

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

Absent: Pfeifer

Also Present: Village Manager, Murphy
Assistant to the Manager, Pasioka
Director of Public Safety, Woodard
Village Attorney, O'Brien

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

Murphy asked that Council remove item 'f' from the agenda, "Review and consider traffic control order 522-PP-02 No Parking at Queen of Martyrs" at the request of Council member Pfeifer, who could not be present this evening.

Motion by Stearn, seconded by Domzal, to remove Item 'f' from the business agenda.
Motion passed (6 – 0).

Motion by Mooney, seconded by Woodrow, to approve the agenda as amended.
Motion passed (6 – 0).

GILDA JACOBS – SENATOR-ELECT 14TH DISTRICT

Senator-Elect Gilda Jacobs remarked that she is looking forward to serving the Village of Beverly Hills as the next State Senator. She referred to her background and her understanding of local problems experienced by municipalities. She welcomes contacts from Beverly Hills on any legislation that arises and appreciates community input on issues. Jacobs addressed budget concerns and cutbacks in state shared revenue and entertained questions from Council and the audience.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court stated that she is disappointed that the Village Manager lives in the City of Troy, noting that former Village Managers have resided in Beverly Hills. The Village Charter, which requires the Village Manager to live in town, was superseded by state law.

Tischler understands that a moving expense reimbursement was offered to the Village Manager as part of his employment agreement. She stated that supporting documentation is required to be submitted to substantiate the Manager's moving expenditures and that conditions must be met in order for moving expenses made on behalf of an employee to be tax free. Employers are required to complete a form providing employee moving information for taxable and non-taxable reimbursement and payments. Since taxable income must be included in employees' year-end W-2 form, Tischler suggests that this situation receive immediate attention. Downey will look into this matter.

Tischler related what she believes to be a traffic problem on eastbound Thirteen Mile Road at Detroit Country Day School. There are no markings that designate the right-hand turn lane for access into the School, which creates problems when traffic backs up at that intersection. Murphy will follow up on this.

Questions from Tischler on bills to be approved this evening were addressed by Administration.

Norman Rubin of 31020 Rivers Edge Court stated that Council has been discussing a policy for snow removal on existing sidewalks and those sidewalks that will be funded by the proposed millage. He believes that the Village is understating the cost of the pathway proposal to be funded by the millage if those sidewalks are to be passable all year and the adjacent property owners are being asked to clear those sidewalks. The Village is not incorporating all costs of this capital asset including snow removal in the total cost. Rubin thinks that it is unconscionable to provide this asset and then ask the adjacent property owners to maintain it for the Village. He proposes designating sidewalks on Thirteen Mile, Fourteen Mile, Lahser, Greenfield and Evergreen Roads as major sidewalks and including the cost of that snow removal in the millage proposal.

John Mooney of 19111 Devonshire commented that he was distressed to hear the concerns raised this evening by the Township Clerk relative to taxpayer dollars. He questioned the time spent by an elected official researching items at the Beverly Hills office during work hours.

Soter Art Liberty of 20850 W. Thirteen Mile Road spoke in opposition to the millage proposal to construct sidewalks on major roads when there are infrastructure issues to be addressed in the Village.

Michael Freedman of 32460 Evergreen commented that Township Clerk Tischler should not have to withstand criticism for taking the time to research an item involving the Village Manager's moving expenses. She raised the issue and asked questions politely and properly in the correct forum.

CONSENT AGENDA

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

- a. Review and consider minutes of a regular Council meeting held on December 2, 2002.
- b. Review and file bills recapped as of Monday, December 16, 2002

Motion passed (6 – 0).

BUSINESS AGENDA

Domzal conducted a second reading of Ordinance No. 312, an 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 proposed ordinance provides that the responsibility for maintenance of existing and new sidewalks will be borne by the Village. Domzal reviewed that it has been discussed previously that State Law mandates that the liability

rests with the municipality in the event of litigation involving a “trip and fall” incident on sidewalks within the Village right-of-way.

Domzal outlined two approaches in terms of maintenance of sidewalks. The current ordinance provides that it is the responsibility of the abutting property owner to maintain the sidewalk. If they do not maintain the sidewalk, the work is done and the homeowner is assessed. This assessment is a tax. The other approach is to mandate that it is the Village’s responsibility to maintain sidewalks in the public right-of-way and to fund repairs through the citizen’s tax dollars. The Village would be spreading the liability for maintenance over a broader base. There are arguments for and against either option.

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.” The proposed ordinance also includes specific standards as far as conditions under which a sidewalk requires repair and a section addressing repair and replacement methods. Domzal summarized sections covering tree roots, ice and snow obstructions, and penalties. He noted that the proposed ordinance does not modify current ordinance provisions, which mandate that snow and ice removal is the responsibility of the homeowner.

In response to a question from Stearn, Murphy stated that Council is not required to hold a public hearing before adopting an ordinance.

Stearn commented that this ordinance does change the snow removal policy of the Village in that any person violating the provisions of this ordinance is responsible for a municipal civil infraction and may be fined up to \$500. Domzal pointed out that section (f) Ice, Snow, and Other Obstructions states that the Village may clear the sidewalk of snow and ice if the owner fails to do so and assess the cost against the abutting property owner.

Stearn stated that he generally supports this ordinance but thinks its adoption is premature until Council discusses the funding of sidewalk maintenance during its 2003 budget deliberations.

Mooney views sidewalk maintenance as an unfunded mandate considering recent State Law relative to maintaining sidewalks within the public right-of-way. She thinks that Council should proceed with adoption of the ordinance and address the issue of sidewalk maintenance in the 2003 budget.

Domzal referred to Section 5.05 (d) Repair/Replacement Methods, which states that the following methods shall be employed as acceptable alternatives to repairing public sidewalks. He is concerned that a municipal enforcement action or civil matter might arise and suggested replacing ‘shall’ with ‘may’ for more flexibility.

Motion by Domzal, seconded by Schmitt, to amend Section 5.05 (d) of the proposed ordinance to change the word ‘shall’ to ‘may’.

Downey concurred that it has been determined by State Law as well as the courts' interpretation of the law that municipalities are responsible for sidewalks in the right-of-way. He noted that there have been funding proposals suggested for covering the cost of sidewalk maintenance.

Stearn agreed with the amendment proposed by Domzal with respect to subsection (d). He suggested an amendment to Section 5.05 (c) Repair/Replacement Determinations for the following reason. When filing a personal injury lawsuit against a municipality for a "trip and fall" incident, a person has the opportunity to allege various counts, with one count generally being associated to negligence on the part of the municipality. Subsection (c) gives a potential claimant the opportunity of filing a second count, which is breach of ordinance. Specifying the exact criteria for sidewalk repair creates a second cause of action known as an unintended consequence.

Based on Stearn's comments, Domzal will propose amending subsection (c) to change the word 'will' to 'may'.

Soter Art Liberty of W. Thirteen Mile Road asked questions about the proposed ordinance, liability, and cost of sidewalk maintenance, which were addressed by Council. He understands that a new Council could amend an ordinance adopted by this Council.

Nanci Freedman of 32640 Evergreen Road does not think people should be asked to vote on a pathways ballot issue in March before knowing the Village's policy on clearing sidewalks. She commented that there are 269 feet on the side of her house that could have a new sidewalk. Freedman expressed the view that the proposed new sidewalk on major roads will not benefit the adjoining property owners as much as it will benefit other people in the Village who may want to use that sidewalk. She believes that Council is placing a burden on its residents by constructing sidewalks where the adjoining property owners do not want them.

Freedman thinks it is disingenuous to say to the residents that the Village is going to accept the responsibility of maintaining sidewalks. In a letter dated September 17, 2001, Village Attorney Ryan stated that a Michigan municipality may not delegate the duty to maintain its sidewalk, nor can it delegate the accompanying liability or breach of that duty. Freedman made the point that the Village has the liability whether it accepts it or not.

Freedman objects to the provision whereby a person violating the provisions of the ordinance is responsible for a municipal civil infraction and subject to a \$500 fine. She is opposed to constructing pathways on major roads for the reason that they benefit others more than they benefit the adjoining homeowner, who is responsible for clearing that pathway.

An inquiry from Sharon Tischler of 21415 Virmar Court on the use of the term 'sidewalks' and 'pathways' in the agenda was answered by Murphy. The millage proposal will indicate that the additional millage will be used exclusively to finance new *sidewalks and pathways* on major thoroughfares within the Village.

Paul Kleppert of 20855 W. 14 Mile Road stated that the issue of snow removal has been a topic of discussion. He related that area communities were surveyed by the Pathways Advisory

Committee. It was learned that many of their ordinances have been changed to designate pathways as seasonal and to remove any requirement for snow removal. Kleppert explained the reasons for this action. If someone slips and falls on a sidewalk that has not been cleared, it is considered an “act of God” and nobody is held responsible. If a property owner makes an effort to clear the sidewalk of snow or ice and someone slips and falls on the sidewalk, that homeowner is responsible and the Village is liable. Kleppert thinks that the Village should eliminate ordinance requirements to remove snow from sidewalks.

Michael Freedman stated that he spoke with a number of personal injury attorneys who confirmed Kleppert’s explanation.

Bob Walsh of 20655 Smallwood Court commented that the 44 miles of existing sidewalk in the Village will need replacement at some point. The numbers he has heard for the cost of sidewalk construction is \$30/lineal foot. Walsh questions adoption of an ordinance that will hold the Village responsible for maintaining existing and new sidewalk. He thinks Council should consider the financial ramifications of this ordinance.

Paul Kleppert stated that a current survey of Village sidewalks indicates that there are approximately \$200,000 worth of repairs required. He understands that Walsh prefers that the homeowners continue to pay for repair of sidewalk abutting their property and that the Village as a whole should not undertake the responsibility of maintaining sidewalks on public property. Kleppert commented that the cost of replacing existing sidewalk squares is \$15-\$18/sq. ft. because there is little preparation work necessary.

Murphy confirmed that a recent survey of sidewalks in the Village indicate that there is about \$200,000 worth of work to be done. That estimate is now in the \$160,000 range due to repair of damaged sidewalk accomplished by the Village with its recently acquired scarifier equipment.

Norman Rubin understands that Council is considering a modification of the ordinance regarding sidewalk maintenance for the reason that the Village is liable under current Michigan law if sidewalk in the public right-of-way is not repaired. With regard to snow removal on sidewalks, Rubin cited a communication from Village Attorney Ryan recommending a seasonal designation for pathways so that the Village does not have to maintain sidewalks and possibly incur the liability for “slip and fall” incidents that occur on pathways that have been attempted to be cleaned during the winter season. Council is not accepting that advice.

There was further Council discussion of the proposed ordinance. Domzal offered a friendly amendment to his previous motion to include an amendment of Section 5.05 (c). Schmitt supported the amendment. The motion will read as follows:

Motion by Domzal, seconded by Schmitt, to amend Section 5.05 (c) of the proposed ordinance to change the word ‘will’ to ‘may’ and to amend Section 5.05 (d) to change the word ‘shall’ to ‘may’.

Roll Call Vote:
Motion passed (5 – 1).

Motion by Domzal, seconded by Schmitt.

Resolved to adopt Ordinance No. 312, An 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, as amended.

Fritz Heuser of 31119 Sleepy Hollow expressed the view that Council should amend the proposed ordinance to provide a seasonal designation for sidewalks.

Norman Rubin observed that there is snow removal on existing sidewalk east of Evergreen on the north side of 13 Mile Road. Murphy stated that the Village does not pay for that snow removal. The Village pays for snow removal on existing sidewalk in front of Beverly Park, the Village municipal building, and the Public Safety building.

Michael Freedman understands that a Michigan municipality cannot delegate the duty to maintain its sidewalks. Woodrow believes that a municipality can assess the homeowner the cost of repairing the sidewalk in front of their home. The Village is choosing not to do that.

Roll Call Vote:

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

Motion passes (4 – 2).

ORDINANCE NO. 312 IS AVAILABLE FOR PUBLIC REVIEW AT THE VILLAGE OFFICE

REVIEW AND CONSIDER RESOLUTION APPROVING PATHWAYS BALLOT LANGUAGE FOR MARCH 2003 ELECTION

Before Council for consideration is a resolution that will formally place the pathways millage proposal on the ballot for the March 2003 Village Election.

RESOLUTION

At a regular meeting of the Village Council, Oakland County, Michigan, held at the Village Office at 18500 West Thirteen Mile Road, in the Village of Beverly Hills, on Monday, December 16, 2002 at 7:30 p.m.

Present: Domzal, Downey, Mooney, Schmitt, Stearn and Woodrow.

Absent: Pfeifer

The following resolution was offered by Domzal and seconded by Mooney.

WHEREAS, on November 4, 2002, a Charter Amendment was proposed by the Village Council;

WHEREAS, in accordance with the statute in such case made and provided, such resolution was published in the Eccentric, a newspaper circulated within the Village; and

WHEREAS, said resolution has been duly laid on the table for at least 30 days;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the following Charter Amendment be voted upon by the qualified electors of the Village of Beverly Hills at the regular Village election to be held on Monday, March 10, 2003, to wit:

Shall Section 9.1(b) of the Charter of the Village of Beverly Hills be amended to read as follows:

POWER TO TAX:

Section 9.1(b) The Village of Beverly Hills is authorized to levy an additional 0.37 mills (37 cents for each \$1,000 of taxable value) for a period of five (5) years, the years 2003 to 2007 inclusive. Such millage shall be used exclusively to finance new sidewalks and pathways on major thoroughfares within the Village of Beverly Hills.

YES

NO

That prior to its submission to a vote of the electors of the Village such Charter Amendment shall be presented to the Governor of this State.

That before its submission to the electors of the Village, the Clerk shall give such notice thereof as is required by law.

Stearn commented that he supports sidewalks on major roads in theory but thinks that 0.37 mills is too high and that maintenance issues should be included in the millage proposal. He will vote in favor of this resolution for the reason that it is time to let the residents vote on this issue.

Schmitt referred to a resident initiative to place a proposal on the ballot to renovate Beverly Park. He supported that plan, which worked out very well. He concurs that the sidewalk issue should be placed on the ballot for the residents to decide.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER RATIFICATION OF PUBLIC SAFETY OFFICERS LABOR CONTRACT

Mooney outlined the contract with the Public Safety Officers.

Motion by Mooney, seconded by Stearn.

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, 2003 through December 31, 2005.

Roll Call Vote:

Motion passed (6 – 0).

Downey thanked the Beverly Hills Public Safety Officers for making the Village a great and safe place in which to live.

REVIEW AND CONSIDER RESOLUTIONS TO ACCEPT SPECIAL ASSESSMENT DISTRICT ROLLS FOR CORYELL ESTATES AND HUMMEL

Before Council for consideration are two resolutions to approve special assessment rolls prepared by Public Services Director Spallasso assessing the cost of paving and drainage improvements on Coryell Estates and Hummel Court to the benefiting property owners. The final step in the process will be to hold a public hearing to hear any objections to the assessment roll on Monday, January 5, 2003.

**SPECIAL ASSESSMENT RESOLUTION
CORYELL ESTATES**

Village of Beverly Hills
County of Oakland, State of Michigan

At a regular meeting of the Village Council for the Village of Beverly Hills, County of Oakland, State of Michigan, held at the Village Office on the 16th day of December, 2002 at 7:30 o'clock, p.m., Eastern Standard Time.

The following resolution was offered by Council Member Domzal and seconded by Council Member Stearn.

WHEREAS, by Resolution previously adopted, the Village Council received petitions from the majority of the property owners in Coryell Estates for drain and road improvements (“the improvements”), more particularly described in Exhibit “A” attached hereto and made a part hereof, and assessed part and costs thereof to the properties benefited by the improvements in accordance with the Special Assessment Ordinance of the Village of Beverly Hills; and

WHEREAS, in the Resolution previously adopted, the Village Council directed the Village Engineer to prepare a Special Assessment Roll and file it with the Village Clerk; and

WHEREAS, the Village Engineer has prepared and filed with the Village Clerk a Special Assessment Roll assessing the costs of the improvements to the property benefited thereby;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Special Assessment Roll presented by the Village Engineer shall be filed in the office of the Village Clerk and shall be available for public inspection during regular working hours on regular working days.
2. That the Village Council shall meet at 7:30 o'clock p.m. Eastern Standard Time on January 6, 2003 at the Village Office to review said Special Assessment Roll and to hear any objections thereto.
3. The Village Clerk is ordered to cause notice of such hearing to be published at least twice prior to said hearing in the Birmingham Eccentric, a newspaper of general circulation in the Village, the first publication to be at least ten (10) full days before the hearing, and cause notice of said hearing to be

mailed by first class mail to all record owners or persons in interest in property in the Special Assessment District as shown on the last general tax assessment roll of the Village of Beverly Hills at least ten (10) full days before the date of said hearing. Said notice in substantially the following form:

4. Any aggrieved property owner may contest this Special Assessment by instituting an action under the Michigan Tax Tribunal Act, 1973 PA 186, MCL 205.701 et seq.
5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same are hereby rescinded.

COPIES OF THE RESOLUTION IN ITS ENTIRETY ARE AVAILABLE FOR REVIEW AT THE VILLAGE OFFICE

Sharon Tischler of 21415 Virmar Court questioned how Midwest Guaranty Bank was selected as the lending institution and how its rate compares with those of other banks.

Murphy stated that Midwest Guaranty Bank came forward and offered to provide financing to the homeowners. It is incorporated as a community bank and has a Community Reinvestment Act requirement. For the Village to qualify for Community Reinvestment Act options, the bank has to be located within the corporate boundaries of Beverly Hills.

The Village has been dealing with Midwest Guaranty Bank through bond counsel Miller Canfield. A fixed rate of five percent has been agreed upon. Homeowner options for paying off the assessment include paying off the obligation in full or financing the assessment through Midwest Guaranty Bank or through their own lending institution.

Roll Call Vote:
Motion passed (6 – 0).

SPECIAL ASSESSMENT RESOLUTION
HUMMEL COURT

Village of Beverly Hills
County of Oakland, State of Michigan

At a regular meeting of the Village Council for the Village of Beverly Hills, County of Oakland, State of Michigan, held at the Village Office on the 16th day of December, 2002 at 7:30 o'clock, p.m., Eastern Standard Time.

The following resolution was offered by Council Member Domzal and seconded by Council Member Woodrow.

WHEREAS, by Resolution previously adopted, the Village Council received petitions from the majority of the property owners in Hummel Court for drain and road improvements (“the improvements”), more particularly described in Exhibit “A” attached hereto and made a part hereof, and assessed part and costs thereof to the properties benefited by the improvements in accordance with the Special Assessment Ordinance of the Village of Beverly Hills; and

WHEREAS, in the Resolution previously adopted, the Village Council directed the Village Engineer to prepare a Special Assessment Roll and file it with the Village Clerk; and

WHEREAS, the Village Engineer has prepared and filed with the Village Clerk a Special Assessment Roll assessing the costs of the improvements to the property benefited thereby;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Special Assessment Roll presented by the Village Engineer shall be filed in the office of the Village Clerk and shall be available for public inspection during regular working hours on regular working days.
2. That the Village Council shall meet at 7:30 o'clock p.m. Eastern Standard Time on January 6, 2003 at the Village Office to review said Special Assessment Roll and to hear any objections thereto.
3. The Village Clerk is ordered to cause notice of such hearing to be published at least twice prior to said hearing in the Birmingham Eccentric, a newspaper of general circulation in the Village, the first publication to be at least ten (10) full days before the hearing, and cause notice of said hearing to be mailed by first class mail to all record owners or persons in interest in property in the Special Assessment District as shown on the last general tax assessment roll of the Village of Beverly Hills at least ten (10) full days before the date of said hearing. Said notice in substantially the following form:
 4. Any aggrieved property owner may contest this Special Assessment by instituting an action under the Michigan Tax Tribunal Act, 1973 PA 186, MCL 205.701 et seq.
 5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same are hereby rescinded.

Roll Call Vote:
Motion passed (6 – 0).

COPIES OF THE RESOLUTION IN ITS ENTIRETY ARE AVAILABLE FOR REVIEW AT THE VILLAGE OFFICE

SECOND ANNOUNCEMENT OF VACANCY ON THE RETIREMENT BOARD

Stearn made the second announcement of a vacancy on the Retirement Board, the body responsible for overseeing the Public Safety Pension Fund. The Retirement Board meets quarterly. Interested residents, particularly those with experience in financial matters, are encouraged to volunteer to serve on this Board. Applications are available at the Village office or at the Village web site (www.villagebeverlyhills.com). The deadline for receiving applications will be Friday, December 27, 2002 at 5:00 p.m.

SET PUBLIC HEARING DATE OF JANUARY 6, 2003 FOR PROPOSED RENTAL INSPECTION ORDINANCE

Mooney stated that Council will consider the adoption of a landlord/tenant ordinance. Copies of a sample ordinance are available to the public at the Village office. A public hearing date was set for Monday, January 6, 2003 to review and discuss a draft ordinance.

Stearn questioned the necessity of holding a public hearing on the landlord/tenant ordinance when Council did not hold a public hearing on the sidewalk maintenance ordinance. Murphy responded that a public hearing is not required as part of the process to adopt an ordinance. Council had discussed and requested a public hearing for the purpose of soliciting input on this ordinance from residents, landlords and tenants. Stearn asked Murphy to look into the public hearing issue.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court referred to the Council meeting minutes of December 2 with regard to discussion on financing sidewalk repairs with local road money. Murphy clarified that his recommendation would be to establish the expense for sidewalk repairs in a line item in the Local Road Fund. He emphasized that dedicated millage money for sewers and roads will not be used for sidewalk maintenance.

Tischler expressed the view that earlier comments directed toward her by John Mooney do not belong in this particular forum. She thinks that it is unacceptable to allow someone to make personal attacks at this podium. Tischler wished Council a happy holiday.

MANAGER'S REPORT

The 2003 Village calendar is due to arrive from the printer this week. Residents should expect to see it in their mailbox soon. Fourth quarter Villager newsletters were mailed to residents last week.

The Village Woman's Club of Beverly Hills will be at the Village offices on Saturday, December 21st from 10:00 a.m. until 2:00 p.m. for the annual luminaria sale.

Murphy thanked Pat Greening who arranged for the lights and greens on the archways to Beverly Park. Thanks went to Doyle Downey for paying for the lights and greens and to Chuck Comeau and staff for donating their time to hang them.

Stearn asked Murphy to look into the recycling of green glass. He understands that it can be collected and taken somewhere other than the SOCRRA facility for recycling.

COUNCIL COMMENTS

Council members wished their best to Bill Pfeifer and hopes he feels better soon.

Stearn acknowledged a letter from Harry Evans, a resident of his subdivision, regarding complaints about Woodside Athletic Club. A copy of the letter was sent to Murphy and Spallasso, and they are looking into the matter. Stearn thanked Gilda Jacobs for appearing before Council this evening. He hopes that other public officials will attend Council meetings occasionally.

Stearn mentioned that Council received a five-year capital improvement forecast this week and a five-year operating budget forecast. He thanked Murphy for preparing this material. Copies of these documents are available to interested residents at the Village office. Stearn thanked Stan

Pasieka for compiling the Villager Newsletter, mailed to all residents as a source of community information.

Schmitt commented that the lighting on the arches at the entrance of Beverly Park looks good. He thanked Doyle Downey for that along with Chuck Comeau, Pat Greening, and John Murphy. Schmitt was glad to see that the resolution placing the pathways millage proposal on the ballot for voter consideration was unanimous.

Mooney referred to the latest crime statistics report distributed to Council, which shows that crime in Beverly Hills is down in the areas of burglary, home invasion, larceny, motor vehicle theft, forgery, etc. Drunk driving arrests and fire complaints are up. Mooney commented that the report affirms Council's action to adopt a false alarm ordinance.

Mooney remarked that the support provided to residents by public safety officers is not mentioned in the report. She has heard of incidents where an officer has stayed with a person until a family member or friend arrives after a loved one is taken away by an EMS unit. She understands that officers have stopped back the next day to make sure everything is okay. Mooney gave Karl Woodard and the Public Safety Department credit for doing a great job.

Domzal talked about what has been going on at the Southeastern Oakland County Resource Recovery Authority (SOCRRA) for a number of months. The State Senate recently approved a bill that allows its members to quit SOCRRA. It appears that two of the 12 member communities have their own agendas and seek to have legislative sanction to be able to dissolve the Authority. The Authority is subject to existing contracts for services in addition to running a recycling operation. It was noted that the organization terminates under its own Charter in 2007. Domzal finds it offensive that two communities are dictating and taking matters to Lansing. A lot of time and effort on the part of all parties has been wasted. At the next Council meeting, Domzal will propose a resolution opposing House of Representatives Bill 2 and Senate Bill 3 for Council consideration.

Domzal commented on the importance of the schools to our community, noting that people move here because of the school district. He suggested four steps that can be initiated to enhance the Village's relationship with the schools.

- 1) School Board meeting minutes could be included in the Council packet.
- 2) The Village Manager could meet with the Superintendent of Schools once or twice a year to discuss areas of mutual concern.
- 3) The school liaison from Council could occasionally talk about what is going on in the School District during Council reports.
- 4) Village administration could take opportunities to get to know the school administrators within the community.

Downey commented that people occasionally bring up issues relative to County roads and the way they function. He thinks that the traffic lanes going east on Fourteen Mile Road in Birmingham are confusing. Murphy stated that Spallasso will be meeting with the Road Commission of Oakland County on this area of transition from five lanes to three lanes.

Downey asked administration to have the Pathways Plan completed as adopted by Council and posted on the Village web site in final form.

Downey commented on the personal nature of certain comments made by the public this evening. While he believes that everyone should try to be respectful, Downey thinks that people have the right to speak as long as they are within legal bounds during public comments.

Downey commented on the excellent job of putting together the Villager newsletter. He appreciates the engineering update. Downey noted that construction will begin on the Acacia Interceptor next year. He suggested scheduling a presentation and update for the public at an upcoming Council meeting.

Murphy stated that the plan is to have updated drawings and numbers for Council later this winter. Neighborhood meetings will be held with people directly affected by the project well before construction begins.

Council members wished everyone a happy holiday and a happy new year!

Motion by Mooney, seconded by Schmitt, to adjourn the meeting at 9:50 p.m.

Motion passed (6 – 0).

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary