

Present: Council President Downey; President Pro-Tem Domzal; Members: Mooney, Pfeifer, Schmitt, Stearn and Woodrow

Absent: None

Also Present: Village Manager, Murphy
Public Services Director, Spallasso
Assistant to the Manager, Pasieka
Director of Public Safety, Woodard
Village Attorney, Ryan

President Downey called the meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

ADDITIONS TO AGENDA/APPROVE AGENDA

The agenda was approved as published.

PUBLIC COMMENTS – CONSENT AGENDA AND ITEMS NOT ON THE BUSINESS AGENDA

Sharon Tischler of 21415 Virmar Court offered her opinion that the proposed Village entryway signs are difficult to read at night. She suggested that reflective paint be considered. Downey responded that the entryway sign proposal is an agenda item this evening, and comments from the public will be heard at that time.

Tischler described problems with the timing of the traffic signal at Groves High School. Spallasso responded that he spoke to an individual in the Traffic Safety Division of the Road Commission for Oakland County and learned that the County is looking at further adjustments to the signal to facilitate traffic volumes at that location.

Fritz Heuser of 31119 Sleepy Hollow thanked Council for placing the millage proposal for new sidewalk construction on the March ballot. He thinks it is prudent to construct sidewalks on the main roads to connect with sidewalk systems of surrounding communities. Locating sidewalks on 13 Mile, 14 Mile, Evergreen and Lahser Roads will provide walkable, safe pathways to many points of interest in the Village.

Pam Murdock of 30414 Georgetown thanked Council for its hard work in getting the pathway proposal moving forward. Council has taken positive steps to initiate the pathways plan, follow through with the plan, and listen to the residents who have been asking the Village to do this for 20 years. Murdock contends that the proposed pathways will be an improvement to the Village.

CONSENT AGENDA

Motion by Pfeifer, seconded by Schmitt, to approve the Consent Agenda as follows:

- a. Review and consider minutes of a regular Council meeting held on November 18, 2002.
- b. Review and consider minutes of a special Council meeting held on November 18, 2002.
- c. Review and file bills recapped as of Monday, December 2, 2002

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER PROCLAMATION RECOGNIZING THE 75TH ANNIVERSARY OF THE BALDWIN PUBLIC LIBRARY

Community relations representative Sheila Brice from Baldwin Public Library thanked Council for recognizing the Library's 75th Anniversary. A celebration will be held on Saturday, December 14th between 2 and 4 p.m. at the Library. Brice related that the Library has added 75 new services along with 35 new data bases in the last 25 years. The Baldwin Library is trying to meet customer needs of all ages.

Motion by Downey, seconded by Stearn, to adopt the following proclamation.

**PROCLAMATION
VILLAGE OF BEVERLY HILLS**

WHEREAS, in recognition of the 75th Anniversary of the Baldwin Public Library, the Village of Beverly Hills does hereby acknowledge the tremendous advancement of knowledge, service and civic growth provided by the library throughout the past seventy-five years, and

WHEREAS, the Village of Beverly Hills extends its adulation and pride for the enrichment of the lives of the citizens of our community by the Baldwin Public Library, and

WHEREAS, the Village of Beverly Hills hereby salutes and recognizes Baldwin Public Librarians and staff as information specialists and leaders who have impacted and improved our community by facilitating access to information, as well as helping patrons sort through the vast amounts of information available on the internet. Through new services such as – Homework Helper, After Hours Answers, Learning Express Library for test preparation, Generations on Line, MiLE and homebound services, Baldwin Public Library has partnered with other educational institutions in our community to meet citizens needs.

NOW, THEREFORE, it is with great pleasure that the Village of Beverly Hills hereby congratulates the Baldwin Public Library for its numerous past achievements and offers its most sincere wishes for its continued success in the advance of public library services.

Motion passed (7 – 0).

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 5 OF THE MUNICIPAL CODE SIDEWALK MAINTENANCE

Domzal conducted the first reading of a draft ordinance to Amend Chapter 5, Section 5.05 of the Village of Beverly Hills Municipal Code relating to construction, reconstruction, repair and cleaning of sidewalks. The current ordinance relating to maintenance of sidewalks provides that, in the event the owner fails to construct or repair a sidewalk within 30 days from publication, mailing or service of notice, the Village Manager shall report same to the Council with the request that the Village be authorized to construct or repair the same. Upon receipt of any report of the failure of an owner to repair the sidewalk within the time specified, the Council may determine to construct or repair same by resolution and direct the Village Manager to proceed with the required work and assess the cost against the homeowner.

At its last meeting, Council directed administration to prepare an ordinance amendment, which provides that the responsibility for ongoing maintenance of sidewalks would be borne by the Village. Domzal read a relevant portion of the proposed ordinance, Section 5.05 (b): “The Village of Beverly Hills shall keep, repair and maintain the sidewalk along all public streets, avenues, boulevards or lanes within the Public Rights-of-Way, and sidewalk sections that extend from the sidewalk to the curb to facilitate street crossings. Approach walks between the public streets and the main sidewalk shall remain the responsibility of the individual owner of the adjoining lot or parcel of land.” This imposes the responsibility for maintenance of sidewalks on the Village.

Domzal mentioned that he reviewed material provided to Council dealing with how the Courts have looked at sidewalk maintenance. A recent Michigan Court of Appeals case decision clearly indicates that maintaining sidewalks within the public right-of-way is the responsibility of the municipality. Domzal related that the Village is in the process of paying a settlement on litigation involving a “trip and fall” on Village sidewalks.

Pfeifer suggested that a clarification is needed in section 5.05 (b) Responsibility, relative to “approach walks between the public street and the main sidewalk”. Murphy explained the intent of the wording. Pfeifer’s comments will be taken under consideration.

Stearn reviewed that the way snow, ice and other obstructions on sidewalks have been dealt with in the municipal code is that property owners abutting or adjacent to sidewalks are responsible for keeping them clear. The current ordinance does not impose a penalty for failure of a homeowner to clear their sidewalk. The proposed ordinance states that anyone violating the provisions of the Ordinance shall be guilty of a civil infraction and may be fined. Stearn thinks that the ordinance should remain in its current form.

With regard to repair and replacement of sidewalk, Stearn supports Section 5.05 (a) and (b). He does not think the Ordinance should be specific as to repair and replacement determination and methods (sections c and d), which should be left up to the Public Services Director. Repair and replacement criteria could be addressed through a Village policy rather than in an ordinance that would require amending each time a policy change is made.

Ryan responded that Council is adopting state policy in the proposed Ordinance relative to the conditions and criteria of state statute. He recommends including standards in the Ordinance. If the Village is sued on a “trip and fall”, there should be a formal policy in place to address those issues.

Stearn questioned how the Village will fund sidewalk repairs in lieu of current and future budget restraints. Money is needed for water main and road improvements.

Murphy responded that the financing of sidewalk repairs is ultimately a question for Council to consider during next year’s budget process. The Village has been paying for sidewalk repairs made with the new scarifier equipment by redirecting some Local Road Funds. This will continue on the basis that the proposed schedule for Local Road repairs drops from \$390,000 for repairs this year to about \$355,000 over the next five years.

Stearn questioned the cost of a sidewalk program to make necessary repairs to existing sidewalks in the Village.

Murphy answered that the original estimate for a Village-wide sidewalk repair program based on a recent inventory of Village sidewalks is approximately \$200,000 for traditional replacement. There has been significant success with sidewalk repair using the scarifier, which eliminates the need for full replacement of slabs. Murphy estimates that the Village will have \$30,000-\$35,000 worth of repairs a year over the next five years. The most severely damaged sidewalk will be repaired first.

Downey understands that administration’s recommendation is to fund sidewalk repair out of the Local Road Fund budget without reducing existing services.

Stearn remarked that Council will have to make difficult decisions about what to do and not to do based on a limited amount of revenue. He is not comfortable supporting this Ordinance and suggests waiting until budget deliberations to consider whether it is possible for the Village to undertake the responsibility of sidewalk repairs.

Schmitt asked that a paragraph be added to the Ordinance to clarify that it is the homeowner’s responsibility to repair or replace sidewalk if a homeowner or his contractor breaks a sidewalk square. It was the sense of Council to add a section to clarify this point.

Ryan commented that the Village building department requires a performance bond for every building permit. If public or private property is damaged during construction, the bond should cover that damage.

Domzal questioned whether a resident is subjected to fines for failure to clear snow from the sidewalk in the current Ordinance. Ryan responded that a nuisance is not subject to any fine under the current Ordinance section regarding snow removal. Typically, there should be a penalty associated with every ordinance. The proposed Ordinance states that a person violating the ordinance will be guilty of a civil infraction.

Domzal stated that there is existing sidewalk in the Village in need of repair. He maintains that the Village should either take on the responsibility of sidewalk repair or aggressively begin a sidewalk repair program and assess the costs against the affected property owners. The question is what is Council going to do about making the necessary repairs as soon as possible. Domzal thinks that everyone is in agreement that the safety of residents is the most important consideration whether the Village pays for sidewalk repairs or the individual resident is assessed for that work.

Downey views the proposed Ordinance as reinforcing policies already adopted by Council in terms of purchasing the scarifier and proceeding with sidewalk repairs. He supports a policy whereby the Village accepts the responsibility that our legal system deems to be our responsibility. Downey thinks that funding a new program will require Council to challenge things that have been done in the past. Council needs to provide services that residents want. This will be a subject for upcoming budget deliberations.

This concludes the first reading of the ordinance.

REVIEW AND CONSIDER PROPOSED PUBLIC SAFETY RELATED FEE SCHEDULE

Mooney reviewed that Council recently adopted Ordinance 310 regulating alarm systems. The purpose of the Ordinance is to establish the registration of alarm systems, to encourage alarm users to properly use and maintain an alarm system, to provide for the identification and repair of defective alarm systems, and to establish a fee schedule in order to defray the costs of responding to false alarms. The Ordinance is intended to reduce false alarms, which might otherwise divert Public Safety Officers from attending to other responsibilities.

Before Council for review and approval tonight is the Public Safety Department Fee Schedule, which includes fees for registration of alarms and for false alarms. Mooney reviewed the Ordinance provisions relative to false alarms fees. Other new fees included in the schedule prepared by Director Woodard are fees for vehicle impound and for an audio tape of radio/telephone activity.

Motion by Mooney, seconded by Woodrow.

Resolved that the Village of Beverly Hills Council approves the fees as listed in the Public Safety Department Fee Schedule as reasonable and customary.

There was discussion of the fee schedule. Questions and comments from Council and the public on various fees were addressed by Woodard. Members of Council suggested increasing the fee for false alarm response to fire alarms due to the expense incurred by the Department of responding with fire apparatus and personnel.

Motion by Domzal, seconded by Mooney, to amend the motion to increase the \$100 fee for false alarm response to fires to \$150.

In answer to an inquiry, Woodard stated that surrounding departments have been surveyed as to their fees. He believes that the proposed fees are not out of line in comparison to other communities. The new false alarm Ordinance provides that a written notice be left following a

response to a false alarm giving the homeowner the information that the Department was there on the date and time, the premise was found to be secure, and that this constitutes a false alarm. The notice stipulates the fee that could be assessed if there are more than three false alarms in the calendar year. A mailing is being prepared and will be sent to the 650 current registered alarm users including a cover letter outlining the new ordinance and fee schedule, an updated registration form, and a copy of the false alarm notice. Woodard noted that the Ordinance calls for the Village finance department to bill and invoice a homeowner for false alarm fees.

Vote on Amendment:

Woodrow - yes
Domzal - yes
Downey - yes
Mooney - yes
Pfeifer - yes
Schmitt - yes
Stearn - no

Motion passed (6 – 1).

Vote on amended resolution:

Domzal - yes
Downey - yes
Mooney - yes
Pfeifer - yes
Schmitt - yes
Stearn - no
Woodrow - yes

Motion passed (6 – 1).

ACCEPT JOHN GRANT’S RESIGNATION FROM THE RETIREMENT BOARD AND FIRST ANNOUNCEMENT OF A VACANCY

Stearn was sorry to report that John Grant has resigned from the Retirement Board as of November 19, 2002 due to a move from the Village. Grant served with integrity, and his knowledge and experience has been a great asset to the Pension Board. He will be missed.

Motion by Stearn, seconded by Pfeifer, to accept John Grant’s resignation from the Beverly Hills Retirement Board as of November 19, 2002 with regret.

Downey affirmed Stearn’s comments about John Grant’s valuable contributions to the Retirement Board.

Motion passed (7 – 0).

Stearn made an announcement of a vacancy on the Retirement Board and encouraged interested residents to apply for this position. The Retirement Board is responsible for overseeing the Beverly Hills Public Safety Officers' Retirement System. Applications are available at the Village office or on the Beverly Hills web site (www.villagebeverlyhills.com).

REVIEW AND CONSIDER RESOLUTION DIRECTING THE PUBLIC SERVICES DIRECTOR AS ACTING ASSESSOR TO PREPARE THE ROLL FOR SPECIAL ASSESSMENT DISTRICTS

At its August 19, 2002 meeting, Council determined the necessity for the drainage and paving improvements to Coryell Estates and Hummel Court. Bids were received and approved, and the project did proceed. Domzal stated that the next step in the process is to adopt a resolution to direct the Village Engineer to prepare the special assessment rolls and present them to Council for consideration at the next Council meeting. A public hearing on the special assessment rolls will be scheduled for January 6, 2003. Following the public hearing, Council will be asked to confirm and spread the assessment rolls.

Motion by Domzal, seconded by Mooney.

RESOLUTION

The Village Council of Beverly Hills has received a petition calling for certain drainage and street improvements in the Village of Beverly Hills.

The Village Council has held a public hearing on August 19, 2002 after due and legal notice on the question of making the drainage and street improvements in the Village of Beverly Hills and considered comments of affected property owners.

The Village Council determines that it is necessary to proceed with the said improvements.

IT IS THEREFORE RESOLVED THAT:

The total cost of said improvements to be defrayed by the special assessment district shall be raised by advancement or loan from the General Fund and bond issue.

Payment of the assessment shall be divided into ten equal annual installments and the rate of interest to be charged on the deferred balance shall be established following the sale of the bond issue, in keeping with Municipal Finance statutes. Payments may be made in advance or in a lump sum.

The Village Engineer is directed to prepare special assessment rolls for Coryell Estates and Hummel Court covering the cost of such improvements to be raised by a special assessment on all parcels within the previously designated district benefited by the proposed improvements.

When the engineer shall have completed the roll, he shall file it with the Village Clerk, together with his signed certification or endorsement as provided in Section 2.02(i) of the Municipal Code. The Clerk shall present such special assessment roll to the Village Council for a public

hearing after due and legal notice after which the Council may confirm it as presented or with corrections, or refer the roll back to the Engineer for revision or may annul it.

All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER PROPOSAL FOR DECORATIVE ENTRY SIGNS

Following discussions with Council, Planning Board, and interested citizens on a preferred design for new Village entryway signs, Village staff sought a proposal from Casey Sign Company for the decorative signs. A sample sign is on display this evening.

The entry sign proposal calls for four 35”X54” signs and nine 28”X42” signs. The four larger signs are for the Southfield Road corporate limits and the Thirteen Mile Road corporate limits. The remaining nine will be installed in all other locations. The proposal from Casey Sign Company totals \$20,010 for thirteen signs including frame posts and installation. The proposal is higher than originally estimated and budgeted (\$13,000) due to changes in the size of the sign. Casey Sign Company has provided similar services for the Village in the past and provided the mock-up entryway signs and other support for this project at no cost to the Village.

Considering the restrictions on the budget and potential Revenue Sharing cuts, Village staff recommends phasing the project over two years. It is proposed to purchase seven signs this year at a cost of \$11,499 for the following locations: Southfield Road, north and south; Thirteen Mile, east and west; Lahser, north and south; and, Evergreen, north. Staff will include a line item in next year’s budget to reflect the \$8,502 balance of the project for signs located on 14 Mile, west; Evergreen, south; Greenfield, north; Pierce, north and south; and, Beverly, east.

Motion by Domzal, supported by Pfeifer.

