

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
Building Official, Byrwa
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. Council observed a brief moment of silence to acknowledge the loss of a pillar of the community over the holidays with the passing of William Pfeifer.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Woodrow and seconded by Mooney to consider item ‘g’, review and consider funding for Winter Family Fun Day, before item ‘a’ on the business agenda.

Motion passed (7 – 0).

Motion by Stearn, seconded by Schmitt, to approve the agenda as amended.

Motion passed (7 – 0).

PUBLIC HEARINGS

HUMMEL COURT SPECIAL ASSESSMENT ROLL

Downey opened the public hearing at 7:33 p.m. to review and hear any objections to the Hummel Court Special Assessment Roll.

Domzal stated that the two public hearings this evening to review and hear objections to special assessment rolls are the final steps in a process that established special assessment districts for paving and drainage improvements for Hummel Court and Coryell Estates. All eight residents of Hummel Court signed a petition requesting that a special assessment district be created for paving and drainage work. At the same time there was a petition circulating in Coryell Estates Subdivision to establish a special assessment district for similar improvements in that area. That project involved a larger number of residents and was more controversial. Village administration held a public information meeting, which resulted in submission of a petition to initiate the improvement project. It has been the intent of administration that these two projects would proceed concurrently to achieve economies of scale.

Domzal reviewed the process, which involved determination of a necessity by Council, authorization to solicit bids, accepting a proposal for the paving and drainage work, and creation of a special assessment roll. The bids came in lower than anticipated, which will benefit the

affected property owners. Work has been completed on Hummel Court. The Coryell Estates underdrain work is completed with paving and restoration scheduled to proceed when weather permits.

Before Council tonight for consideration are resolutions to confirm and spread the assessment rolls for these projects. The total cost of the Hummel Court project is \$50,343.50, or \$6,292.94 per property owner. The total cost of the Coryell Estates project is approximately \$453,000 with \$7,075.20 assessed against each property owner. Because the total cost of the Coryell improvements is not final, there could be a minor adjustment to the assessment roll when the actual numbers are received. Residents are paying for engineering costs, construction costs, and legal costs associated with obtaining financing.

Following the public hearing, Council will consider approval of the assessment rolls, which would then place the assessment on the tax bills beginning this summer.

The Village will finance the total cost of these improvements and pay the contractor for the work performed. The face value of the Village's bond issue will be 5 percent. A program is available through Midwest Guarantee Bank whereby the bank will lend money to residents to finance their annual payments for ten years at a 6% interest rate. Residents will be able to pay off their assessment in a lump sum at any time with no pre-payment charge.

Michael Blunden of 16000 Hummel Court thanked Council on behalf of all the residents of Hummel Court for its prompt response with regard to providing paving and drainage improvements to their court. In answer to an inquiry, Blunden was informed that there is no penalty for pre-payment of the assessment.

No one else wished to be heard. Downey closed the public hearing on the Hummel Court Special Assessment Roll at 7:42 p.m.

CORYELL ESTATES SPECIAL ASSESSMENT ROLL

Downey opened the public hearing on the Coryell Estates Special Assessment Roll at 7:43 p.m.

Eccles McLittle of 30279 Embassy posed questions regarding the financing available through Midwest Guaranty Bank, which were answered by Murphy and Council.

Susan Morison of 30250 Embassy stated that she is pleased that the road and drainage improvements are underway. She mentioned that there has been some property damage to her sprinkler system during the course of the drainage work. Morison assumes that the contractor is responsible for paying for the damages.

Spallasso responded that the homeowner should point out any damage to the field inspector or the contractor as well as contact him at the Village office or e-mail him at renzo@villagebeverlyhills.com. The contractor will have the option to do the repairs. If the contractor is unable to perform the repair, it will be turned over to the installers and the contractor will pay for the work done.

Michael Beacco of 20305 Plantation expressed a number of objections to the costs associated with the special assessment district for Coryell Estates. He noted that Village Manager Murphy has provided him with the latest bid estimate for the project.

Beacco related that, of the 64 property owners in Coryell Estates, 20 homeowners have more than one driveway and culvert, which adds to the overall cost of the project. He questioned whether those with only one driveway entrance should contribute to the cost of two driveway entrances.

The bid includes a \$10,000 amount for concrete driveways. Beacco does not think the majority of homeowners without concrete driveways should have to pay for the few concrete driveways.

There are five entrances into Coryell Estates Subdivision from Evergreen and 13 Mile Roads. Beacco does not think that the homeowners should have to pay for the cost of 20'-30' approaches off the main roads.

The cost estimates for total footage of road and drainage includes the entrance from Coryell Estates into the subdivision west of Coryell. Spallasso interjected that this cost will be picked up by the Village.

Beacco stated that the bid estimate includes a \$6,000 amount for structure adjustments for sanitary and storm structures. He does not think the homeowners should have to pay for this because it falls under normal sewer maintenance costs. Spallasso responded that the project cost will include the structures that need to be adjusted due to changes in elevations for the new pavement.

Beacco stated that the Village does not provide a credit for road improvements in terms of taxes already paid for road maintenance. Further, the Village is not providing the full amount of the drainage grant funding allocated specifically for Coryell Estates drainage. Beacco asserted that the removal of what he believes to be unfair costs would reduce the assessment by approximately \$1,000 per property owner.

Beacco questioned the rationale for determining the cost of the assessment per property by the total number of lots versus front footage. Twenty percent of the 64 lots have less than a 150' frontage, and a significant amount of homes have less than 100' frontage. He maintains that it is unfair that residents with less front footage must pay an equal amount. Beacco asked that these issues be addressed prior to making a final decision on the individual assessments.

Murphy responded to Beacco's comments regarding one versus two driveways, concrete versus asphalt driveways, and the amount of front footage by explaining that Council has applied a single lot assessment, which splits the cost of the project equally among the 64 properties involved regardless of the type of work required in front of the homes. The rationale is that it is a community benefit. There is a Village ordinance that provides for single lot assessments, and that is what has been done in the Village historically.

Murphy addressed the question of tax credits for previous road maintenance. That is the logic for Council providing 20% cost sharing with the homeowners. With regard to the grant award, the entire amount was used for Coryell drainage improvements.

Murphy explained that approval of the special assessment rolls is linked to the bond issue with Midwest Guaranty. That is the reason for considering approval of the Coryell Estates Special Assessment Roll before all the costs are final. The assessments must be approved and spread on the roll before Council proceeds with the bond issue that allows the Village to make payment to the contractor.

Margaret Janks of 30353 Buttonwood Court objected to her assessment for drainage work when there is only ditching being done on her property. Downey explained that she is sharing in the cost of a drainage system that will benefit the entire subdivision. Janks stated that she has an 81' wide lot and objects to paying the same assessment as someone with a 300' lot.

No one else wished to be heard. The public hearing was closed at 8:10 p.m.

RENTAL INSPECTION ORDINANCE

Mooney stated that the Village Council has been contemplating adoption of a landlord-tenant ordinance for some time. The ordinance will be a mechanism by which to protect tenants and the Village in terms of safety related issues. Village records currently list 183 residential homes, 21 condos, and 216 apartments as non-homestead properties. A determination will be made as to how many of these units are rental dwellings before the ordinance is adopted. It will also be determined if there are other rental properties in the Village.

Before Council for consideration is Ordinance No. 313, An Ordinance to Amend the Village of Beverly Hills Municipal Code by Adding Chapter 44, Landlord's License. Mooney highlighted the draft ordinance summarizing the content of each section. She discussed what the ordinance will and will not do. Mooney emphasized that the landlord licensing program will represent a pass-through cost to the Village. There will be further discussion on whether to contract with an outside firm for inspection service. Copies of the draft ordinance are available to the public at the village offices.

Downey opened the public hearing on a proposed Rental Ordinance at 8:15 p.m.

Dennis Page of 30470 Lincolnshire East asked several questions about the proposed ordinance, which were addressed by attorney Ryan and building official Byrwa. Page suggested that the ordinance include language giving a landlord a period of time to cure a defect.

Kathy Hudgins representing Hartman and Tyner, owners of Huntley Apartments, stated that it is a multi-family dwelling development of 216 units. She affirmed that Hartman and Tyner has always maintained its rental units to the highest level, and they are not aware of any complaints or violations concerning Huntley Square. She requested a copy of the proposed ordinance.

Questions on the ordinance were addressed. Council does not have specific information on how the inspection of multi-dwelling buildings will be handled.

Downey remarked that the public hearing was called at the request of Council to solicit public input on a proposed landlord/tenant ordinance. There were no further public comments. The public hearing was closed at 8:22 p.m.

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

Soter Art Liberty of 20850 W. 13 Mile Road expressed opposition to the upcoming ballot proposal to levy a dedicated millage for construction of sidewalks on main roads in the Village. He is concerned that the sidewalk millage will be approved by the electorate but will not be able to complete the Pathways Plan due to increased costs caused by engineering changes. This could result in further requests for millage or in diverting infrastructure funds to complete the sidewalk project.

Norm Downey of 23042 Nottingham Drive referred to the dedicated millage approved in 1997 for the purpose of financing road and sewer improvement and replacement. There was a long-range forecast presented at that time for infrastructure repairs. He believes that current estimates indicate that the sewer improvement program cannot be completed without added funding. Downey understands that the Acacia Interceptor sewer project will be completed as scheduled, but the Village will not have the money to connect the majority of the affected homes to the sewer. He questioned the amount of the shortfall based upon today's estimates and the plan to eliminate that shortfall.

It was clarified for Downey that part of the sewer improvement program will be to replace existing sewer connections to provide more capacity. Murphy commented that he indicated in a recent letter to Norm Downey that the construction numbers and schedules for the Acacia Interceptor project will be updated later this month by Hubbell, Roth & Clark and will be reflected in the five year capital improvement plan.

Norm Downey stated that it was questioned at the last Council meeting whether a Village employee's \$4,000 moving expense complied with IRS rules. Murphy responded that taxes were paid on the \$4,000.

Norm Downey understands that there was no attempt by Council to censor a speaker at the last Council meeting who verbally attacked another resident at the lectern. He thinks that Council members are sending the wrong message relative to civility.

Ingrid Haddock of 32780 White Oaks Trail reported on the status of a committee that has been formed to promote the pathways initiative coming up in March. The core committee consists of Pam Murdock, Paul and Ann Kleppert, Fritz Heuser, Maurice Brackenberry, George Meyer and her. Haddock extended an invitation to the community to join in the committee's efforts to pass the initiative in March and for donations to pay for incidental costs incurred by the committee.

Michael Freedman of 32460 Evergreen read a letter to Council in opposition to Ordinance No. 312 passed at the December 16, 2002 meeting, which provides up to a \$500 fine for failure to remove snow from a walk abutting a resident's property. He believes that the ordinance demonstrates a lack of sensitivity to the citizens of Beverly Hills and an inability to protect the

citizens. Freedman commented that he may be forced to have a sidewalk on his property and be forced to pay for snow removal for that sidewalk or be subject to an onerous new fine. He questioned who will enforce the ordinance and if it will be evenly enforced.

Freedman wonders whether Council considered the consequences of this ordinance. He discussed potential liability to citizens and the Village. Freedman referred to a letter written by the Village Attorney in which he recommends that there be a “seasonal” pathway designation so that the Village does not have to maintain and possibly incur the liability for slips and falls, which occur on pathways that have attempted to be cleaned during the winter season. Council chose not to make the sidewalks seasonal thereby inflicting responsibility for removal of ice and snow on individual residents. Freedman hopes that the Village can elect a Council in March that is sensitive to its residents and will withdraw the penalty provision of Ordinance #312.

Frank Worrell of 32123 Bellvine Trail expressed his condolences to Mrs. Pfeifer on her recent loss. He remarked that Bill Pfeifer attended many Council meetings and offered comments that made us a better Council. Worrell proposed that Council dedicate a plaque to Bill Pfeifer in recognition of his years of service on the Zoning Board of Appeals and for his contributions to the Village Council.

Worrell referred resident Norm Downey to Council meeting minutes of August 19, 2000, at which time the subject of the underfunded sewer improvement project was discussed.

Worrell stated that Sharon Tischler was verbally attacked for her job performance during the public comment portion of the last Council meeting. Worrell asserted that he has never heard a complaint about Tischler’s job performance in the years he has been a Village resident. Tischler is a resident of the Village and has every right to speak before Council.

Worrell heard Council indicate at the last Council meeting that local road fund money would be used for sidewalk repair. He is opposed to diverting millage for road repairs to sidewalk repairs.

Worrell referred to the 14 Mile Road Corridor Study. He hopes that the proposed rental property ordinance is not designed to drive people out of rental homes on 14 Mile Road in order to redevelop property.

Fritz Heuser of 31119 Sleepy Hollow stated that the issue of new sidewalk construction will be presented to the residents for their consideration on March 10, 2003. Citizens will be voting on a five-year dedicated millage of 0.37 mills to construct new sidewalks on Lahser, Evergreen, Greenfield, 14 Mile and 13 Mile Road. Thanks to the hard work of this Council building on the platform of previous councils, residents finally have the opportunity to provide a safe, walkable pathway system in our Village. For \$40 per year per household over the next five years, residents insure the safety of citizens who walk these major streets every day.

A sidewalk committee in Beverly Hills has been formed by concerned residents who are campaigning for passage of the ballot proposal. The kick-off of the campaign will be held on Wednesday, January 15 at 7:30 p.m. in the Council meeting room. Heuser asked all resident who would like to help the committee to attend. Residents who cannot be there can contact him at

fritz@comcast.net. Heuser noted that the committee will have an information booth at the January 19 Winter Family Fun Day in Beverly Park.

Nanci Freedman announced that the people who are opposed to sidewalks have formed a committee to campaign and collect support for their position. Interested residents can contact Nanci Freedman at 32460 Evergreen.

Paul Kleppert of 20855 W. 14 Mile Road commented that he is grateful that this Council has allowed the people of Beverly Hills to vote in March on a significant health and safety issue that will be of great benefit to the residents of the Village. Citizens will vote on a proposal for the extension of pathways on major highways in the Village. The pathways will promote health and fitness as well as provide a safe means for people of all ages to navigate their way along major roads. It is primarily an issue of safety. Kleppert related that he was severely injured when he was struck by a car while riding a bike on a main road with no sidewalks when he was 10 years old. He would not want this to happen to any person in the community.

George Meyer of 22542 Fiddlers Cove commented that he has come before Council a number of times to advocate completion of the sidewalk on 13 Mile Road from Bingham Farms School to Lahser Road, north on Lahser to 14 Mile Road and then west to the Village limits. About 70% of the sidewalk exists. Meyer has witnessed children who ride their bikes south on Lahser riding on the berm when they reach Metamora about four feet from heavy traffic. Meyer is looking forward to seeing this portion of the pathway plan completed with the greatest dispatch for the safety of our children.

David Shelton of 20835 W. 13 Mile Road suggests that the 0.37 mill sidewalk proposal may not be sufficient to complete the pathways plan, and thinks that a low figure is being used to pass the millage. He expressed concern that there is no provision to maintain sidewalks.

Pam Murdock of 30414 Georgetown stated that she is a member of the Committee For Sidewalks. The goal of this committee is to disburse the correct information to all residents. Safety is paramount in this proposal no matter where you live in the Village. Groves High School athletic teams use the sidewalks for training, and they should have safe routes. She commented on the subject of obesity in children and in America. Without safe paths, residents are forced to be driven where they need to go. Murdock invited residents to join the committee and assist in the effort to pass the pathway millage.

In answer to a question, Murphy stated that the Village is working with its planning consultant to update the pathways plan on the Village's web site to reflect how the proposal was approved by Council.

Bob Walsh of 20655 Smallwood Court commented that the Pathways Plan proposes sidewalks on all major roads with the exception of Lahser Road south of 13 Mile Road. He questioned why that section of road has been excluded from the plan.

Domzal responded that the goal of the Pathway Plan as it was developed was not necessarily to include all of the major roads. The Planning Board considered destinations and traffic routes

when evaluating the pathway plan, and it was decided at the time not to include that portion of road.

Walsh stated that an ordinance was passed by Council at its last meeting regarding sidewalk repair and replacement. There are 44 miles of existing sidewalk in the Village today. Walsh stated that replacing every linear foot of sidewalk in the Village at \$30/linear foot would cost \$7 million. He expressed concern about the proposed use of local road fund money for sidewalk maintenance to the detriment of repair to local roads. Funding sidewalk repair and replacement will be a serious problem for the Village.

Norman Rubin of 31020 Rivers Edge Court commented on remarks made this evening. He thinks that the Groves High School campus is large enough to provide areas for safe athletic training on school grounds. Rubin does not think that sidewalk construction will solve the problem of obesity of the population. In addition to gaps in the sidewalk on Lahser, there is sidewalk missing in front of Westwood Common. Rubin maintains that one-half of the destinations shown on the Pathway Plan are not legitimate destinations.

Dennis Page of 30470 Lincolnshire East commented that there has been discussion about the use of road fund money for sidewalk maintenance. He maintains that the road fund covers the road right-of-way where the pathways will be constructed. Opponents of pathways are saying that Groves students should stay on campus, nursing home residents should not venture out on sidewalks, and people should not walk for exercise in Beverly Hills. Page stated that pathways exist in surrounding communities and in portions of the Village. He is in favor of providing pathways throughout the Village.

Jill Sickels of 17171 Kinross maintains that people in east Beverly Hills walk and jog in the street because the sidewalks are not in good condition and do not offer safety. She thinks that Beverly Hills needs a long-range plan with vision that helps everyone in the Village. She is not willing to support a plan that does not include the safety of the whole Village and that destroys people's property while only benefiting the convenience of a few.

CONSENT AGENDA

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

- a. Review and consider minutes of a regular Council meeting held on December 16, 2002.
- b. Review and file bills recapped as of Monday, December 30, 2002

Motion passed (7 – 0).

REVIEW AND CONSIDER FUNDING FOR WINTER FAMILY FUN DAY

Jim O'Reilly of 31191 Huntley Court stated that he is one of the co-chairs of the 7th Annual Winter Family Fun Day along with Dan Nelson. The event will be held on Sunday, January 19 from 1:00 to 4:00 p.m. in Beverly Park. O'Reilly outlined numerous activities planned for the day with the addition of the scheduled appearance of a live reindeer. Refreshments will be provided in the park pavilion.

Before Council is a request to release money budgeted for this year's Winter Family Fun Day in the amount of \$1,500.00.

Motion by Woodrow and seconded by Schmitt.

Resolved to allocate \$1,500 in account #101-747-894 for the 2003 Winter Family Fund Day.

Roll Call Vote:

Motion passed (7 – 0).

A recess was called at 9:40 p.m. The meeting reconvened at 9:50 p.m.

REVIEW AND CONSIDER RESOLUTION TO CONFIRM AND SPREAD THE ROLL FOR HUMMEL COURT SPECIAL ASSESSMENT DISTRICT

SPECIAL ASSESSMENT RESOLUTION NO. 5
HUMMEL COURT

The following preamble and resolution were offered by Council Member Domzal and seconded by Council Member Pfeifer.

WHEREAS, by resolution adopted on August 19, 2002, the Village Council, acting on a Petition filed by the majority of the residents in Hummel Court, determined the necessity for drainage and road improvements (the "Improvements") more particularly described in Exhibit A, attached hereto and made a part hereof, to assess all or part of the cost thereof to the properties benefited by these improvements in accordance with the Special Assessment Ordinance of the Village of Beverly Hills; and

WHEREAS, by resolution adopted on November 4, 2002, the Village Council directed the Village Engineer to prepare a Special Assessment Roll and file it with the Village Clerk, which roll has been filed and is attached hereto as Exhibit B; and

WHEREAS, after due and legal notice, the Village Council has met to review the roll and to hear any objections thereto;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Special Assessment Roll No. R-02-03 B, as attached hereto as Exhibit B, is hereby adopted and confirmed in the aggregate amount of \$50,344.00, and the Village Clerk is hereby directed to endorse thereon the date of this confirmation. The Village Council hereby finds that the allocation of costs to the parcels comprising the roll are fair, just, equal and in proportion to the benefits conferred, and the methodology employed by the Village Engineer in making such allocation is incorporated herein by reference and approved. The Village Council further finds that the anticipated increase in the value of the property resulting from the Improvements is proportional to the cost of the Improvements.
2. The special assessment on said roll against each parcel of land shall be payable in 10 equal annual installments, the first of which shall be due and payable on July 1, 2003, and the several subsequent

annual installments shall be due and payable successively on each July 1st in each succeeding year following the year in which the first installment is due and payable.

3. Interest shall be charged on the unpaid balance of the deferred installments on the special assessment roll at a rate not to exceed six percent (6%) per annum commencing with the first day of February, 2003, following the enactment of this resolution, provided, however, if Special Assessment Bonds (the “Bonds”) are issued in anticipation of said Special Assessment, then interest shall be charged at a rate equal to 1% above the interest rate on the bonds. Special Assessment Bonds are anticipated to be issued for this project and it is provided further that the whole of any assessment or any one or more installments thereof may be prepaid and discharged as provided in the Special Assessment Ordinance.
4. The Village Clerk is hereby directed to deliver the roll to the Village Treasurer. The Village Treasurer shall thereupon collect the special assessments, including interest and penalties, in accordance with the terms of this resolution, the Village Charter, and the Special Assessment Ordinance.
5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and are hereby rescinded.

The resolution includes Exhibit A, Project Description for the proposed improvements, which is under drainage and road improvements on Hummel Court. Exhibit B lists the legal descriptions of the property involved. The entire resolution is on file at the Village offices.

Roll Call Vote:
Motion passed (7 – 0).

REVIEW AND CONSIDER RESOLUTION TO CONFIRM AND SPREAD THE ROLL FOR CORYELL ESTATES SPECIAL ASSESSMENT DISTRICT

SPECIAL ASSESSMENT RESOLUTION NO. 5 **CORYELL ESTATES**

The following preamble and resolution were offered by Council Member Domzal and seconded by Council Member Mooney:

WHEREAS, by resolution adopted on August 19, 2002, the Village Council, acting on a Petition filed by the majority of the residents in Coryell Estates, determined the necessity for drainage and road improvements (the “Improvements”) more particularly described in Exhibit A, attached hereto and made a part hereof, to assess all or part of the cost thereof to the properties benefited by these improvements in accordance with the Special Assessment Ordinance of the Village of Beverly Hills; and

WHEREAS, by resolution adopted on November 4, 2002, the Village Council directed the Village Engineer to prepare a Special Assessment Roll and file it with the Village Clerk, which roll has been filed and is attached hereto as Exhibit B; and

WHEREAS, after due and legal notice, the Village Council has met to review the roll and to hear any objections thereto;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Special Assessment Roll No. R-02-03 A, as attached hereto as Exhibit B, is hereby adopted and confirmed in the aggregate amount of \$462,800.00, and the Village Clerk is hereby directed to endorse thereon the date of this confirmation. The Village Council hereby finds that the allocation of costs to the parcels comprising the roll are fair, just, equal and in proportion to the benefits conferred, and the methodology employed by the Village Engineer in making such allocation is incorporated herein by reference and approved. The Village Council further finds that the anticipated increase in the value of the property resulting from the Improvements is proportional to the cost of the Improvements.
2. The special assessment on said roll against each parcel of land shall be payable in 10 equal annual installments, the first of which shall be due and payable on July 1, 2003, and the several subsequent annual installments shall be due and payable successively on each July 1st in each succeeding year following the year in which the first installment is due and payable.
3. Interest shall be charged on the unpaid balance of the deferred installments on the special assessment roll at a rate not to exceed six percent (6%) per annum commencing with the first day of February, 2003, following the enactment of this resolution, provided, however, if Special Assessment Bonds (the “Bonds”) are issued in anticipation of said Special Assessment, then interest shall be charged at a rate equal to 1% above the interest rate on the bonds. Special Assessment Bonds are anticipated to be issued for this project and it is provided further that the whole of any assessment or any one or more installments thereof may be prepaid and discharged as provided in the Special Assessment Ordinance.
4. The Village Clerk is hereby directed to deliver the roll to the Village Treasurer. The Village Treasurer shall thereupon collect the special assessments, including interest and penalties, in accordance with the terms of this resolution, the Village Charter, and the Special Assessment Ordinance.
5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and are hereby rescinded.

The resolution includes Exhibit A, Project Description for the proposed improvements, which is under drainage and road improvements in Coryell Estates. Exhibit B lists the legal descriptions of the property involved. The entire resolution is on file at the Village offices.

Roll Call Vote:
Motion passed (7 – 0).

FIRST READING OF RENTAL INSPECTION ORDINANCE

The first reading of Ordinance No. 313 was conducted during the public hearing portion of the meeting. Council members discussed the draft ordinance with the input of residents. Changes and additions were suggested and will be incorporated into a revised draft for Council review.

There was a request for clarification as to how the licensing and inspection of multiple dwelling units will be handled. A suggestion was made that the ordinance clarify what happens to the property if the license is revoked under Section 44.04 (B). Ryan was asked to review how Section 44.05 (A) reads and whether the language can be refined to better explain the intent of the paragraph.

Council clarified that the goal of the ordinance is to bring rental units into compliance with safety standards. It was agreed that there should be a mechanism whereby a landlord has an opportunity to comply once a violation is found. Modifications to the Ordinance will include the addition of a “Purpose” paragraph, a “notice to cure” provision, and a change in Section 2.01 to make a violation of the ordinance subject to a civil infraction.

Ryan suggested adoption of the ordinance when it is in final form after Council determination is made on a fee schedule, method of inspection, and enforcement. The ordinance can provide that a landlord must be in compliance within a certain time frame.

Downey disclosed that he is a landlord who owns property on the east side of Beverly Hills. He expressed reservations with the proposed ordinance. Downey remarked that there are both older rental homes and owner occupied homes that may not comply with current building codes with respect to wiring, for example. His concern is that a rental home that does not comply with current building codes could be sold to a homeowner who may not be subjected to the same inspections and licensing. Downey understands the need to encourage property maintenance and improvement of the Village’s building stock, but he is uncomfortable with subjecting rental homes to a higher requirement.

Building official Byrwa understands that new building code regulations cannot be arbitrarily enforced on existing construction.

Dennis Page of 30470 Lincolnshire East offered comments and questions on the proposed ordinance, which were addressed by Ryan. Page understands that the reason for the ordinance is to insure that a unit occupied by a tenant meets Village codes and is safe.

Page commented that he owns a multi-family building and has every unit inspected each year even though it is not required by the community. He finds that the inspections result in saving money. Page questions whether The Huntley Apartment management has an inspection program in place.

Sharon Tischler of 21415 Virmar Court commented that the number of non-homestead properties was mentioned earlier. She questioned how many of those units have been determined to be in serious need of repair. Mooney answered that no determination has been made in that regard. In answer to an inquiry, Murphy stated that he is not aware of any complaints filed with the Village with regard to Huntley Apartments for any type of maintenance issues.

THIRD ANNOUNCEMENT OF VACANCY ON THE RETIREMENT BOARD

Stearn announced a vacancy on the Retirement Board and encouraged interested residents to make application for this position. Applications are available at the Village office or downloaded from the Village web site (www.villagebeverlyhills.com).

REVIEW AND CONSIDER TRAFFIC CONTROL ORDERS 522-PP-02 NO PARKING AT QUEEN OF MARTYRS; 523-PP-02 NO PARKING CHARRINGTON COURT; AND 226-NP-02 NO PARKING KENNOWAY

Pfeifer outlined the reasons for the three Traffic Control Orders before Council for final approval.

Motion by Pfeifer and seconded by Mooney.

Resolved that Council approves Traffic Control Orders 522-PP-02 No Parking at Our Lady Queen of Martyrs; 523-PP-02 No Parking Charrington Court ; and 226-NP-02 No Parking East and West Kennoway.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER RESOLUTION REGARDING REISSUE OF COUNTY BOND FOR 1995 ACACIA DRAIN PROJECT

Woodrow explained that the purpose of this resolution is to authorize the Village to refund County issued Acacia Park CSO Drainage District Drain Bonds dated April 1, 1995 and reissue them at a lower interest rate to receive substantial savings.

Motion by Woodrow and seconded by Pfeifer to adopt a Resolution to Authorize Refunding of County Bonds for Acacia Drain Project.

The Resolution in its entirety is available for public review at the Village office.

The Village Manager will provide information to Council on the balance of these bonds and on transactional costs.

Roll Call Vote:

Motion passed (7 – 0).

PUBLIC COMMENTS

There were no comments from the public.

**REPORTS
MANAGER**

The Village will collect and chip Christmas trees this week and next on regularly scheduled trash collection days. Christmas trees should not be set out in plastic bags.

The next Village Council meeting is scheduled for Tuesday, January 21, 2003 due to the Martin Luther King Jr. holiday on January 20. The Village offices will be closed on January 20.

Plans for remodeling at Vic's Fruit Market are displayed on the board. The owner is re-arranging the interior to install a coffee shop.

COUNCIL COMMENTS

Woodrow reminded everyone of Winter Family Fun Day on Sunday afternoon, January 19th at Beverly Park.

Pfeifer announced that the next meeting of the Birmingham Area Seniors Coordinating Council will be on Tuesday, January 21 at 1:30 p.m. The Birmingham Area Cable Board will meet on Wednesday, January 15 at 7:45 a.m.

Pfeifer stated that she views the public comment portion of the meeting as a time when residents can make comments. Council became involved in discussion during public comments, when it might have been better served to delegate a member of administration to address an issue.

Pfeifer thanked all of the members of the community for their outpouring of support to her family in this time of sorrow. We will all miss Bill Pfeifer’s quick smile, his wit, and the twinkle in his eye.

Stearn thanked Manager Murphy for preparing and presenting the five year capital improvement plan. He looks forward to further budget discussions. Stearn proposed that the Personnel Committee schedule a meeting before March.

Schmitt congratulated Ray Lacroix for his hard work on promoting the paving and drainage improvements for Coryell Estates Subdivision. He congratulation administration on being recommended for a grant to pave the parking lot outside the municipal building. Schmitt announced a Planning Board meeting on Wednesday, January 8.

Domzal thanked the public who attended tonight’s meeting. He feels that public participation results in more productive Council meetings. Domzal would like to discuss Village attorney attendance at Council meetings at an upcoming meeting when Ryan is in attendance.

Downey has information on a Community Tree Planting Grant that he will bring before Council for consideration at the next meeting. Downey indicated his support for the Pathways initiative.

Members of Council expressed their sincere condolences to the Pfeifer family. Downey read a moving letter he received from resident Bob Bliven who wrote about Bill Pfeifer, “Mr. Beverly Hills”.

Motion by Domzal and seconded by Stearn to adjourn the meeting at 10:59 p.m.
Motion passed (7 – 0).

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary