

REGULAR COUNCIL MEETING MINUTES - TUESDAY, JULY 6, 1999 - PAGE 1

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

Absent: Buterbaugh and Kennedy

Also Present: Village Manager, Hanlin
Public Services Director, Spallasso
Village Clerk, Marshall
Assistant to the Manager, Pasioka
Village Attorney, Ryan

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

On page 4, add "dated 6/2/99" after "Site Plan" in heading. Also add "dated 6/2/99" after "site plan" in the Resolution.

MOTION by Stearn, supported by Walsh, that the minutes of a regular Council meeting held on Monday, June 21, 1999 be approved as amended.

Motion passes unanimously.

UPDATE ON FRIENDS OF BEVERLY PARK FUNDRAISING DINNER

Patricia Greening, member of the Parks and Recreation Board, updated Council on "Friends of Beverly Park" fundraising activities. Over \$9,500 has been received in response to the brochure that was mailed to all Village residents providing them with general information about the Friends of Beverly Park program. The Village Woman's Club is doing well with its sale of paving bricks to raise money for the new park entranceway.

A fund raising dinner will be held at the Birmingham Country Club on September 22. Invitations will be sent out in mid August with a reply card. There will be cocktails, hors d'oeuvres and dinner, and a silent auction beginning at 6:00 p.m. Greening hopes that those who are interested will respond as soon as possible as the seating will be limited to 250 people.

Because of the positive response from the community to the Friends of Beverly Park folder, Greening asks that Council think positively about authorizing the Parks and Recreation Board to go out for bids on the new park entranceway.

DISCUSSION OF CROSSING GUARD AT BEVERLY AND NORCHESTER

Council was asked at its last meeting to consider the possibility of providing a crossing guard at Beverly Road and Norchester. A letter dated June 21, 1999 from Larry Smith of 31878 Nixon requests a crossing guard at that location on behalf of the residents of Beverly Woods subdivision. Mr. Smith is present tonight.

Spallasso was asked to comment on the issues involved with a crossing guard at that location. He believes that the need for a crossing guard at Norchester could be eliminated by completing the sidewalk on the south side of Beverly Road to extend to Beverly School. The sidewalk starts at the edge of the park property and continues to the east. Extending the sidewalk from Allerton to Beverly School would allow the children from Beverly Woods subdivision to walk all the way to school. There is an existing crossing guard for the school on the north side of Beverly Road.

Spallasso answered questions from Council. Completing that section of sidewalk to extend to Beverly School would involve approximately 130-140 feet of sidewalk. There are only two property owners between Allerton Drive and the School. The Village will probably have to obtain a sidewalk easement from those two residences. If directed by Council, Spallasso will approach the two property owners about granting an easement to the Village.

Larry Smith of 31878 Nixon, speaking for the Beverly Woods subdivision association, supported the Village looking into completing the sidewalk on the south side of Beverly Road extending from Beverly Woods Subdivision to Beverly School. He thinks a crossing guard at Norchester may be necessary in the interim when School starts in September. Smith stated that Robert Cope, Principal of Beverly School, supports the request of area residents for a crossing guard at Beverly and Norchester and suggested that the residents approach the Village Council with their proposal.

Council asked about the timing for constructing a sidewalk assuming the property owners dedicate the necessary easement to the Village and funding is determined. Spallasso sees no problem with accomplishing this project before school starts if the two property owners grant the Village an easement. If the property owners do not provide the Village with a sidewalk easement, the Village Attorney would become involved.

The approximate cost of the sidewalk was questioned. Spallasso stated that 150 feet of sidewalk including the crosswalk would cost approximately \$2,500-\$2,800. Past practice has been that the abutting property owners have been assessed 50% of the cost of the sidewalk construction on major roads with the Village paying the other half. In answer to an inquiry, Spallasso stated that the cost of this section of sidewalk would be less than paying a crossing guard for one year.

Council concurred that there may be alternatives to asking the abutting property owners to pay for half of the cost of sidewalk construction. It was suggested that the benefiting homeowner association may be willing to contribute towards this sidewalk construction. Requesting a contribution from Beverly School should also be explored.

Spallasso recalled that the subdivision association in North Nottingham contributed 50% of the cost to install sidewalk along 14 Mile Road between Robinhood and Long Bow Court.

Ryan stated that it is in everyone's interest to continue the sidewalk to Beverly School. An easement document would be drafted and, hopefully, the two residents would grant an easement to the Village for one dollar or a nominal consideration as has been done in the past.

Craig stated that Council has a sidewalk program that is based on filling in the gaps and connecting the schools. It makes sense to complete a sidewalk to an elementary school. He thinks it would be preferable to extend the sidewalk and keep children from crossing Beverly Road twice.

It was the sense of Council to authorize Spallasso to contact the two affected property owners regarding a sidewalk easement.

Smith asked if there is anything he should take back to his subdivision. Lison suggested that he should advise the residents of Council's intentions. If the process proceeds without problems, there could be a sidewalk by the time school starts.

Ryan thinks that the Village has a good policy of splitting the cost 50/50 with affected property owners for sidewalk construction on major road right-of-ways. Even though the abutting property owners will not be asked to pay the assessment, the Village should encourage Mr. Smith to talk to his association about contributing half the cost for sidewalk construction which will directly benefit their subdivision. The Village would provide the other half pursuant to its policy. The School should also be asked to contribute.

REFER REQUEST TO PLANNING BOARD FOR SITE PLAN REVIEW AND APPROVAL FROM BED, BATH & BEYOND AT 31535 SOUTHFIELD ROAD

The Village has received an application for site plan approval of a plan to renovate the former Halo Creative Concepts building located at 31535 Southfield Road to accommodate a Bed, Bath and Beyond retail business.

MOTION by Walsh, supported by Downey, to refer the site plan for remodeling of the building at 31535 Southfield Road for a Bed, Bath & Beyond store to the Planning Board for review and recommendation.

Motion passes unanimously.

The Village Manager has prepared a tentative meeting schedule for the Bed, Bath and Beyond business that shows how the project will progress.

FIRST ANNOUNCEMENT OF VACANCY ON CABLECASTING BOARD

Lison made the first announcement of a vacancy on the Cablecasting Board. Interested residents should make application at the Village office before Friday, July 23.

FINAL PAYMENT OF GREENFIELD ROAD RELIEF

The Greenfield Road relief sewer was completed in November of 1997. The Road Commission for Oakland County has released the right-of-way bond which allows the Village to issue final payment of \$1,000 to the contractor.

RESOLVED by Walsh, supported by Downey, to approve final payment of \$1,000 to Man Con, Inc. for Greenfield Road Relief Sewer, Contract #CS-97-3.

Roll Call Vote:

Resolution passes unanimously.

RESOLUTION AUTHORIZING TRANSFER OF FUNDS - DRAIN COMMISSIONER

The Village is in receipt of a resolution which will be considered and adopted by all 14 community members of the Twelve Towns District. The County Drain Commissioner's office has been setting aside money for a few years in a fund called "Undesignated Retained Earnings" in anticipation of the need to cover up-front expenses of the George W. Kuhn drainage district project. The amount to be transferred is \$2.5 million which will be used to pay for preliminary expenses incurred by this drain prior to the issuance of bonds to defray the cost of the project.

RESOLVED by Walsh, supported by Stearn, to adopt the following resolution:

RESOLUTION

WHEREAS, in anticipation of the need to enlarge and improve the existing Southeastern Oakland County Sewage Disposal System Retention Treatment Facility, funds have been raised by the Oakland County Drain Commissioner, County Agency, for the purpose of paying part of the costs of a project to accomplish the necessary enlargements and improvements of the Southeastern System (the "Project"); and

WHEREAS, the fourteen Southeastern System municipalities (the "Municipalities") have determined to acquire, construct and finance the Project pursuant to the provisions of Chapter 20 of the Drain Code of 1956, as amended (the "Drain Code"), and have participated in the establishment of the George W. Kuhn Drain and the George W. Kuhn Drainage District pursuant to the Drain Code; and

WHEREAS, it is in the interests of the Municipalities to have funds transferred from the Southeastern System to the George W. Kuhn Drainage District to provide a cost effective source of funds to permit the payment of preliminary expenses to be incurred by the George W. Kuhn Drainage District prior to the issuance of bonds by the Drainage District to defray the cost of the Project.

NOW, THEREFORE BE IT RESOLVED, that the Oakland County Drain Commissioner as County Agency for the Southeastern Oakland County Sewage Disposal System is hereby authorized and requested to transfer an amount not to exceed \$2,500,000 from the Southeastern Oakland County Sewage Disposal System to the George W. Kuhn Drainage District to be used to pay preliminary expenses to be incurred by the Drainage District prior to the issuance of bonds to defray the cost of the Project.

Roll Call Vote:

Resolution passes unanimously.

DISCUSS AND REFER TO FINANCE COMMITTEE THE LONG AND SHORT TERM INVESTMENT POLICY FOR THE VILLAGE

Stearn related that the Finance Committee has a number of open items that it would like to bring to Council's attention for consideration. The Committee requests authorization from Council to reevaluate the Village's long and short term investment posture and recommend improvements if needed. The Village has an investment policy in place which was amended in December of 1998 to comply with State law.

Stearn thinks it would be appropriate for the Finance Committee to review the investment policy. The question will be whether there is any room for improvement in the investment procedures within the bounds of State law. The Committee has expressed an interest in examining the Village's investments and the intervals at which the Village turns over bonds and other equities. The Village's auditing firm, Plante & Moran, could be asked to work with the Finance Committee to analyze the investment policy and its application.

Hanlin stated that clarification is required on whether Plante & Moran will participate in this review as part of its auditing function or whether the Village would have to pay for consulting services. The Village Manager is allowed to spend up to \$1,000 without Council authorization.

Stearn commented that the Finance Committee anticipates performing this review in August or September. The Committee could work with Plante & Moran to arrive at a team approach to the Village's investment policy after the audit report is complete.

Downey remarked that the current investment policy is a fairly generic document. The manner in which the policy is executed is important. He thinks it appropriate for Council to authorize the Finance Committee to recommend changes in this policy or its execution.

Craig affirmed that the Village is restricted in its investments under State law. There is flexibility in how the investments are made. Municipalities can hire a company to manage its investments. He is not in favor of spending too much money for Plante & Moran to analyze investments that have been designed as an investment company product. Craig would support Plante & Moran providing the Village with information on the best investment practices followed by other municipalities.

Craig proposes referring the Village's long and short term investment policy to the Finance Committee for review. The Finance Committee can decide what assistance it wants from Plante & Moran, and Hanlin can obtain a cost. The expenditure will come before Council for consideration if the fee is greater than \$1,000.

MOTION by Stearn, supported by Walsh, to refer the Village of Beverly Hills Investment Policy to the Finance Committee for review and recommendation and request that the Committee inform Council of any information it seeks from Plante & Moran.

Motion passes unanimously.

RESOLUTION REGARDING RESIDENCY REQUIREMENTS FOR MUNICIPAL EMPLOYEES

Before Council for consideration is a resolution regarding State Senate Bill 198 which would prohibit a public employer such as the Village of Beverly Hills from establishing a residency requirement for its employees.

RESOLVED by Lison, supported by Walsh, to adopt the following resolution:

VILLAGE OF BEVERLY HILLS
RESOLUTION OPPOSING SENATE BILL 198

WHEREAS, the Michigan State Senate has passed Senate Bill 198, which would prohibit a public employer from establishing a residency requirement for its employees; and

WHEREAS, the Village of Beverly Hills Charter, approved by the electorate in 1958, requires that the Village Manager reside within the Village, which requirement would be preempted by Senate Bill 198; and

WHEREAS, the Michigan Constitution has established strong home rule powers for Michigan cities, villages, and townships in recognition of the concept that decisions regarding local affairs should best be left to a municipality's citizens and governing body; and

WHEREAS, if enacted into law, Senate Bill 198 would directly impact home rule authority and would diminish a municipality's important right to decide at a local level what policies it wishes to implement in its governmental operations.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Beverly Hills strongly opposes Senate Bill 198 and its attempt to invalidate provisions of the Beverly Hills Village Charter and Village Ordinance Code.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to State Senator, Gary Peters; State Representative Patricia Ann Godchaux; the Michigan Municipal League; and all Oakland County cities.

Ryan clarified that Senate Bill 198 refers to people employed by the Village and not board and committee volunteers.

Craig stated that this resolution places the Village on record as saying that this should be a local issue, not a state level issue.

Roll Call Vote:
Resolution passes unanimously.

APPROVAL OF BILLS RECAPPED AS OF WEDNESDAY, JUNE 30, 1999

MOTION by Stearn, supported by Lison, that the amounts from the following accounts be approved for payment:

\$201,440.82	General Fund
4,345.38	Major Road Fund
9,894.18	Local Road Fund
805.56	Capital Projects Fund
794.53	Dedicated Millage
8,899.84	Water/Sewer Operation Fund
301.60	Trust & Agency Fund

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

Motion passes unanimously.

LIAISON'S REPORTS

Stearn stated that the concert in Beverly Park on Sunday, June 27 was great. He thanked everyone involved in organizing the concert. He mentioned that Public Safety Director Karl Woodard is a member of the Birmingham Concert Band.

Lison commented that Director Woodard has moved into the Village and we are pleased to have him here.

Walsh reported that the Infrastructure Committee met on June 28 and discussed the sewer rehabilitation plan and a policy on improving gravel roads. Downey prepared useful charts to assist in project monitoring.

The Infrastructure Committee has requested additional information from Spallasso and will further discuss a recommendation on a policy for improving gravel roads at its next meeting scheduled for August 30.

MANAGER'S REPORT

Hanlin deferred her report to Spallasso to present an update on the 13 Mile Road bridge closing. Work began yesterday on replacement of the bridge, and 13 Mile Road will be closed to through traffic.

Spallasso stated that an attempt was made last Friday to notify as many organizations within the media as possible through a news release. The road closing went well overall. The bridge has been dismantled. Although detour signs have been posted, it is expected that there will be some traffic cutting through subdivisions trying to find alternate routes. Spallasso stated that the contractor is allowed by ordinance to work from 7 a.m. to 8 p.m. If everything goes according to schedule, it is planned to open 13 Mile Road before the end of August. Spallasso described what the new two-lane bridge will look like.

Spallasso took speed and volume counts on Vernon and Woodhaven to monitor the affect of the road closure and detour traffic. He will take counts again in a couple of weeks. The average speed on Woodhavan was 24 MPH and 24.16 MPH on Vernon. There is not a problem with speeding at this time.

Craig made a suggestion on how the detour signs could be clarified to make the route less confusing. Spallasso will do whatever is needed to make the detour signs more understandable.

Lison commented that the Village approved a new agreement with Great Lakes Waste Service for refuse collection at the last Council meeting. He asked Hanlin to comment on the status of the task force to discuss problems.

Hanlin stated that there will be a meeting on July 14 at which time appropriate staff members and hopefully a Council member will sit down with representatives from Great Lakes to devise a plan everyone can live with for the next three years to insure that there is consistent, high-quality service. Meetings will take place quarterly.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar referred to the earlier discussion about installing a sidewalk on Beverly Road from Allerton to Beverly School. She suggested that consideration be given to developing a policy relative to apportionment of cost for sidewalk installation.

Township Clerk Tischler brought it to Council's attention that a presidential primary will be held on the fourth Tuesday of February in the year 2000 which is two weeks before the annual Village Election. There may be problems with having two elections in such a short time frame with respect to placing a strain on the election equipment as well as the election workers. The cost of funding two elections within two weeks is also a consideration.

Tischler has inquired about allowing the Village election to be combined with the presidential primary. It is not allowed under current legislation. If there is interest on the part of Council, Tischler can contact the State Senator and Representative for this area and initiate their support for legislation to allow the Village to consolidate its annual election into the presidential primary.

Tischler stated that South Berkshire residents may be interested in providing input to the Infrastructure Committee on the gravel road policy it will be recommending to Council. She was advised that the Infrastructure Committee will discuss this at its August 30 meeting which is posted and open to the public. Tischler would like to see a copy of the policy when it is available.

Dorothy Pfeifer of 160 Charrington Court complimented Council on a well run meeting tonight. She believes that the Village has a policy that Council has been following with regard to the apportionment of sidewalk cost. Sidewalk construction has always been shared 50-50 between the abutting property owners and the Village. There are many sidewalks that were installed in the community on a contribution basis. Pfeifer thinks that Council should continue with that policy.

Pfeifer believes that the State has set the dates for the election in villages. Ryan stated that Village elections are held on the second Mondays in March by State law.

Pfeifer reminded Council that a presidential primary will only take place once every four years. She questioned the need to go through changes to reschedule the annual Village election.

Bill Pfeifer of 160 Charrington Court commented on the timetable for the review of the site plan for a Bed, Bath & Beyond on Southfield Road. The Zoning Board will review sign and parking variances on July 19.

COUNCIL COMMENTS

Stearn commented that a resident mentioned to him that the landscaping at Vic's does not look as nice as it once did.

The Village maintains the grass and provides the sprinkler system to the businesses on Southfield Road and assesses them for the cost. Pasioka stated that the Woman's Club did plant flowers at Vic's up until a few years ago. Vic's has chosen to take care of its property and maintain its landscaping on their own.

Ryan stated that the building official can look at the landscaping and determine if it is properly maintained. The site plan includes a maintenance provision which must be followed. This is a property maintenance issue.

Downey recommended that administration provide Council with more two-sided copies of material it distributes in order to cut down on the amount of paper generated.

Downey recognized the work Stan Pasioka put into organizing the Rouge River clean up at Douglas Evans on June 5. He thanked the 22 people who participated in picking up debris from the area. This will be done again next year.

Stearn remarked that he thanked Andrea Brink for organizing the River Rouge Clean up at Douglas Evans at the June 21, 1999 Council meeting.

Downey thinks it is an important responsibility of Council members to act as liaisons to various boards and committees. He asked that Council members representing any board limit all of their comments to representation of the boards and not try to promote any personal or political views.

Downey referred to earlier comment about traffic speeds measured on Vernon and Woodhaven. If the average speed is 24 MPH, approximately 46% of the people are exceeding the speed limit. The 85 percentile was 31 MPH. Downey maintains that people do not feel safe standing on the side of the road when a car drives by at 30 MPH on a street without curbs and gutters.

Downey stated that Council addressed the refuse collection contract at the last meeting under pressure because the current contract was due to expire. He is concerned that Council may not have

acted with due diligence when it had another seven or eight days to negotiate with the current contractor.

Walsh commented that there were problems with the two other companies that submitted bids for refuse collection. Waste Management has a worse record than Great Lakes and the smaller company has its problems. There seems to be an industry problem with entry level jobs. Walsh thinks that Council looked at its options with respect to a trash removal contract, and it did the right thing. He maintains that a \$121,000 difference in cost on a \$300,000 contract is a lot of money.

Craig does not know if he would have done anything different on the refuse collection bid in hindsight. The deadline for informing Great Lakes that Beverly Hills wanted to go on a month to month extension was at a point where the Village was not receiving complaints from residents. There were a multitude of complaints received closer to the deadline for the contract. The Village went out for bids because it has not done so for several years.

Craig supports the idea of combining the Village election with the presidential primary if it is a simple matter of writing a letter to our state senator and asking them to put legislation through the House. It would avoid the expense of having two elections within two weeks. Craig asked administration to explore how to proceed on this for discussion at the next Council meeting.

MOTION by Lison, supported by Walsh, that the meeting be adjourned at 9:20 p.m.

Motion passes unanimously.

Andrew Craig
Council President

Ellen E. Marshall
Village Clerk