Resolved that the Village Council approve the proposal from Casey Sign Company for four 36”X54” decorative entry signs and three decorative entry 28”X42” signs including posts and installation in the amount not to exceed \$11,499.00. The cost of the project shall be paid from Account #101-900-977.00 (Capital Purchases – Site Improvements).

Questions were addressed by Murphy. Council members were in support of proceeding with entryway signs. It was questioned whether competitive bids should be sought for this project.

Murphy stated that staff is suggesting that Council waive the Charter requirement to seek competitive bids for the reason that the Village has been working with Casey Sign Company on the development of these signs, and the company has provided mock-up signs during the process at no charge. Downey recalls that Casey Sign Company was the low bidder when previous Village municipal building identification signs were purchased.

There was discussion on whether to include Lions Club or other community signs on the entryway sign posts. Downey reviewed that the Planning Board considered the issue of auxiliary signs and recommended that they should not be attached to the new welcome signs. Some

members of Council supported attaching community service related signs to a separate and nearby sign post. Council members voiced their support of the Lions Club and recognized its contributions to the community.

Dick Maxwell of 18701 Walmer Lane, past president of the Beverly Hills Lions Club, questioned whether erecting multiple posts at a location would not create as much clutter as placing auxiliary signs on an existing post. He views the Lions Club logo sign on the Beverly Hills welcome sign as representing community pride. Maxwell questioned what the Village will do with the existing signs that are attached to the blue Village entryway signs. He asked that Council consider placing the Lions Club logo on the new entryway signs. The Lions Club is willing to scale down its 30” logo sign to 18” if it is placed on all entry signs.

Sharon Tischler of 21415 Virmar Court expressed the view that the Village should go out for bids on the proposed signs.

Roll Call Vote:

Motion passed (7 – 0).

Domzal stated that Council agrees that the Village owes a debt of gratitude to community service organizations, and it would like to recognize those organizations. Because the Planning Board developed the proposed signage with administration, Domzal would like input and a recommendation from the Planning Board on the auxiliary sign issue.

Motion by Domzal to request the Planning Board to review the auxiliary signage issue and prepare a recommendation to Council. The motion failed for lack of support.

Administration was directed to prepare a recommended policy on auxiliary signs for Council consideration. Council members were interested in alternatives and renderings of how auxiliary signs would appear on the Village welcome sign as well as information on the sizes and number of auxiliary signs that exist today.

REVIEW AND CONSIDER RATIFICATION OF A PUBLIC SAFETY COMMAND OFFICERS LABOR CONTRACT

Village administration met with representatives from both the Command Officer and Patrol Officer units following a closed door session of the Village Council on November 18, 2002. The Command Officers held a meeting on November 21, 2002 and ratified the contract with Village proposed amendments. Murphy outlined the terms of the contract.

Motion by Mooney, seconded by Pfeifer.

Resolved that the Village Council approve the proposed Collective Bargaining Agreement between the Michigan Association of Police and the Village of Beverly Hills as amended, effective January 1, 2002 through December 31, 2004.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER PROPOSED AMENDMENT TO 457 RETIREMENT PLAN

Mooney related that a number of Beverly Hills Public Safety Officers have expressed interest in adding an alternative 457 Retirement Plan, a variable annuity product called Landmark from Transamerica Life Insurance Company. Village Labor Attorney Dennis Dubay has no problem with adding this plan, and there is no cost to the Village.

Motion by Mooney, seconded by Pfeifer.

Village of Beverly Hills
Resolution Establishing Alternative Deferred Compensation Plans

- WHEREAS, the employer on February 6, 1984, July 7, 1986 and March 5, 1990, has previously established Deferred Compensation Plans available to all full time Village Employees at the Employees' option; and
- WHEREAS, the Employer has Employees rendering valuable services; and
- WHEREAS, the establishment of Deferred Compensation Plans for such Employees will serve the interests of the Employer by enabling it to provide reasonable retirement security for its Employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and
- WHEREAS, the Employer has determined that the establishment of Alternative Deferred Compensation Plans to be administered by the ICMA Retirement Corporation, ING (Aetna) Life Insurance and Annuity Company and Transamerica Life Insurance Company as Trustee, with the understanding that such funds will be held by ICMA Retirement Corporation, ING (Aetna) Life Insurance and Annuity Company and Transamerica Life Insurance Company will serve the above objectives; and
- WHEREAS, the Employer desires that the investment of funds held under its Deferred Compensation Plan be administered by the ICMA Retirement Corporation or by ING (Aetna) Life Insurance and Annuity Company or Transamerica Life Insurance Company as Trustee, with the understanding that such funds will be held by ICMA Retirement Corporation, ING (Aetna) Life Insurance and Annuity Company and Transamerica Life Insurance Company for the purpose of representing the interest of such employees with respect to the collective investment of funds held under deferred compensation plans;
- NOW, THEREFORE, BE IT RESOLVED, that the Employer adopts the Deferred Compensation Plan and appoints the Transamerica Life Insurance Company to serve as Alternate Administrator there under; and
- BE IT FURTHER RESOLVED that the Finance Director shall be the coordinator for these programs and shall receive necessary reports, notices, etc. from the ICMA Retirement Corporation, ING (Aetna) Life Insurance and Annuity Company and

Transamerica Life Insurance Company, as Administrators, and shall cast, on behalf of the Employer, any required votes under the program. Administrative duties to carry out the plan may be assigned to the appropriate departments.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER PROPOSAL FOR INSURANCE RENEWAL

The Village is provided with property and liability insurance through the Michigan Municipal Risk Management Authority (MMRMA). The Village currently has a \$15,000,000 Limit of Liability with a \$75,000 Self-Insured Retention. Due to rising costs of insurance, administration recommends that the Village Council amend its property and liability policy's Limit of Liability to \$10,000,000. The Village has carried a \$10,000,000 policy in past years, but increased its coverage to \$15,000,000 when premiums became less costly than they are currently. Woodrow commented that he has discussed this with the Village Manager and is comfortable that the liability can be lowered to \$10,000,000 without any detriment to the Village.

The Village is also provided with pollution and remediation insurance, also known as "flood" insurance, through AON Risk Services. The Village currently has a \$10,000,000 Limit of Liability with a \$50,000 Self-Insured Retention. Woodrow stated that the flood insurance program can be divided between two different insurance companies. MMRMA provides a \$500,000 Limit of Liability. AON has provided a quote to coordinate with MMRMA providing a \$10,000,000 Limit of Liability with a \$500,000 retention.

Motion by Woodrow, seconded by Pfeifer.

RESOLVED that the Village Council amends its property and liability insurance policy with Michigan Municipal Risk Management Authority (MMRMA) to reflect a \$10,000,000 Limit of Liability, with a \$75,000 Self-Insured Retention and approves the proposal from MMRMA for property and liability insurance in the amount of \$80,133. The costs will be paid from the appropriate line items in the General, Special Revenue, and Enterprise funds.

FURTHER RESOLVED that the Village Council approves of the coordinated insurance plan with AON Risk Services and MMRMA for pollution and remediation insurance coverage to effectively provide a \$10,000,000 Limit of Liability with a \$75,000 Self-Insured Retention in the amount of \$18,934.83 to AON Risk Services and \$10,250 to MMRMA. The costs will be paid from the appropriate line items in the General, Special Revenue and Enterprise Funds.

FURTHER RESOLVED that the Village Council directs Village administration to fund the MMRMA Self-Insured Retention Fund in the amount of \$10,000 annually until such time as the fund is adequately restored.

Woodrow clarified that the Village's \$75,000 Self-Insured Retention Fund has been depleted due to recent litigation involving the Village. This funds needs to be restored to be used for both policies.

Council discussed whether to decrease its limit of liability from \$15,000,000 to \$10,000,000. Questions from Council were addressed by Murphy and Ryan.

Motion by Schmitt, seconded by Stearn, to amend the motion for liability coverage to reflect a \$15,000,000 limit of liability with \$100,000 Self-Insured Retention.

Council discussed the amendment to the motion. Murphy stated that the Village used to carry a \$10,000,000 Limit of Liability. There came a time in the 1990's where reinsurance was inexpensive, and it was easy to pick up the extra \$5,000,000 coverage. The market has changed for that product. The question is the ultimate exposure. In talking with the Village's insurance carrier, the Village Attorney, and with other individuals, it became apparent that the \$10,000,000 Limit of Liability would be an appropriate level of coverage for a community the size of Beverly Hills.

With regard to the question of retainage, it is recommended that \$75,000 is a comfortable level. If Council is more comfortable with a different level of coverage, other options are available. It is a policy decision of Council.

Vote on amendment:

Stearn	- no
Woodrow	- no
Domzal	- no
Downey	- no
Mooney	- no
Pfeifer	- no
Schmitt	- yes

Motion fails (6 – 1).

Vote on motion:

Motion passed (7 – 0).

REVIEW AND CONSIDER PROPOSAL FOR FRONT COUNTER COMPUTER

The Village sent quotes to seven local computer companies to purchase a new computer for the front counter at Village Hall. A scanner will be attached to the system to scan water bills. Three competitive quotes were received by the due date. The low quote was provided by Enterprise Solutions in the amount of \$1,237.00. Funds have been allocated for a number of computer improvements and upgrades in account #101-900-976.00 in the amount of \$20,600.00.

Motion by Woodrow, seconded by Pfeifer.

Resolved that the Village of Beverly Hills Council award the purchase of one computer from Enterprise Computer Solutions in the amount of \$1,237.00. Funds are available for this purchase in Account #101-900-976.00.

Questions from Council and Sharon Tischler of 21415 Virmar Court were answered.

Roll Call Vote:

Motion passed (7 – 0).

DISCUSSION ITEM – SIDEWALK SNOW REMOVAL

Domzal stated that the current Village Ordinance places the responsibility for removal of snow and ice on sidewalks on the abutting property owner. If the resident does not clear the sidewalk, the Village may pick up the cost of snow removal and assess that cost to the resident. Council has the option to continue with the existing policy in its current form or a slightly modified form or not to impose any responsibility for sidewalk snow removal on the residents or the Village. A third option is for the Village to assume that responsibility. Due to the cost associated with snow removal on sidewalks throughout the Village and the amount of residential sidewalks, there is little interest on this Council in having the Village assume that responsibility.

Domzal remarked that a driving issue of this discussion is a desire on the part of a number of Council members to clarify Council's position on sidewalk snow removal prior to the March vote on the sidewalk millage proposal. A viable option of Council is to take no action to amend the current ordinance. In the event that the pathways millage is approved by the voters, residents whose property abuts new sidewalk would bear the responsibility of clearing that sidewalk.

Domzal commented that the current Ordinance is brief and says that it is the responsibility of residents to clear the sidewalks. He has observed that ordinances of other communities define with some specificity what exactly a resident has to do with respect to removing snow and ice from sidewalks.

Woodrow stated that it was his initial understanding that the Village was going to accept the responsibility to remove the snow on any new sidewalks constructed. This is not the case.

Pfeifer recommended that Council include a definition in the Ordinance describing a seasonal pathway. She does not want to require residents abutting the proposed new sidewalks on major roads to clear snow and ice from those paths.

Stearn favors leaving the current Ordinance the way it is.

Schmitt expressed the view that it will be difficult for people to vote for a millage to construct new sidewalks on major roads when those pathways are not cleared for one-third of the year. He remarked that people are currently clearing their driveways and could clear a little extra sidewalk. If these sidewalks are not cleared of snow and ice, they are not useable.

Schmitt added that the first sidewalk will not be constructed until 2004 if the pathways millage passes. He maintains that it is premature to discuss a policy about clearing sidewalks. If Council adopts a new policy whereby sidewalks are not required to be cleared of snow and the millage fails, the Village would be taking a step backward. He thinks it is a good policy to require residents to clear their sidewalks.

Mooney concurs that the Ordinance should be unchanged at this point. She does not recall any residents coming before Council complaining about having to remove snow from a sidewalk on the front or side of their house.

Domzal supports Pfeifer's suggestion to add a seasonal designation to the Ordinance. He would not be opposed to moving the new pathways on major roads into a seasonal designation and leave everything else the way it is. He thinks that Council needs to deal with the snow removal issue so that the voters will understand the package when they vote on the ballot proposal.

Downey agrees that the action that would be most beneficial is to establish a seasonal pathway designation within the current ordinance and leave it up to Council to determine what paths would be seasonal.

There was no consensus of Council to support any action at this time on the issue of snow and ice removal on pathways.

PUBLIC COMMENTS

There were no comments from the public.

REPORTS MANAGER

Murphy stated that our new State Senator Gilda Jacobs will be joining Council at its next regularly scheduled meeting of December 16th.

The Village Woman's Club of Beverly Hills will be at the Village offices on Saturday, December 14th and again on Saturday, December 21st from 10:00 a.m. until 2:00 p.m. for the annual Luminaria sale. As a reminder, the last day of yard waste pick-up/leaf season is December 12th.

Domzal understands that there was a public meeting held in the City of Southfield to discuss public parks along the Rouge River. He asked if a representative from administration attended. Pasieka reported on this meeting of the Rouge Green Corridor. He described the group as a grass roots committee with representative from Southfield, Beverly Hills and Birmingham to discuss the public access points of the Rouge River in those communities. There were over 100 members of the public present at that meeting.

Murphy and Spallasso addressed a question from Mooney about the spread of a disease affecting Ash trees in Southeast Michigan counties caused by an exotic new insect called the Emerald Ash Borer. Limited control or management recommendations exist at this time. Murphy stated that the County has been actively monitoring the spread of this disease, and the Village will follow the lead of Oakland County. Pfeifer shared her knowledge of this blight on Ash trees, which is affecting trees in her area of the Village.

COUNCIL

Woodrow commented that the sled hill is now open.

Pfeifer remarked that she was disappointed with the lack of public attendance at the evening Cable Board meeting held on November 20. She reviewed cable television channel line-up changes that went into effect on December 1. Pfeifer announced that the merger of Comcast with AT&T has been finalized.

Pfeifer noted that Spallasso prepared and distributed a map to Council that encompassed all necessary sidewalk repairs in the Village. She has observed through her review of the bills that there has been heavy use of the scarifier for sidewalk repair by the Village's road maintenance crew, which is being charged to the Local Road Fund. The Village is being proactive with this program.

Pfeifer believes that one of the reasons that Southfield Township had such a remarkable voter turnout in this most recent election is because voter applications were mailed prior to the election providing those eligible to vote by absent ballot with mail-in applications. Council has discussed this possibility. Pfeifer thinks it would be a valuable service. She asked questions on this procedure, which were answered by Sharon Tischler, Southfield Township Clerk. Pfeifer would like Council to reconsider offering this service to its residents.

Stearn stated that 14 Mile Road looks great. He reported on the Retirement Board meeting of November 19. The Beverly Hills Public Safety Officers' Retirement Fund is down to \$11,228,000 as of September 30, 2002 from a high point in 2000 of \$15.5 million.

Stearn mentioned that the timing of the traffic signal at Detroit Country Day School, which is controlled by the County, receives a number of complaints. He asked if there is something that could be done to improve this. Stearn wished everyone a Happy Hanukkah.

Schmitt congratulated the Baldwin Public Library on its 75th Anniversary. He reminded residents that the library offers free AOL Internet service to its members by filling out a form.

Mooney suggested that people can help their children with their homework through services provided through www.baldwinlib.org. Mooney commended Manager Murphy for his work with SOCCRA. She was sorry to report that Bob VanCleave passed away two weeks ago. Bob was a long-time resident of the Village and a former member of the Cable Board.

Domzal thanked Village staff for the well thought-out proposals submitted for Council consideration this evening. Their effort makes Council's job easier.

Downey proposed scheduling a Council study session prior to the January 6 Council meeting.

Downey commented that Council has visited the absentee ballot issue and decided not to pursue a policy of mailing applications for an absentee ballot to eligible residents. He has suggested providing an application in the Village calendar so that they are available to everyone eligible or entitled.

Motion by Mooney, seconded by Schmitt, to adjourn the meeting at 10:24 p.m.

Motion passed (7 – 0).

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary