skryd made a motion, seconded by Boyajian, to concur in the appointment. The motion carried by a voice vote.
10. Alderman Skryd submitted a communication regarding Chapter 859: Newspaper Vending Machines. After discussion, Skryd made a motion, seconded by Santoy, to refer the matter to the Law Department and to the Business License and Taxation Committee. The motion carried by a voice vote.
11. Alderman Skryd submitted a communication regarding parking on the 2200 block of East Avenue. Thereafter, Skryd made a motion, seconded by Chapman, to refer to the Traffic Engineer for review. The motion carried by a voice vote.
12. Alderman Avila submitted a communication regarding the modifications to Aztec America Bank. After discussion, Avila made a motion, seconded by Chapman, to concur and grant permission and refer the matter to the Law Department to develop an agreement for the property. The motion carried by the following roll call: Yeas: Chapman, Boyajian, Paul, Skryd, Santoy, Avila, Laureto. Nays: Polashek.
13. Alderman Avila submitted a communication regarding scheduling of Street Cleaning for 16<sup>th</sup> Street. After discussion, Avila made a motion, seconded by Skryd, to concur with the recommendation. After further discussion, Avila made a motion, seconded by Chapman, to refer the matter to the Public Works Department and the Traffic Engineer to order appropriate signage and install. The motion carried by a unanimous roll call vote.

14. The Building, Zoning, and Planning Committee submitted a report regarding referral item #13 dated January 12, 2010 with the recommendation to change Chapter 14 regarding dormers and to have the ordinance be amended to read that a 400 sq. ft dormer may be built in addition to the existing dormer not including the minimal square footage. Thereafter, Laureto made a motion, seconded by Chapman, to refer to the Law Department. The motion carried by a voice vote.
15. The Parking and Traffic Committee submitted a report regarding Section 873 of the Municipal Code; addition to the city website regarding the education of the public regarding traffic control devices, and left turn restriction at 13<sup>th</sup> St. and Harlem Avenue. Thereafter, Paul made a motion, seconded by Skryd, to accept the matter as informational. After further discussion, Paul made a motion, seconded by Boyajian, to concur with the "No Left Turn" on 13<sup>th</sup> Street and Harlem Avenue and refer the matter to the Traffic Engineer to do a review and study period with temporary signage and to notify the Eighth Ward Alderman. The motion carried by a unanimous roll call vote.
16. The Budget Committee submitted a report regarding the review and recommended reductions in some of the line items in Police, Fire and the Public Works for the 2010 Budget. Thereafter, Chapman made a motion, seconded by Avila, to accept the matter as informational. The motion carried by a voice vote.
17. The Budget Committee submitted a report regarding the review of draft of the 2010 Budget presented by the Finance Director and refer the matter to the Committee of the Whole of March 9, 2010, which already had taken place. Thereafter, Chapman made a motion, seconded by Skryd, to accept the matter as informational. The motion carried by a voice vote.
18. A deferred communication from the Assistant to the City Administrator with the recommendation of changes to the Animal Ordinance 616.07 with an attached ordinance. Thereafter, Chapman made a motion, seconded by Boyajian to concur 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. Upon further review, Alderman Chapman requested a point of order and return to item #18 and rescinded her earlier motion to adopt. After discussion, Chapman made a motion, seconded by Skryd to defer the matter generally, due to a revised ordinance has been submitted. The motion carried by a voice vote.
19. The Assistant to the City Administrator submitted a revised Animal Ordinance 616.07 and an Intergovernmental Agreement. Thereafter,

Skryd made a motion, seconded by Polashek, to concur and authorize the corporate authorities to enter into an Agreement. The motion carried by a unanimous roll call vote. Thereafter, an ordinance was submitted entitled: **AN ORDINANCE REPLACING SECTION (A) OF CHAPTER 616.07 OF THE BERWYN CODE REGARDING THE IMPOUNDMENT OF DOGS AND CATS PROVISIONS OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS**

Thereafter, Chapman made a motion, seconded by Polashek, 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. Thereafter, Chapman made a motion, seconded by Boyajian, to concur with the recommendation for the purchase of new kennels for temporary housing. The motion carried by a unanimous roll call vote.

20. The City Administrator submitted a communication recommending Cleaning Service and an amended agreement to include the maintenance of the Berwyn Metra Station at Windsor and Oak Park. After discussion, Chapman made a motion, seconded by Avila, to concur and approve as submitted and to authorize the corporate authorities to enter into an agreement for up to three (3) years. The motion carried by a unanimous roll call vote.
21. The City Administrator submitted a communication regarding the Inventory of Buildings along the Cermak Road Corridor as recommended by the Historic Steering Committee. Thereafter, Skryd made a motion, seconded by Santoy, to defer the matter for 2 weeks. The motion carried by a voice vote.
22. The City Administrator submitted a communication recommending the approval of the Drug and Alcohol Testing Program for the Berwyn Senior Service drivers. Thereafter, Chapman made a motion, seconded by Polashek, to **adopt** the policy and to refer the matter to the Law Department to draft a Resolution. The motion carried by a voice vote.
23. The City Administrator submitted a communication requesting Approval of Priority regarding energy conservation measures into prioritizing the use of funds from the Energy Efficient Conservation Block Grant regarding Chiller Unit for the air conditioning system at the Berwyn Public Library. Thereafter, Chapman made a motion, seconded by Avila, to concur to bid and waive sealed bid process and to refer to the City Clerk, City Administrator and Library Director for review. The motion carried by a unanimous roll call vote.

24. The Library Director submitted a communication requesting the replacement of a Youth Services Page position. Thereafter, Chapman made a motion, seconded by Skryd, to concur and waive the hiring freeze and grant permission. The motion carried by a unanimous roll call vote.
25. The Law Department submitted an Intergovernmental Agreement with the City of Berwyn, North Berwyn Park District and the North Berwyn School District 98 for building renovation and school office space. Thereafter, Laureto made a motion, seconded by Chapman, to excuse Alderman Avila from the vote. The motion carried by a voice vote. Thereafter, Chapman made a motion, seconded by Laureto, to concur and to authorize the corporate authorities to enter into an agreement. The motion carried by the following roll call: Yeas: Chapman, Boyajian, Paul, Skryd, Santoy, Polashek, Laureto. Nays: none. Excused: Avila.
26. The Law Department submitted a communication with an attached ordinance entitled:  
**AN ORDINANCE AUTHORIZING AN AGREED FINAL JUDGMENT ORDER AND THE LEASE AGREEMENT FOR THE ACQUISITION OF PROPERTY LOCATED AT 7146-7150 W. CERMAK ROAD, BERWYN, ILLINOIS WITHIN THE AMENDED BERWYN THEATER TAX INCREMENT FINANCING DISTRICT**  
Thereafter, Skryd made a motion, seconded by Avila, 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.
27. The Law Department submitted an Indemnification Resolution entitled:  
**A Resolution of the City of Berwyn, Cook County, Illinois to Indemnify the State of Illinois for Photo Enforcement Equipment attached to IDOT Facilities**  
Thereafter, Chapman made a motion, seconded by Boyajian, to concur and **adopt** the Resolution as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried by the following roll call: Yeas: Chapman, Boyajian, Paul, Santoy, Polashek, Avila, Laureto. Nays: Skryd.
28. The Law Department submitted a communication requesting the approval of settlement of Case No. 06M41286 in the amount of \$9,000. Thereafter, Chapman made a motion, seconded by Boyajian, to concur and approve as submitted in an amount not to exceed \$9,000. The motion carried by unanimous roll call vote.

29. The Finance Director submitted a communication along with the attached 2010 Budget for consideration and with the request for posting and publishing the legal notice for a Public Hearing to be held on Tuesday, March 23, 2010 at 5:45 p.m. Thereafter, Chapman made a motion, seconded by Polashek, to concur and authorize the Clerk to post notice and publish Public Hearing legal notice. The motion carried by a unanimous roll call vote.
30. The Public Works Director submitted a communication regarding the 2009 C.D.B.G. Sidewalk Replacement, C.D.B.G. Project #09-02, recommendation to approve Contractor Pay Estimate #2 to Suburban Concrete, Inc., in the amount of \$6,701.15. Thereafter, Skryd made a motion, seconded by Boyajian, to concur and approve for payment as submitted. The motion carried by a unanimous roll call vote.
31. The Traffic Engineer submitted a communication regarding the 2200 block of Clarence, referral item I-2 of August 25, 2009. Thereafter, Skryd made a motion, seconded by Polashek, to refer the matter to the Law Department to draft an amended ordinance. The motion carried by a unanimous roll call vote.
32. The Traffic Engineer submitted a communication regarding Turn Restrictions at 14<sup>th</sup> Street and Oak Park Avenue. Thereafter, Laureto made a motion, seconded by Skryd, to refer to the Law Department to draft an amended ordinance. The motion carried by a unanimous roll call vote.
33. Consent Agenda Items, K-1 through K-7 were submitted.  
K-1-Budget Chair, payroll for March 3, 2010 in the amount of \$819,924.66  
K-2-Budget Chair, payables for March 9, 2010 in the amount of \$657,418.83  
K-3-Santoy, handicap sign for S. Raynard, 1327 Harvey, Approve  
K-4-Laureto, Fitzgerald's Festivals, March 17<sup>th</sup> and 4<sup>th</sup> of July weekend  
K-5-Finance Director, approve sale of surplus Dell Servers  
K-6-Licensing & Collections, business licenses issued February 2010  
K-7-Building Director, building permits issued February 2010  
Thereafter, Boyajian made a motion, seconded by Avila, to concur and approve by Omnibus Vote Designation. The motion carried by a voice vote.
34. The Mayor called a Committee of the Whole for Tuesday, March 23, 2010, immediately following the Public Hearing scheduled for 5:45 p.m.
35. Alderman Skryd called an Administration Committee meeting for Monday, April 12, 2010 at 6:00 p.m.

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36. Alderman Santoy called a Business License and Taxation Committee meeting for Monday, March 22, 2010 at 6:30 p.m.
37. Alderman Avila called a Fire and Police Committee meeting for Wednesday, March 24, 2010 at 6:00 p.m.
38. Ward meeting were announced:  
1<sup>st</sup> Ward on Wednesday, March 17, 2010 at 7 p.m., Grounds for Appeals  
2<sup>nd</sup> Ward on Friday, March 26, 2010 at 7 p.m., Emmanuel Bible Church  
3<sup>rd</sup> Ward on Wednesday, March 17, 2010 at 7 p.m., Peace Center
39. There being no further business to come before the meeting, same was, after a motion by Laureto, seconded by Chapman, to adjourn at the hour of 8:46 p.m. The motion carried by a voice vote.

Respectfully submitted,

Thomas J. Pavlik  
City Clerk