

REGULAR COUNCIL MEETING MINUTES - MONDAY, MAY 3, 1999 - PAGE 1

Present: President Pro-Tem Lison; Members: Buterbaugh, Downey, Kennedy, Stearn and Walsh

Absent: Craig

Also Present: Village Manager, Hanlin
Assistant to the Manager, Pasieka
Finance Director, Wiszowaty
Village Attorney, Ryan
Village Clerk, Marshall
Building Official, Byrwa

President Pro-Tem Lison called the meeting to order at 7:45 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

APPROVE MINUTES OF A JOINT COUNCIL AND FINANCE COMMITTEE MEETING HELD ON MONDAY, APRIL 12, 1999

Kennedy proposed an addition to the first paragraph on page 3 to indicate that there was some opposition to increasing the contingent/advancement line item. Add the following sentence: "There was some opposition to an increase in this fund."

Stearn did not recall objections to the proposed allocation to the contingency fund at the time of the joint meeting. It subsequently became clear that various Council members have problems with that line item. Kennedy said that she did voice objections to the contingency fund allocation during that meeting. Buterbaugh and Walsh added that they expressed resistance to this budget item.

MOTION by Stearn, supported by Walsh, that the minutes of a joint Council and Finance Committee meeting held on Monday, April 12, 1999 be approved as amended.

Yes - Buterbaugh, Downey, Kennedy, Lison and Walsh

No - Stearn

Motion passes (5 - 1).

APPROVE MINUTES OF A REGULAR COUNCIL MEETING HELD ON MONDAY, APRIL 19, 1999

MOTION by Buterbaugh, supported by Stearn, that the minutes of a regular Council meeting held on Monday, April 19, 1999 be approved as submitted.

Motion passes unanimously.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

Sharon Tischler of 21415 Virmar Court questioned the status of the Thirteen Mile Road bridge replacement. Walsh believes that the project is on schedule and has gone out for bids. It is anticipated that construction will begin by the end of June and will be completed by Labor Day.

Tischler's questions on this project and the Evergreen Road bridge repair will be referred to Public Services Director Spallasso for a more detailed report.

Norm Downey of 23042 Nottingham Drive expressed his continued concern about the financing of the "pay as you go" program for sewer and road improvements which he understands is under funded. In response to this concern, Craig indicated at the April 19 Council meeting that he would ask the Finance Director to provide Council with projections on how much money the dedicated millage will raise over the next 12 years. Downey asked for the results of that review.

Lison stated that a memo from Wiszowaty addressing the funding of sewer and road improvements will be available to Mr. Downey tomorrow morning at the Village office.

PUBLIC HEARING ON INCREASING PROPERTY TAXES (TRUTH IN TAXATION)

The Truth-in-Taxation Act of the State of Michigan states requires that a public hearing be held if a local government intends to levy a millage rate that will generate more property tax revenue than it received in the previous year. This year the taxable value on which the Village's property tax revenue is based will increase by 3.4% from last year to \$401,559,644. The Headlee amendment limits revenue from property assessment increases. If the assessed value of a local unit's taxable property, excluding new construction and improvements, increases by more than the inflation rate (which was 1.6% this year in the State of Michigan), the maximum authorized property tax rate must be reduced so that the total taxable property yields the same gross revenue, adjusted for inflation, as collected on it as its prior assessed value. The Village is generating additional revenue this year even with the millage rate decreasing slightly. The reason for this is that there are some areas of the Village that are experiencing growth and adding new properties to the tax roll.

The Village Council will hold a public hearing on the proposed increase of 0.5581 mills in the operating tax millage rate to be levied in the proposed budget. If adopted, the proposed additional millage will increase operating revenues from ad valorem property taxes 8.57% over such revenues generated by levies permitted without holding a hearing. The General Fund operating millage proposed in this budget is 9.6897 mills. One mill will continue to be allocated from the operating millage to the local road fund. The proposed General Fund operating millage is 10.6897 which is the maximum allowed under the Headlee Amendment.

The total millage for the General Fund, Local Road Fund, CSO debt and dedicated millage will be 13.5989 mills, or an overall decrease of 0.0430 mills from the current fiscal year.

Wiszowaty responded to questions from Council. Lison declared the public hearing on increasing property taxes open at 8:04 p.m.

Frank Worrell of 32123 Bellvine Trail stated that the Charter millage cap is 11 mills. The operating millage proposed in this budget is 10.68 mills. He asked if Council has discussed holding an election to increase the Charter millage cap and was answered that this has not been discussed.

Dorothy Pfeifer clarified that the millage which is expiring for the public safety debt and the CSO millage are both voted dedicated millages and have nothing to do with the Village's millage cap. Raising the charter millage limitation which is 11 mills will require a vote of the people.

No one else wished to be heard; therefore, the public hearing was closed at 8:07 p.m.

PUBLIC HEARING ON PROPOSED 1999/2000 GENERAL FUND, MAJOR AND LOCAL ROADS, DEBT SERVICE, AND WATER AND SEWER OPERATING FUND BUDGETS

Hanlin outlined several changes that have been made in the proposed 1999-2000 Village of Beverly Hills budget since Council met in a study session on April 12. Final numbers received from the Oakland County Equalization Department reflect additions and losses to the taxable value total based on new construction and adjustments from the Board of Appeals. Those numbers necessitated a \$16,465 reduction in the proposed budget. Hanlin removed \$10,000 from the contingency line item which was \$20,000 in the proposed budget and appropriated \$6,465 from the General Fund balance.

Actual numbers have been received as to health care insurance rate increases. The overall increases were less than projected which allow enough funds to allocate an additional \$12,000 for park capital improvements as discussed in the budget study session.

The Village received a request for \$500 in funding since the last meeting from Common Ground, a crisis intervention organization. This has been included in the budget.

Hanlin concluded that the proposed budget represents cooperative efforts of Council and staff to maintain the current level of service at a slightly reduced millage rate. The Village is continuing to address critical infrastructure repairs to water mains, sewers, roads and bridges.

Wisowaty outlined budget detail with the use of an overhead projector. He outlined the assumptions taken into account in the 1999-2000 fiscal year budget. Revenues will increase by 8.78% from the 1998-99 fiscal year. Property tax revenue will increase by \$344,000. An increase in state revenue sharing is projected at approximately \$146,000. A transfer from the General Fund balance of \$166,465 is budgeted which will reduce the fund balance from 23.59% to 18.76%.

Wisowaty referred to a millage comparison sheet to demonstrate the affect of the proposed budget on the tax rate. The taxable value on which the Village's property tax revenue is based will increase by 3.4% from last year to \$401,559,000, an increase of \$13 million. The actual CPI increase was 1.6%. The General Fund budget is balanced with estimated revenues and expenditures of \$5,688,898, an increase of \$459,000 over last year's budget. A transfer in the amount of \$160,000 will decrease the fund balance by 4.83%. The General Fund balance is anticipated to be approximately \$1,067,000 at the end of the fiscal year.

The General Fund operating millage proposed in this budget is 9.6897 mills which is an increase of 0.5581 from the current millage of 9.1316 mills. One mill will continue to be allocated from the General Fund operating millage to the Local Road fund for infrastructure improvements. The

proposed General Fund operating millage is 10.6897 mills which is the maximum allowed under the Headlee Amendment.

Wisowaty outlined the debt service millage. The Public Safety Department building is paid for in full and the public safety debt has expired. The Headlee Reduction Factor will bring the voter approved 2 mills for infrastructure repairs to 1.9467 mills. The CSO debt payment is 0.9625 mills, an increase from the current year due to an additional bond issue. The total millage for the 1999-2000 fiscal year will be 13.5989 mills, or an overall decrease of 0.0430 mills from the current fiscal year.

A chart of expenditures by department shows that 53.12% of the General Fund budget is allocated to the Public Safety Department; General Administration represents 7.6% of the entire budget; the public works portion of the budget represents 10.8% of expenses; the library expense represents 7.6% of the budget and is an amount equal to 1.077 mills as adjusted by Headlee; a transfer to the Water & Sewer Improvement Fund in the amount of \$200,000 for water main repairs constitutes 3.52% of the total expenditures; capital expenses will be 4.7% of the total budget; the smaller departments make up 13.38% of the budget. A visual presenting expenditures by account confirms that the largest part of the budget goes towards salary and wages at 41.63% of the total operating expenditures; fringe benefits are 14.44% of the budget.

Wisowaty reviewed a transparency highlighting significant increases and decreases in revenues and expenditures from the current fiscal year. He discussed reasons for any changes.

Lison declared the public hearing open at 8:26 p.m.

Stearn questioned the \$200,000 allocated for water main repairs. Hanlin explained that there are water mains in the Village that are 70 years old, and the frequency of water main breaks is increasing. Water mains have been repaired in recent years on an as-needed basis. Administration is proposing an allocation of funds to initiate a program of water main repair and replacement. A minimum of \$500,000 is required for an effective bid package for water main replacement. Hanlin emphasized that the Village's water quality has an excellent rating.

Kennedy questioned the percentage of general administration salaries attributed to the public safety department. Wisowaty responded that approximately 53.12% of the total general operating budget is allocated to public safety department salaries. He estimated that approximately 57% of the budget is appropriated to public safety salaries and capital expenditures.

Walsh cited the area of salaries and fringe benefits and commented on a 19% salary increase proposed for a general administration employee. He referred to the contingency/advancement line item budgeted at \$10,000. There followed Council discussion on this budget item. Walsh requested a report from the Village Manager on the distribution of this money at the end of the fiscal year.

Sharon Tischler of 21415 Virmar Court questioned a \$10,000 line item for bonuses considering that the Village is not a profit organization. She mentioned that Council authorized a salary study

recently and suggested that the Village should pay employees what they are worth rather than distributing bonuses. Tischler added that Council is required to approve any expense over \$1,000.

Frank Worrell of 32123 Bellvine Trail questioned the allocation of \$200,000 to initiate a water main replacement program. He thinks that the major problem is the sewer situation on the east side of the Village. Worrell thinks it would be responsible to use that money to start the engineering for the Acacia Drain.

Norm Downey of 23042 Nottingham Drive agrees with the suggestion to allocate money for the engineering of the Acacia Drain rather than for water main repairs. He referred to the budget allocation for the School Liaison Officer and questioned whether the City of Birmingham funds a school officer from its budget.

Lison referred to a letter dated April 26, 1999 to Public Safety Director Karl Woodard from Richard E. Perry, Assistant Superintendent for Business Services for Birmingham Public Schools. The letter comments on the cooperative funding arrangements for the police liaison officers. It states that the current 1998-99 budget and the recommended 1999-2000 budgets continue to carry allocation to fund both police liaison positions, one for Groves through the Village of Beverly Hills and one for Seaholm through the City of Birmingham. The allocation is based on the existing arrangements to fund up to 50% of the cost of one full-time liaison officer.

Dorothy Pfeifer of 31287 Heath Court asked why the dedicated millage is subject to the Headlee Amendment. Wiszowaty explained that the Headlee Amendment has an effect on the dedicated millage because it is not a debt in the view of the State but is considered a general operating millage.

Pfeifer agrees with the Tischler's comments on the contingency/advancement fund that every expense over \$1,000 should be approved by Council.

Pfeifer commented on the library contribution. She was part of a 1990-91 study group that explored various options relative to providing library services to the residents. A contract was negotiated with the Baldwin Public Library and a millage based formula was agreed upon at that time. Pfeifer suggested that the Village may wish to consider amending the contract to include a millage cap. Either party can cancel the contract with a year's written notice. This year's cost for library service will be \$432,000.

Sharon Tischler commented that the Village reimburses employees for college tuition. She questioned what amount was allocated this year for that expense. Wiszowaty referred to the accounts that reimburse Village employees for tuition. Under the area of General Administration, the total budget for tuition is \$5,950 compared with \$4,000 last fiscal year. Education and training for public safety officers is budgeted at \$7,000 for both years. The Village receives reimbursement from the State for criminal justice training budgeted at \$ 14,000. Another \$250 is budgeted in the School Liaison Officer department for criminal justice training. All tuition line items use the last three digits of 959.

Wisowaty reviewed the Major Road Fund budget revenue and expenses noting variances from the preceding year's budget. The budget anticipates a contribution from the Major Road fund balance of \$195,000 which has been reserved for the 13 Mile Bridge replacement. The total Major Road Fund budget is \$612,135. Wisowaty noted that the amount budgeted for resurfacing asphalt is \$120,187.00.

The Local Road Fund budget is balanced at \$617,242.00. Variances in revenue and expenditures from the preceding year were explained. It is proposed to spend \$336,000 on resurfacing asphalt in the Village.

The 1999-2000 Debt Service Budget includes all the Village debt that will be retired during the fiscal year. The total debt service budget is \$511,154.93.

Wisowaty presented an overview of the Water and Sewer Operating budget proposed for 1999-2000 and the assumptions used to create this budget. All revenue and expenditures this year are based on the Village buying 63,000 cubic feet of water which is the same volume budgeted in the 1998-99 fiscal year. The proposed budget assumes a 5% water loss which is comparable to previous years. The customers of the Village will be billed 59,850 cubic feet. The split between water and sewer rates has been adjusted in accordance with the Department of Environmental Quality proportionality test formula to insure that the Village is generating enough income to operate and maintain the Water and Sewer Operating Fund.

The 1999-2000 budget proposes a rate increase of 6.12% from last year's rate. Most of the increase is due to economic increases from the Oakland County Drain Commissioner's office and the Southeastern Oakland County Water Authority (SOCWA). There are substantial increases totaling approximately \$50,000 for the CSO tank. Industrial waster surcharges will decrease by about 10 percent. There is an addition of the North Arm Relief Drain payment.

Wisowaty compared the proposed Water and Sewer Operating Fund Budget to the preceding year's budget and pointed out significant changes in revenues and expenditures. The total Water and Sewer Operating Fund budget is proposed at \$1,937,908 or an increase of \$111,440 from the preceding fiscal year.

Stearn commented that the amount charged for water does not cover the cost of sewer repairs. The Village pays for sewer repairs through property taxes. Because public and private schools in the Village do not pay property tax, they are not contributing to sewer repairs in any way. Stearn stated that he is attempting to establish that there are entities in the community that are not contributing their fair share for repair of water mains and sewers.

Kennedy pointed out that 20% of water and sewer bill revenue goes toward maintenance of water mains.

No one else wished to be heard; therefore, the public hearing on the 1999/2000 Fiscal Year Budget for the General Fund, Major Road Fund, Local Road Fund, Debt Service Fund, and Water and Sewer Operating Fund be closed at 9:22 p.m.

RESOLUTION TO ADOPT 1999/2000 FISCAL YEAR VILLAGE OF BEVERLY HILLS BUDGET

Resolved by Stearn, supported by Downey, to adopt the following Resolution:

**RESOLUTION TO ADOPT THE 1999/2000 FISCAL YEAR
VILLAGE OF BEVERLY HILLS BUDGET**

The Village Council of Beverly Hills conducted a public hearing on the proposed 1999/2000 Fiscal Year Budget on May 3, 1999, and

Public comments have been heard and considered.

THEREFORE, BE IT RESOLVED THAT the 1999/2000 Fiscal Year Budget for the General Fund, Major Road Fund, Local Road Fund, Debt Service Fund, and Water and Sewer Operating Fund in the following amounts be hereby adopted:

FUND NAME	REVENUES	APPROPRIATIONS
General Fund	\$5,688,898.00	\$5,688,898.00
Major Road Fund	612,135.00	612,135.00
Local Road Fund	617,242.00	617,242.00
Debt Service Funds	511,155.00	511,155.00
Water & Sewer Operating Fund	1,937,908.00	1,937,908.00

Kennedy remarked that Council has had an opportunity to examine the budget document and discuss it thoroughly at previous meetings. She commends administration for the fine job they have done on this budget.

Buterbaugh commented that approval of the proposed budget is not a mandate to spend those funds, and he cautioned administration to review the items before expenditures are made. Buterbaugh does not agree with a 19% salary increase included in the budget. Walsh also indicated opposition to the 19% salary increase. Downey indicated his support of the pay raise in question on the basis that it places that employee in the appropriate salary range for that position.

Roll Call Vote:

Resolution passes unanimously.

RESOLUTION TO APPROPRIATE FUNDS FOR THE 1999/2000 FISCAL YEAR VILLAGE OF BEVERLY HILLS BUDGET

Resolved by Stearn, supported by Kennedy, to adopt the following Resolution:

**RESOLUTION
TO APPROPRIATE FUNDS FOR THE 1999/2000
BEVERLY HILLS BUDGET**

The Village Council of Beverly Hills has adopted its annual budget for its fiscal year beginning July 1, 1999 in accordance with State law and the Charter, and

The Village Council is also required to adopt an appropriations act to provide the authority to incur obligations and expend public funds.

THEREFORE, BE IT RESOLVED THAT the adopted budget for the fiscal year beginning July 1, 1999 and ending June 30, 2000 shall establish the approved appropriation levels for the said fiscal year.

BE IT FURTHER RESOLVED THAT the Village Council does hereby authorize the Village Manager to execute transfers between appropriations provided that each transfer be approved by the Village Council prior to its execution.

BE IT FURTHER RESOLVED THAT the Village Council retains authority to amend the Village budget and this appropriations act at such times when deviations from the projected revenues and authorized expenditure levels become necessary and the amount of the deviations becomes known.

Roll Call Vote:
Resolution passes unanimously.

RESOLUTION TO ADOPT THE 1999 VILLAGE OF BEVERLY HILLS MILLAGE RATE
Resolved by Stearn, supported by Kennedy, to adopt the following Resolution:

**RESOLUTION
TO ADOPT THE 1999 VILLAGE OF BEVERLY HILLS BASE TAX RATE
PLUS ADDITIONAL MILLAGE TO RETIRE DEBT**

The Village Council on May 3, 1999 adopted the 1999/2000 Village Budget, and

The Village Council must adopt a millage rate to be spread on the Village tax roll for 1999, and

Public Act 5 of 1982 does not apply to levying for Debt Service, and

The proposed 10.6897 mills for operating purposes for the General Fund and the Local Road Fund do not exceed the 11.00 mills maximum approved by the voters at the March 13, 1995 election.

THEREFORE, BE IT RESOLVED THAT the Village Council does hereby approve the total 1999 millage rate for the Village at 13.5989 mills and the 13.5989 millage rate is to be spread as follows:

General Fund.....	9.6897 mills
Road Fund.....	1.0000 mills
CSO Debt.....	0.9625 mills
Dedicated Millage.....	1.9467 mills
Total Millage Rate	13.5989 mills

Roll Call Vote:
Resolution passes unanimously.

RESOLUTION TO ADOPT REVISED RATE SCHEDULE FOR WATER CONSUMPTION AND SEWAGE DISPOSAL

Resolved by Kennedy, supported by Downey, to adopt the following Resolution:

**RESOLUTION
ESTABLISHING WATER & SEWER RATES**

Each premises within the Village connected to the water and/or sanitary sewer system shall pay a consumption charge based upon the amount of water used as shown by the water meter installed in each premises as follows:

Water Consumption	\$10.11 per 1000 cu ft
Sanitary Sewer O.M. & R	17.53 per 1000 cu ft
Sanitary Sewer Debt Service	<u>2.00</u> per 1000 cu ft
Total	\$29.64

Sanitary Industrial Waste Control Charge

<u>Meter Size</u>	<u>Monthly S.O.C.S.D.S.</u>	<u>Quarterly Evergreen/Farmington</u>
5/8"	\$ 3.73	\$ 11.19
3/4"	5.59	16.77
1"	9.32	27.96
1-1/2"	20.50	61.50
2"	29.82	89.46
3"	54.05	162.15
4"	74.55	223.65
6"	111.82	335.46
8"	186.37	559.11
10"	260.92	782.76
12"	298.19	894.57

Residential Meter Charge

Quarterly meter charge (up to one inch)	\$ 6.00
Quarterly meter charge 2"	9.00

Quarterly meter charge 3"	12.00
Quarterly meter charge 4"	15.00

Minimum Charge

Minimum charge per 1000 cu ft per quarter for water, sewer OMR, sewer debt and meter charge is:
One inch meter or less \$ 35.64

Sewer Only

All sewer-only customers per quarter \$ 65.28 OMR
7.45 Debt Service
\$ 72.73

Effective with all bills mailed after July 1, 1999 and thereafter until changed.

Stearn suggested that Council rethink the manner in which the Village has established its water and sewer rates. There are many entities in the Village that do not pay property taxes but do pay water and sewer rates that could be contributing to the repair of sewers in the Village. He maintains that changing the way we charge for water and sewer rates could accelerate sewer repairs. Stearn also thinks that the minimum charge is too high and should be revised.

Dorothy Pfeifer of 31287 Heath Court questioned how the Village is billed for water from the City of Detroit. She was informed that the Village is billed for the water it receives from the City of Detroit through three meters.

Pfeifer is in support of keeping the water mains in good repair. She suggested that Council should consider the possibility of offering the option of separate metering for watering lawns and gardens.

Roll Call Vote:

Downey - yes
Kennedy - yes
Lison - yes
Stearn - no
Walsh - yes
Buterbaugh - yes

Resolution passes (5- 1).

AMEND SPECIAL ASSESSMENT RESOLUTION FOR WATERMANS FOR 1999 TAX ROLL

At its April 19, 1999 meeting, Council held a public hearing and adopted a Resolution which placed a number of special assessments including unpaid water main assessments on the 1999 tax bills. There was an assessment to 13 property owners for the 1998 Kennoway Water Mains. Walsh proposed a resolution to amend the special assessment roll to reflect the fact that the property owner at 20760 Kennoway Circle has paid their total balance.

RESOLVED by Walsh, supported by Kennedy, to amend the April 19, 1999 Resolution adopting the 1998 assessment rolls and billings that are to be added to the 1999 tax roll as follows:

	<u>Description</u>	<u>No. Of properties</u>	<u>Amount</u>
Previously Approved:	Kennoway Water Main	13	\$19,764.68
Adjusted:	Kennoway Water Main	12	\$18,244.32

Roll Call Vote:
Resolution passes unanimously.

FINAL PAYMENT FOR 13 MILE ROAD CULVERT HEADWALL REPAIR CONTRACT #R-99-1

RESOLVED by Walsh, supported by Downey, to approve the final payment of \$1,170.00 to L. Loyer Construction for Contract #R-99-1 for repairs to the headwall of the culvert under 13 Mile Road west of Lasher Road.

Roll Call Vote:
Resolution passes unanimously.

CONSIDER REQUEST BY THE BEVERLY HILLS LIONS CLUB AND THE VILLAGE WOMAN S CLUB OF BEVERLY HILLS FOR USE OF VILLAGE STREETS AND BEVERLY PARK ON MAY 31, 1999 FOR THE ANNUAL MEMORIAL DAY FUN RUN, PARADE AND CARNIVAL, PETTING FARM AND PONY RIDES, AND WAIVER OF RESTRICTIONS ON SALES

MOTION by Downey, supported by Walsh, that Council approve the use of the Village road system and Beverly Park by the Village Woman's Club and the Lions Club on May 31, 1999 from approximately 11:00 a.m. to 3:00 p.m. for the annual Memorial Day fun run, parade and carnival, petting farm and pony rides, and waive any restrictions on sales.

Motion passes unanimously.

SECOND READING AND POSSIBLE APPROVAL OF ANIMAL CONTROL ORDINANCE

Village Attorney Ryan conducted a second reading of Ordinance 293, entitled the Village of Beverly Hills Animal Control Ordinance, an Ordinance to amend Chapter 14 of the Village Municipal Code relating to dogs and other animals; providing for the licensing thereof; regulating the keeping of dogs and authorizing their destruction in certain cases; and to provide a penalty for violation thereof. This Ordinance is being proposed to be in sync with the Township of Southfield Ordinance. The Township provides animal control services to the villages of Beverly Hills, Bingham Farms, and Franklin. Ryan mentioned that the Village Ordinance includes cat regulations whereas the ordinances of the Township and other two villages do not.

Ryan noted that the attorney for Southfield Township has made revisions to the proposed Ordinance since the last reading to be in conformance with recent amendments to State Law regarding dogs. The Township has adopted this Animal Control Ordinance.

Ryan stated that proposed Ordinance No. 293 is a new ordinance which reformats language in the previous animal control ordinance. He reviewed the ordinance by section designating the language that has changed or has been added to comport with new State law since the last reading.

Buterbaugh referred to the language in Section 14.08 including “baited hook” and questioned whether it is illegal to fish in Beverly Hills. Ryan does not believe that it is illegal to fish in Beverly Hills. The language says that no person shall injure or kill any bird, or any game, or fur bearing animal. There followed discussion on whether fish is considered game.

Downey took issue with Section 14.15 which states that a kennel shall be construed as an establishment wherein or whereon any person keeps three or more dogs. He compared this to the cat section and suggests that this section is discriminatory against dog owners.

Downey referred to Section 14.07 (D) which says that a person shall not carry or cause to be carried a live animal in or upon a vehicle or otherwise without providing a secure space, rack, car, crate, or cage, etc. This raises the issue of whether a person can drive around with their dog unsecured in a vehicle. Downey thinks this section is overly restrictive and open to interpretation.

Ryan indicated that carrying an animal in a “secure space” could be widely defined. He noted that this language comports with state law.

Ryan stated that this is a police power ordinance. Theoretically, someone with three or more dogs would be in violation of the Ordinance. Ryan is confident that the animal control officers will use good discretion and enforce the ordinance on a complaint basis.

Downey questioned the fairness and arbitrary nature of enforcing the ordinance on the basis of individual complaints. Stearn also expressed concern with the ordinance sections mentioned by Downey and Buterbaugh as well as the Penalties clause.

Council discussed the proposed animal control ordinance in some detail. The suggestion was made to remove the reference to game. It was also proposed to change the wording in Section 14.15 Application for Kennel License to read similar to the language in the cat ordinance: "It shall be unlawful for any person in the Village of Beverly Hills to keep adult cats in a greater number than can be cared for in a sanitary and proper manner in compliance with the public health code." Ryan thought that this would be totally discretionary and the Village would have an enforcement problem.

Sharon Tischler of 21415 Virmar Court, Southfield Township Clerk, commented that an ordinance is a tool. When a person requests a license for three dogs, she licenses all three animals. People are generally informed of the ordinance limitation, but the emphasis is on encouraging people to license their dogs and provide them with the required shots. If a serious complaint is received regarding the dogs, the owner may have to make a choice as to which dog is removed from the Township.

Ryan remarked that the proposed ordinance contains the same language that has been in place since 1979. Southfield Township has provided animal control service for the Village based on this ordinance during that time.

Buterbaugh suggested that the proposed Animal Control Ordinance be tabled until the next meeting to allow citizens an opportunity to comment on issues raised this evening.

MOTION by Buterbaugh, supported by Kennedy, to table consideration of the proposed Animal Control Ordinance until the next meeting.

Motion passes unanimously.

APPROVAL OF BILLS

MOTION by Stearn, supported by Walsh, that the bills recapped as of May 3, 1999 be approved for payment in the following amounts.

\$154,591.38	General Fund
27,549.93	Major Road Fund
31,345.92	Local Road Fund
189,671.60	Dedicated Millage
120,729.60	Water/Sewer Operation Fund
141.60	Trust & Agency Fund

Questions from Council and from Sharon Tischler of 21415 Virmar Court were addressed by administration and Lison.

Ayes -Buterbaugh, Downey, Kennedy, Lison, Walsh,
Nay - Stearn
Motion passes (5 - 1).

LIAISON'S REPORTS

Stearn announced that the annual Park Clean Up is scheduled for Saturday, May 8 at 10:00 a.m. at Beverly Park. A Rouge River Clean Up is being organized to take place at the Douglas Evans nature preserve on June 5 from 10 a.m. to 12 p.m. There has been a concern about the deed restrictions on that property. An opinion letter from the Village Attorney will be forthcoming with respect to organizing a cleanup effort at Douglas Evans, parking at Douglas Evans for the workers, and providing a temporary dumpster and portajohn at the site.

Stearn hopes to have information at the next Council meeting on the Friends of Beverly Park program.

Pasieka stated that the first in a series of four concerts in the park is scheduled for the fourth Sunday in May at 4:00 p.m. in Beverly Park. The first concert will feature the Birmingham Groves High School Chorus and Jazz Ensemble.

Stearn announced a meeting of the Finance Committee tomorrow night, May 4, at 7:00 p.m.

Kennedy reported on a SEMCOG meeting she attended on April 22. A transportation funding study committee established by Governor Engler will concern itself with the distribution of revenue from the Michigan Transportation Fund. A presentation was given on walkable communities focusing on plans for slowing traffic. Fifty communities have signed up for this program. SEMCOG will be commenting on a Clean Water initiative in June.

Kennedy commented on an Eccentric newspaper article about the temporary closing of 14 Mile Road at Woodward due to the North Arm Relief Drain project. Traffic will be diverted onto Pierce. Kennedy asked that the Public Safety Department be requested to increase enforcement of the speed limit in that area during this time.

Buterbaugh stated that the Cablecasting Board met on April 21 and discussed ongoing franchise negotiations with MediaOne. He noted that AT&T has now bid on the acquisition of MediaOne.

As liaison to the Public Safety Department, Lison stated that three lieutenants and five sergeants passed the written exams for promotions and will be going on to oral boards this month.

MANAGER'S REPORT

Hanlin thanked Wiszowaty and the Council for working together on the budget process. The Village Clerk has been attending meetings regarding the upcoming census. It is vitally important to our community that every person is counted. There is much that is dependant on that data for the next ten years.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court commented further on animal control ordinance issues. She noted that the number of people in the community who have three dogs is minimal. She has been Township Clerk since 1984, and the only time an animal has been removed from the Township was when a vicious dog caused problems and was deemed to be in violation of the Ordinance. Tischler

stated that the majority of cases brought to the Township's attention regarding dogs barking or running at large usually involve a person with one dog.

Tischler expressed the view that adopting a budget and allocating money in a line item does not necessarily mean that the intent is to spend that money. The Charter requires Council approval of expenditures of \$1,000 or more.

COUNCIL COMMENTS

Downey commented that he received replacement pages to insert in his budget book to reflect changes in the document. He suggested that administration consider providing Council with an executive summary listing changes in the future.

Downey stated that the company he works for is replacing its local area network server in the office. He announced that the old local area network is available for donation to a non-profit organization.

Buterbaugh agreed that a management summary of any material distributed by administration to Council would be appreciated. Buterbaugh inquired about a fund raising mailing received at his home from a fallen officer memorial fund. He was informed that this may be a national campaign and was not generated by the Beverly Hills public safety department.

Stearn thanked Pasieka for assisting him in the area of Parks and Recreation. Stearn commented that he understands that the Animal Control Ordinance is being proposed to keep the Village in conformance with the Southfield Township ordinance. However, he thinks that some of the policies in the proposed ordinance are not good policies.

Stearn commented on a crime awareness door hanger that will be distributed by the Public Safety Department in the next few weeks. Small crimes in the Village have risen, particularly with respect to breaking into unlocked cars and homes. Director Woodard designed these crime prevention door hangers to increase awareness of residents regarding their safety/security habits.

Kennedy commented that resident Larry Needham was present in the audience earlier this evening. Kennedy has been approached by residents who would like to see Council consider a landlord ordinance to deal with deterioration of property. She discussed this with Ryan who feels that the Village needs reinforcement of its existing ordinances rather than a new ordinance. Kennedy would like this to be a future agenda item.

Buterbaugh commended administration and Wiszowaty on the preparation of this budget and the fact that it has been reviewed and approved with only three meetings of Council.

Lison commented that administration drafted a tight budget which was adopted by Council tonight.

MOTION by Kennedy, supported by Buterbaugh, that the meeting be adjourned at 11:00 p.m.

Motion passes unanimously.

Paul Lison
Council President Pro-Tem

Ellen E. Marshall
Village Clerk