

REGULAR COUNCIL MEETING MINUTES - MONDAY, MAY 17, 1999 - PAGE 1

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

Absent: None

Also Present: Village Manager, Hanlin  
Assistant to the Manager, Pasieka  
Village Attorney, Ryan  
Public Services Director, Spallasso  
Building Official, Byrwa

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

**APPROVAL OF MINUTES**

The minutes were amended to indicate that the bills recapped as of May 3, 1999 were approved unanimously.

MOTION by Stearn, supported by Buterbaugh, that the minutes of a regular Council meeting held on May 3, 1999 be approved as amended.

Motion passes unanimously.

**PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA**

Norm Downey of 23042 Nottingham Drive expressed concern about whether the “pay as you go” program for sewer and road improvements is under funded. He understands that the Finance Director has updated an analysis of how much money the dedicated millage will raise over the next 12 years. Downey questioned the status of that review.

Craig stated that there are several assumptions based on cost and revenue for determining whether the Village will be under funded or completely funded with respect to the proposed sewer and road improvements. The Finance Director’s most recent analysis reveals that the Village would not have enough money to complete the program without a millage increase unless the Village transfers money from the General Fund or comes in under budget on the project cost. The expected revenues are less than the expected expenditures.

Downey challenged the Council to ask for more millage at the next March election for the repair of sewers and roads. He emphasized that now is the time to start the process and convince the voters to support the millage.

Sharon Tischler of 21415 Virmar Court questioned the policy of reimbursing employees for college tuition. She stated that there is a precedent in other municipalities whereby employees receiving reimbursement for college tuition remain in that municipality’s employ for a certain time frame after

receiving a degree in order to benefit the community. Tischler suggests that Council consider a similar agreement with employees.

Tischler expressed disappointment with the budget process with respect to opportunities available for citizen input on the draft document. Council held a joint meeting with the Finance Committee to review the proposed budget before holding its public hearing on the budget at a regular Council meeting.

Stearn mentioned that the joint meeting between the Council and Finance Committee is a public meeting.

**REFER REQUEST TO PLANNING BOARD FOR SITE PLAN REVIEW AND APPROVAL FROM BEVERLY HILLS RACQUET CLUB FOR ADDITION TO MEN'S LOCKER ROOM**

MOTION by Kennedy, supported by Lison, to refer the request from the Beverly Hills Racquet Club for site plan review of an addition to the men's locker room to the Planning Board for review and recommendation.

Council members requested that the Planning Board review the adequacy of lighting in the parking lot in terms of public safety.

Tom McCarthy, Manager of the Beverly Hills Racquet Club, stated that the Club will look at the lighting if Council thinks it is a necessary part of the site plan review.

Motion passes unanimously.

**DISCUSSION OF FRIENDS OF BEVERLY PARK**

Stearn stated that Council members have received a copy of the "Friends of Beverly Park" brochure that will be mailed to Village residents.

Phil Schmitt of 18103 Riverside Drive, Chairperson of the Parks and Recreation Board, presented information to Council on two Parks and Recreation matters. The Friends of the Park booklet is ready to be distributed to Village residents. It will introduce the Parks and Recreation Board's program of soliciting voluntary contributions for park improvements in order to implement the Park Master Plan.

The Village Woman's Club of Beverly Hills has informed the Parks and Recreation Board that it would like to sell paving bricks to help fund an entrance gate and pedestrian walkway into Beverly Park. The Woman's Club would like to start the program at the Memorial Day Carnival.

Patricia Greening of 18219 Riverside Drive addressed questions and comments on the Friends of Beverly Park brochure. A few suggestions from Council members will be incorporated into the booklet.

Stearn thinks the brochure came out nicely and he hopes it raises a lot of money. He thanked David Jensen for developing the artwork for the brochure.

It was the consensus of Council that the Friends of Beverly Park mailing and the program for selling paving bricks be approved for continuation subject to review by the Village Attorney.

### **POSSIBLE APPROVAL OF ORDINANCE NO. 293 AMENDING ANIMAL CONTROL ORDINANCE**

Lison reviewed that consideration of the Animal Control Ordinance was tabled at the last Council meeting. Since that time, material has been supplied to Council by Southfield Township Clerk Sharon Tischler providing background on how the Township arrived at the number of dogs permitted per household. This was an issue discussed by Council at its May 3 meeting.

Another issue discussed was the language in Section 14.08 which says, in part, that no person shall use a baited hook to injure or kill any game. This brought up the question of whether it is legal to fish in Beverly Hills. The suggestion was made to omit the words "or any game" where it appears in Section 14.08.

An area where there was disagreement was in Section 14.15 Application for Kennel License. This section states that no person shall own or operate any dog kennel in the Township of Southfield or Village of Beverly Hills. It states further that a kennel shall be construed as an establishment wherein or whereon any person keeps three or more dogs that are six months old or older.

Downey suggested that this section was discriminatory to dog owners considering that cat regulations state that it is unlawful 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.

Council discussed the section limiting the number of dogs at some length.

Ryan stated that Section 14.15 mirrors the current ordinance which allows a kennel as long as it is not in a residential district. There was a kennel in existence in a business district at the corner of Southfield and Saxon Roads at the time the Village's Animal Control Ordinance was adopted. Kennels are not allowed in Southfield Township.

Ryan stated that language in Section 14.15 was taken from State dog law in 1960. The law in the State of Michigan calls for a kennel if there are more than three dogs on a premises. Ryan does not think the language should be changed. The Village cannot make its ordinance more liberal than State law. He maintains that it has not been an enforcement problem. If it becomes an issue, it can be addressed through enforcement.

Ryan suggested a language change in Section 14.15 to clarify that the purpose is to prohibit a dog kennel in a residential zone in the Village of Beverly Hills. A kennel is allowed if specified by the Zoning Ordinance.

Ryan proposed the following changes to the Ordinance. Section 14.08 (A) will be changed to strike "or any game" where it appears twice in that section. Section 14.15 will read as follows: "No person shall own or operate any dog kennel in the Township of Southfield or Village of Beverly Hills in a residential zone. For the purpose of this Ordinance, a kennel shall be construed as an establishment wherein or whereon any person keeps three or more dogs, six months old or older, regardless of whether any remuneration is received therefor. A kennel may be operated in a non-residential district within the Village of Beverly Hills if allowed as a use in that zone district."

At Council's inquiry, Ryan stated that the minor changes made tonight would not require a first and second reading. There was a full discussion of the ordinance at the last meeting.

Sharon Tischler, Township Clerk, presented background on the amendment to the Township Animal Control Ordinance in 1963 to add sections regarding kennels. She noted that cats are not regulated by the State.

RESOLVED by Lison, supported by Walsh, that the Village of Beverly Hills Council adopt Ordinance No. 293, the Village of Beverly Hills Animal Control Ordinance, as amended at this meeting.

Roll Call Vote:

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

Resolution passes (6 - 1).

### **LOCAL GOVERNMENT/MDOT AGREEMENT REGARDING 13 MILE ROAD BRIDGE REPLACEMENT**

Bids were opened by the State on May 5, 1999 for the replacement of the bridge on 13 Mile Road between Evergreen and Lahser. Before Council for approval is the Local Government/MDOT agreement necessary for the State to award the contract to the low bidder and commence construction. The timetable indicates that construction will begin at the end of June and be completed at the end of August, before school starts.

Spallasso commented on the proposed agreement with MDOT. The State will not award the contract to the low bidder until it receives this signed agreement which confirms that Beverly Hills agrees to every aspect of the arrangement and commits to pay its share. The Village's share is 5% of the construction cost and all of the cost related to engineering and testing. The low bid from Posen Construction is \$535,284.18. The \$195,000 allocated by the Village for this project should cover its costs. The final construction cost of the project will determine the Village's 5% share.

RESOLVED by Walsh, supported by Downey, to approve the Agreement between the Village of Beverly Hills and the Michigan Department of Transportation for the reconstruction of the 13 Mile Road bridge in an amount not to exceed \$195,000 and to authorize the Council President and Street Administrator to sign the Agreement.

Roll Call Vote:

Resolution passes unanimously.

**AWARD CONTRACT FOR MUNICIPAL BUILDING DUCT WORK AND FURNACE CLEANING TO SAFETY KING**

Building Official Dave Byrwa stated that quotes have been obtained from three mechanical cleaning contractors for the cleaning of all four furnaces and supply and return duct work throughout the municipal building. He recommends contracting with the low bidder, Safety King, at \$1,650.00. Byrwa answered questions from Council on the work. The company is required to be properly bonded before work commences.

RESOLVED by Lison, supported by Kennedy, that the Village of Beverly Hills Council contract with Safety King of Utica Michigan to clean the entire duct work and furnaces in the Village municipal building at a cost of \$1,650.00.

Roll Call Vote:

Resolution passes unanimously.

**CHANGE ORDER #2 TO CONTRACT #S-98-6 PHASE ONE OF SEWER REHABILITATION**

Before Council for approval is Change Order #2 to the ongoing sewer rehabilitation program contract which will allow for work on 12 new locations in sections one and two of the Village. The rehabilitation work will involve relining of pipes. The change order allows work to be done by the contractor at the same cost as the previous contract rather than going out for bids which would elevate the cost. This is the second change order in the critical repair program.

Walsh indicated that eight of the job locations are west of Southfield Road at a cost of \$104,000. The other four projects are east of Southfield Road at a cost of \$95,000. The linear footage is similar. He remarked that Spallasso has been evaluating the worst conditions in the sewer system regardless of location and having those pipes repaired before they fail completely.

Spallasso stated that this work is part of Phase I of the sewer program involving critical structural repairs. He estimates that \$700,000 has been spent to date on structural sewer repairs. The pipe most in need of repair has been addressed first.

Craig asked when Phase I will be completed. Spallasso answered that bids will probably come in at \$250,000-\$260,000 for pipes than cannot be rehabilitated. That project and the change order before Council for approval tonight will be the end of the critical structural repairs unless there is an

unexpected repair. There is nothing in the change order that was not originally identified by Hubbell, Roth and Clark in the sewer system study.

RESOLVED by Walsh, supported by Lison, to approve Change Order No. 2 to Contact S-98-6, Phase I Sewer Rehabilitation in the amount of \$217,259.

Kennedy expressed opposition to approving the change order at this time. She explained that the Infrastructure Committee met about a month ago and asked for a project plan with sewer projects time-lined to expenses. Kennedy would like to see financial projections on the infrastructure millage and the time line for large projects such as the Amherst/Sheridan relief sewer before authorizing this expenditure. Kennedy commented that Council's number one priority is accelerating infrastructure repairs. She stated that the critical structural repairs are not occurring in an area where there is heavy flooding.

Walsh, Infrastructure Committee Chairperson, thinks Council should move ahead with the critical repairs without considering the location of the work. These sewers can fail at any time.

Craig understands that critical repairs were scheduled to be addressed before Phase II and Phase III projects and he does not want to delay any critical repairs. The sewer projects were prioritized as part of the 1996 sewer system study. Craig also encourages the Infrastructure Committee to review and re-evaluate that priority list on a regular basis and present Council with recommendations when necessary. It may be determined that a project should be accelerated because it impacts more people.

Buterbaugh remarked that Council and administration set up a method for tracking the income from the dedicated millage versus the expenses authorized by Council. Downey has a computer program that can be used for this purpose. Buterbaugh thinks Council should take advantage of one or both of those resources.

Downey stated that he is working with Spallasso to apply project planning skills to the sewer repair program. He questioned whether the technique used to repair structural problems improves the capacity or flow of the system. Spallasso responded that flow is improved because there is less friction on the lining inserted into the pipes. The main goal is to address the structural integrity of the pipe.

Downey commented that there is a difference between structural repairs and projects that remediate the capacity issues of the system. He agrees that Council should look at the goals it is trying to accomplish with respect to supporting the system or alleviating flooding. Downey would be in favor of a more rigorous review of the priority projects.

Lison asked if critical repairs have anything to do with location. Spallasso responded that there are pipes underground that are about to collapse and the Village has to fix them. They are part of the system.

Stearn thinks it is important for the Village to accomplish the critical structural repairs whether they are on the east or west side of Southfield Road. People on the east side of Southfield have serious concerns about the sewer system. He agrees that Council should speed up the rehabilitation of sewers whether they are on the east side or west side. He is in favor of Council deferring its allocation towards water main replacement for a year to accelerate sewer repairs.

In answer to inquiries, Spallasso said the cost of constructing critical structure repairs will be up to \$745,000 if Council approves the proposed change order. Council has already allocated \$200,000 from money saved in the first phase of the critical repairs to the design work for the Amherst/Sheridan project.

Roll Call Vote:

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

Resolution passes (5 - 2).

Craig asked the chair of the Infrastructure Committee to schedule a meeting to discuss sewer funding and priority projects with Spallasso and make recommendations to Council if they propose to alter the schedule.

**FINAL PAYMENT TO CANNON RUSSEAU FOR UNDERDRAIN AT BEVERLY PARK**

The Village has received an invoice for the final payment on a project that was completed last year. The work has been done satisfactorily.

RESOLVED by Walsh, supported by Lison, that the Village of Beverly Hills Council approve \$331.70 for final payment to Cannon Rousseau Landscape, Inc. for Contract #P-98-2, Beverly Park Underdrain project.

Roll Call Vote:

Resolution passes unanimously.

**DISCUSSION OF PROCEDURE FOR NEW APPOINTMENTS TO BOARDS AND COMMITTEES**

Stearn asked Council to consider revisions to the procedure for appointments to boards and committees. The issue was discussed by Council and audience members at the April 19 Council meeting and tabled. Stearn brought back a revised policy for Council review.

Stearn proposes three changes to the original policy. The revised policy requires seven days notice to the selection committee so that they can review the applications and contact applicants by phone if they choose. The first announcement of a vacancy would be made at a Council meeting and a second announcement made two weeks later. Applications would be due one week after that which will leave seven days to the third Council meeting. This process would not extend the time period from that of the current policy.

The second change requests that a member of administration encourage applicants to attend the meeting of the selection committee.

A paragraph has been added which allows the selection committee to ask questions of the applicant if they desire. Stearn proposes language stating that the selection committee members may, but need not, take into consideration the fact that any applicant appeared at the selection committee meeting. Stearn requests that Council members take a close look at these revisions and consider adopting a revised policy for appointments to boards, commissions and committees.

MOTION by Stearn, supported by Buterbaugh, that Council adopt a revised policy for appointments to boards, commissions and committees as proposed.

Council members discussed the revisions suggested by Stearn and offered their comments and suggestions.

Input was received from members of the audience as follows: Vince Borowski, Planning Board chair, of 1 Brady Lane; Sharon Tischler of 21415 Virmar Court, Dorothy Pfeifer of 31287 Heath Court, and Gladys Walsh of 20655 Smallwood Court.

After considerable discussion, it was apparent that there was not a consensus of Council on the revisions as proposed. Stearn suggested reworking the policy based on the conversation tonight. He withdrew his motion and Buterbaugh withdrew his support.

MOTION by Stearn, supported by Kennedy, to table discussion of the procedure for selecting board and committee members.

Ayes - Buterbaugh, Craig, Kennedy, Lison, Stearn and Walsh

Nays - Downey

Motion passes (6 - 1).

**APPROVE PAYMENT FOR 1998 GYPSY MOTH PROGRAM AND APPROVE THREE YEAR CONTRACT**

Before Council for approval is an invoice for a three year contract with Stephen Metzger, senior biologist with Giffels-Webster Engineers, Inc. for the Village's Gypsy Moth monitoring program. Council is also being asked to approve a three year contract for monitoring services through the year 2002. A memo from Pasiaka dated April 23, 1999 presents background on this agenda item.

The Village signed a three year Gypsy Moth contract covering 1996, 1997 and 1998 with Giffels-Webster Engineers, Inc. The service consists of diligently monitoring the Village's Gypsy Moth population through egg mass counts in the fall season and overseeing spraying in the spring when necessary. The egg mass count determines whether the Village will qualify for participation in the Oakland County aerial spraying control program.

In December 1998, senior biologist Stephen Metzger left the employ of Giffels-Webster and the last year of the Village Gypsy Moth monitoring contract was transferred directly to his newly formed business. Mr. Metzger's move resulted in a reduction of \$900 in the annual fee for these services. Pasiaka explained that there were no payments made for services during the 1998 monitoring season which is the reason for the invoice before Council for approval. Fees in the amount of \$6,000 are owed to Stephen Metzger for professional services for the period to March 31, 1999.

Council is being asked to approve a new three year contract with Stephen Metzger, environmental consultant, for \$5,000 each year for a total of \$15,000 to continue monitoring the Gypsy Moth Program in Beverly Hills.

Prior to aerial spraying done in the Village in 1996, there was a problem identified with Gypsy Moths in the Village that needed to be suppressed before it did irreparable damage. Former Council member Worrell was a key proponent of this program. For the past two seasons, the egg mass count in Beverly Hills has been well below the levels necessary to qualify for area spraying due to both the positive effects of spraying in the past and also due to a natural fungus that recently occurred. Pasiaka stated that the Gypsy Moth population has been kept in check in Beverly Hills and in many surrounding locations where this close monitoring has been undertaken. This is not a sign that the Gypsy Moth problem has been eliminated, but only that the Village has received a temporary reprieve from spraying to control this pest population.

Council stated that the Village must be in receipt of a release of contract from Giffels-Webster Engineers, Inc. before payment of this invoice is made to their former employee.

In response to an inquiry, Pasiaka stated that the Village did not go out for bids for this service for the reason that there are very few people that do this kind of work. He added that the Village's relationship with Mr. Metzger is extremely successful. Ryan stated that the Village does not have to go out for bids for professional services. Questions from Council were addressed by Pasiaka.

RESOLVED by Stearn, supported by Kennedy, that the Village of Beverly Hills Council approves the payment for the 1998 Gypsy Moth monitoring program in the amount of \$6,000 to Stephen G. Metzger with the proviso that the Village Attorney review the release of contract from Giffels-Webster Engineers, Inc.; further, be it resolved that the Village enter

into an agreement with Stephen G. Metzger for Gypsy Moth population monitoring services for 1999-2000, 2000-2001, and 2001-2002 program years in the amount of \$5,000 per year for a total of \$15,000.00.

Roll Call Vote:

Motion passes unanimously.

### **REVIEW AND DISCUSS THE POLICY REQUIREMENTS FOR PAVING STREETS**

Craig stated that the Village has a long standing policy that requires streets to be paved with curbs and gutters. A group of residents who live on an unpaved road would like to circulate a petition in the neighborhood to pave their road. The street is in an R-A zoning district where the surrounding streets do not have curbs and gutters. There is concern that the added cost of curbs and gutters to the asphalt paving will render the project too costly and the residents will not support it.

Craig is suggesting that Council consider changing the policy Village-wide to allow an unpaved road to be paved to the standard of the surrounding community. It is his opinion that a paved road with ditches is better than a dirt road with ditches. He thinks that an improvement should not be discouraged if those residents chose to pay for the paving through special assessment. If there is a requirement for curbs and gutters, the support will not be there to submit a petition to the Village.

At Buterbaugh's inquiry, it was noted that Stafford from 13 Mile to Lahser Road is the area where residents are considering a petition to pave the street. Craig is asking Council to review the general policy.

Spallasso stated that the Village has created a precedent in terms of stating minimum requirements. Developers who approach the Village are required to build a road with concrete curbs and gutters and address drainage issues. Whatever decision is made will affect other property owners. There are 2.9 miles of gravel roads in the Village. The pavement will not last if a policy allows a layer of asphalt on an existing gravel road and does not address drainage.

Craig stated that a paving project will have to be engineered so that the road drains properly. He questioned the cost of maintaining paved roads versus gravel roads. Craig suggested that a policy could require curbs and gutters for new development and differentiate for roads that are being upgraded.

Council discussed the question of changing the policy of requiring paving with curbs and gutters with emphasis on drainage and environmental issues, future water quality regulations, quality of asphalt, and differing aesthetic viewpoints about streets with ditches versus curbs and gutters.

MOTION by Stearn, supported Lison, for a five minute recess.

Ayes - Buterbaugh, Craig, Downey, Kennedy, Lison and Stearn

Nays - Walsh

Motion passes (6 -1).

A recess was called at 10:33 p.m. The meeting was reconvened at 10:40 p.m.

Spallasso suggests conducting a comparative cost analysis of paving with curbs and gutters and paving with ditches.

Craig commented that the people on Stafford want to know the cost of paving the street and whether curbs and gutters are required before a petition is circulated in the neighborhood. He would prefer that Council decide whether it is going to change the policy before spending money on a cost analysis. If the policy is changed, a cost estimate can be prepared and a petition circulated by area residents to determine if there is support from two-thirds of the abutting property owners to pave the road.

MOTION by Buterbaugh, supported by Downey, that the policy for paving streets with curbs and gutters be referred to the Infrastructure Committee for review and recommendation with the caveat that they do it with some sensitivity towards impending federal legislation.

Motion passes unanimously.

**REFER THE QUESTION OF CHANGES TO WATER RATES TO FINANCE COMMITTEE**

Stearn withdrew this agenda item due to the late hour.

**CONSIDER PURCHASE OF REPLACEMENT ADMINISTRATIVE VEHICLE UNDER THE OAKLAND COUNTY COOPERATIVE PURCHASING PROGRAM**

The 1999/2000 Capital Purchase budget includes funds to purchase a new administrative vehicle for the Building Department. A 1999 Pontiac Transport mini-van was selected through the Oakland County Cooperative Purchase program. The 1996 Pontiac Transport van with 72,000 miles would be used by the administrative aide for deliveries, and the 1991 Chevrolet Lumina van with 106,000 miles would be sold. Delivery of the new vehicle would be scheduled after July 1, 1999.

Stearn suggested that the Village investigate leasing administrative vehicles versus buying. Craig added that leasing vehicles may be something the Finance Committee should consider in terms of the five year financial plan.

RESOLVED by Stearn, supported by Lison, that Council authorize the expenditure of \$20,575 to purchase a new vehicle for the Building Department from Red Holman Pontiac in Westland, Michigan.

Roll Call Vote:

Lison - yes  
Stearn - no  
Walsh - yes  
Buterbaugh - no  
Craig - yes

Downey - yes  
Kennedy - yes

Resolution passes (5 - 2).

**FIRST ANNOUNCEMENT OF VACANCY ON THE PLANNING BOARD**

Kennedy accepted the resignation of Gerald Miley from the Planning Board with much regret. His professional experience and knowledge has been a tremendous benefit to this Board for 18 years. Kennedy made the first announcement of an opening on the Village Planning Board.

**FIRST ANNOUNCEMENT OF VACANCY ON THE PARKS AND RECREATION BOARD**

Stearn expressed regret that Ann Woodman has indicated that she will not be seeking reappointment to the Parks and Recreation Board. Woodman has made valuable contributions to the Board during her tenure. Stearn made the first announcement of a vacancy on the Parks and Recreation Board.

**CONSIDER APPROVAL OF COOPERATIVE AGREEMENT TO PARTICIPATE WITH OAKLAND COUNTY IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR YEARS 2000, 2001, AND 2002**

Every three program years, the US Department of Housing and Urban Development (HUD) requires Oakland County to renew its Cooperative Agreement with all participating communities. This program allocates funds to participating communities to assist low and moderate income people with home improvements and repairs and other worthwhile projects. In Beverly Hills, most of the money is spent by the Birmingham Area Seniors Coordinating Council on behalf of the Village residents through its Home Chore Program, Home Repair Program, and other BASCC programs.

RESOLVED by Downey, supported by Walsh, that the Village of Beverly Hills continue to participate in the Oakland County Community Development Block Grant Program for program years 2000, 2001, 2002 and approve the Cooperative Agreement.

Roll Call Vote:  
Resolution passes unanimously.

**APPROVAL OF BILLS**

MOTION by Stearn, supported by Kennedy, that the bills recapped as of Monday, May 17, 1999 in the following amounts:

|              |                            |
|--------------|----------------------------|
| \$338,632.92 | General Fund               |
| 7,443.74     | Major Road Fund            |
| 9,587.70     | Local Road Fund            |
| 1,173.21     | Dedicated Millage          |
| 30,924.43    | Water/Sewer Operation Fund |
| 10,494.97    | Trust & Agency Fund        |

Motion passes unanimously.

### **LIAISON REPORTS**

Stearn announced that the first concert in Beverly Park will be held this Sunday, May 23 at 4:00 p.m. featuring the Groves High School Chorus and Jazz Ensemble.

The Annual Memorial Day Parade and Carnival will take place on Monday, May 31. The Fun Run will begin at 9:30 a.m. at Beverly School. The parade starts at Groves High School at 11:30 and ends at Beverly Park where the carnival will take place. The closing ceremonies are at 3:00 p.m.

Stearn reported that the Finance Committee met this month to discuss a five year capital improvement program. He will keep Council updated on the status of this financial plan.

Kennedy stated that, at its Wednesday, May 12 meeting, the Planning Board recommended approval of the site plan and special use for school and parish center additions at Our Lady Queen of Martyrs Church. The Planning Board held a public hearing on the Land Division Ordinance. Board members questioned the necessity for holding a public hearing on a land division ordinance.

Amendments to the Private Road regulations will be coming before Council for review and approval. There was a question to Ryan on whether there is a requirement for a public hearing on an ordinance which is an amendment to Section 23 to the Municipal Code. Ryan stated that it is a police powers ordinance and does not require a public hearing.

The site plan review requested by Beverly Hills Racquet Club will be an agenda item for the May 26 Planning Board meeting.

Kennedy mentioned that Boy Scout Troop 1029 which is chartered by OLQM parish was in attendance at the Planning Board meeting.

Kennedy attended a Birmingham Youth Assistance dinner two weeks ago at which time 26 high school students were honored for their participation in community service.

Stearn attended the May 10 Zoning Board of Appeals meeting as alternate liaison to Downey. Stearn commented on a case involving a request for interpretation of the language in the Materials paragraph of the Fence Ordinance addressing protruding spikes and nails and how it applied to a proposed aluminum picket fence with spears. The Zoning Board of Appeals did allow the fence to be erected.

Walsh stated that the Infrastructure Committee meeting called for next Monday will be rescheduled due to conflicts.

Buterbaugh stated that the Cablecasting Board will meet this month on Wednesday, May 19 at 7:00 p.m. in the Beverly Hills municipal building.

### **MANAGER'S REPORT**

Hanlin expressed condolences on behalf of administration and the Village to Bob Wiszowaty on the loss of his mother over the weekend.

Hanlin commented that the Village Treasurer has attended the Treasurer's Institute for training which is an excellent opportunity for her and for the Village.

### **COUNCIL COMMENTS**

Stearn commented that the Parks and Recreation Board is organizing a community clean up of the Douglas Evans nature preserve on Saturday, June 5 from 10-12 noon. The Board is looking for guidance from Attorney Ryan on what can take place with respect to deed restrictions. A memo from Ryan will be discussed at this week's Parks and Recreation Board meeting.

Downey brought up the issue of storm water and how it is handled by the Village. There is an opportunity for the Village to write a storm water retention ordinance. He recommends that a future Council agenda item be to discuss whether to refer this to the Planning Board.

Downey commented that he voted against tabling the discussion of a policy for appointing people to boards on the basis that this issue should be resolved at the Council table.

Downey stated that he supports the standard practice of requiring an employee who has received reimbursement for college tuition to remain in the employment of the Village for the equivalent length of their degree.

Buterbaugh commented that Gerald Miley and Ann Woodman were members of their respective boards for a long time and served the Village well.

Craig stated that Council members received a letter from Karen Wells who is moving out of the Village. She writes that Beverly Hills was a nice place in which to live, and she appreciates all the services she received in the community. Ms. Wells chose to live in a style or price range of home that is not available in the Village.

Craig has observed that the Village is receiving more and more complaints on rubbish removal service. Hanlin stated that bids will be opened for this service on May 26.

MOTION by Lison, supported by Downey, that the meeting be adjourned at 11:16 p.m.  
Motion passes unanimously.

**Andy Craig**  
**Council President**

**Ellen E. Marshall**  
**Village Clerk**