

REGULAR COUNCIL MEETING MINUTES - MONDAY, JULY 19, 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 Clerk, Marshall  
Village Attorney, Ryan  
Director of Public Safety, Woodard

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**

MOTION by Lison, supported by Walsh, that the minutes of a regular Council meeting held on Tuesday, July 6, 1999 be approved as submitted.

Motion passes unanimously.

MOTION by Stearn, supported by Lison, to amend the agenda to add item 8A, "Approve Payment to the City of Birmingham to support fireworks display".

Motion passes unanimously.

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

Norman Downey of 23042 Nottingham Drive quoted from a June 13, 1999 Eccentric newspaper article reporting that Birmingham will receive \$450,000 in federal grant money to help alleviate flooded basements. He commented that Beverly Hills has flooded basements and is not receiving grant money because Council did not submit a request as Birmingham did.

Downey read from November 16, 1998 Council meeting minutes that the Village has pursued hazard mitigation funds twice and has been turned down. A member of Council stated that Beverly Hills would apply again if Birmingham succeeds in obtaining these funds. Downey stated that Birmingham has received these grant funds, and the residents expect Beverly Hills to reapply for the grant. He understands from Village administration that the grant funds are now exhausted, and that this Council does not recommend installing check valves in homes. Downey urged Council to resubmit the application and do the necessary lobbying with state and federal elected officials. He maintains that the grant allows but does not require grant usage exclusively for check valves. Downey asked for a status report on this issue at the next Council meeting.

Sharon Tischler of 21415 Virmar Court thanked the Public Safety Department for extra patrols that have occurred in the South Berkshire area since the detour has been posted for construction of the 13 Mile Road bridge. She requested more coverage during the weekends to discourage speeding.

Tischler observed that the bridge work is progressing well. Hopefully, the original schedule will be maintained and 13 Mile Road will reopen at the end of August. The South Berkshire area appreciates the service its residents have been receiving from the Public Safety Department.

**SECOND ANNOUNCEMENT OF VACANCY ON THE CABLECASTING BOARD**

Buterbaugh made the second announcement of a vacancy on the Cablecasting Board. The deadline for receiving applications is 5:00 p.m. on Friday, July 23 at the Village office. A subcommittee of Buterbaugh as chair, Lison, and Stearn was appointed to review applications and make a recommendation to Council on an appointment to this position. The subcommittee will meet in the Council chambers on Monday, August 2 at 7:15 p.m.

**CONSIDER PURCHASE OF COMPUTER FOR RECORDING SECRETARY**

Stearn stated that long-standing employee Susan Bernard is requesting the purchase of a computer for use in transcribing meeting minutes at home. There is \$1,700 allocated in the 1999/2000 budget for this purchase.

RESOLVED by Stearn, supported by Kennedy, to purchase a computer for use by Susan Bernard as the recording secretary of the Village of Beverly Hills from PC Supply Company in Rochester Hills in the amount of \$1,600. Also approved is the cost of Internet connectivity through the TCI cable company at \$39.95 per month or the cost of a separate phone line at \$20.93 per month plus a one-time connection fee of \$42.00 and a charge for phone jack installation of \$99.99.

Roll Call Vote:

Resolution passes unanimously.

**RESOLUTION APPROVING BIRMINGHAM COMMUNITY COALITION FUNDING REQUEST**

Kennedy stated that the Beverly Hills Council is familiar with the fine work achieved by the Birmingham Community Coalition. Its mission is to assist all sectors of the community in providing information and alternative events for youth. Kennedy introduced Geri Rinschler from Birmingham Public Schools.

Geri Rinschler serves on the Board of Directors of the Birmingham Community Coalition and is also a member of the Birmingham Board of Education. She thanked Council for sharing Elaine Kennedy with the group, stating that she has been a wonderful asset and liaison to the Council. As a trustee of the School District, Rinschler also thanked the Village for the services of Officer Cindi Szlag, liaison at Groves High School.

Rinschler stated that the Birmingham Community Coalition is a non-profit organization established in 1995 to mobilize the whole community to prevent the abuse of alcohol, tobacco and other drugs. Their role is to serve as the catalyst to initiate, encourage, and support prevention efforts among all the sectors. Rinschler was pleased to see representation of all sectors of the community at their first

Summit, where a gathering of key leaders of the communities convened to learn the extent of substance abuse locally and how to build a community-based coalition to address the issues within their sphere of influence. They set down a few simple goals and went out to achieve them. Fourteen community sectors implemented prevention projects following the first Summit. Summit II is planned for October 8, 1999.

The Birmingham Community Coalition is requesting continued financial assistance from the Village of Beverly Hills. Their proposal to the Village includes information on activities the Village's donation will support and the organization's 1999-2000 projected operating budget. Rinschler remarked that Beverly Hills is the second largest community in their service area and it would be difficult to move forward without the Village's support.

Rinschler introduced Pat Anderson, Director of the Coalition and Beverly Hills resident. The organization would not be making the progress it is without her dedication.

RESOLVED by Kennedy, supported by Lison, that the Village of Beverly Hills approve funding in the amount of \$1,500 to support the Birmingham Community Coalition.

Roll Call Vote:

Resolution passes unanimously.

#### **APPROVE PURCHASE OF VIDEO ARRAIGNMENT EQUIPMENT FOR PUBLIC SAFETY DEPARTMENT**

Lison explained that video arraignment equipment would allow prisoners to appear before a magistrate or judge of the 46th District Court while remaining in the local department lockup. This system will reduce the safety and security issues currently encountered when prisoners are transported to and from the court facility in the City of Southfield. An in-station arraignment would also save significant time over the current transport method. Fewer personnel would be required, as most transports require two officers. The booking area appearance could utilize one primary person with other support persons available on duty in the station.

The 46th District Court along with the Southfield Police Department and Oakland County Sheriff's Annex are going forward with this program. Once underway, the court building in Southfield will not be open on the weekends, leaving the option of transporting the prisoner to Pontiac to appear before the on-duty magistrate there.

This proposal has gone through a competitive bid process overseen by the Oakland County Purchasing Division. The expenditure of \$12,000 is budgeted in the Public Safety Department's 1999/2000 Capital Budget.

RESOLVED by Lison, supported by Walsh.

Whereas, the 46th District Court in Southfield, in serving the traffic and arrest docket arraignment schedule for the Department of Public Safety, has elected to implement a program for video arraignments, and

Whereas, such a program would contribute to increased safety and security and a reduction in personnel expense for the Beverly Hills Public Safety Department by eliminating the need to transport prisoners out of the Beverly Hills Public Safety building to the Southfield court;

Now, therefore, be it resolved that the Village Council for Beverly Hills authorizes the Department of Public Safety to purchase the necessary video equipment to participate in this project, with funds in an amount of \$11,983.00 as provided for in Account #101-900-976 Capital Purchases: Office Equipment.

Questions from Council on the need and benefits of video arraignment were addressed by Director Woodard and Attorney Ryan.

Norm Robiner of 30600 Lahser commented that he does many video arraignments in Detroit. He maintains that this process saves time and money and provides greater security.

Roll Call Vote:  
Resolution passes unanimously.

#### **APPROVE PHASE II PURCHASE OF OFFICE FURNITURE**

Stearn stated that administration is requesting authorization of budgeted funds to complete the two-phased plan to improve the work environment in the Village office. Phase II will complete the development of the five work station layout with the addition of shelving, task light and additional desk file storage. It includes adjustable chairs to complement the work stations. The total cost for these items is \$6,144.75. The amount quoted for this furniture purchase was obtained from Steel Equipment, a recognized and accepted bidder on the Oakland County purchasing list.

RESOLVED by Stearn, supported by Kennedy, that Council authorize administration to complete Phase II of the plan to upgrade the work environment in the Village office by making the final purchases to complete the office work stations in an amount not to exceed \$6,144.75 from account #101-900-982, Capital Purchases: Building Site Improvement.

Roll Call Vote:  
Resolution passes unanimously.

#### **APPROVE PAYMENT TO THE CITY OF BIRMINGHAM TO SUPPORT FIREWORKS DISPLAY**

Craig stated that the Village contributed to the fireworks display at Lincoln Hills Golf Course last year, and a contribution was allocated in the budget for the current fiscal year. Authorization of this payment did not appear on the agenda due to an oversight. The disbursement was made and Council is being asked to approve the expenditure.

RESOLVED by Stearn, supported by Walsh, that the Village of Beverly Hills Council approve the amount of \$2,000 to the City of Birmingham for the fireworks display which was included in this year's budget.

Roll call Vote:  
Resolution passes unanimously.

**RESOLUTION PROCLAIMING TUESDAY, AUGUST 3, 1999 AS THE 16TH ANNUAL NATIONAL NIGHT OUT**

RESOLVED by Lison, supported by Buterbaugh, to adopt the following resolution.

**VILLAGE OF BEVERLY HILLS  
RESOLUTION**

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug and violence prevention program on August 3, 1999 called "National Night Out"; and

WHEREAS, the "16th Annual National Night Out" provides a unique opportunity for the Village of Beverly Hills to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, the Village of Beverly Hills plays a vital role in assisting the Beverly Hills Public Safety Department through joint crime, drug and violence prevention efforts in the Village and is supporting "National Night Out 1999" locally; and

WHEREAS, it is essential that all citizens of Beverly Hills be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in the Village; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the "National Night Out" program;

NOW, THEREFORE WE, THE VILLAGE OF BEVERLY HILLS COUNCIL, do hereby call upon all citizens of the Village to join together with the National Association of Town Watch in supporting "16th Annual National Night Out" on August 3, 1999 and turn on their outside lights from 7 to 10 p.m.

FURTHER, LET IT BE RESOLVED THAT, WE, THE VILLAGE OF BEVERLY HILLS COUNCIL, do hereby proclaim Tuesday, August 3, 1999 as "NATIONAL NIGHT OUT" in the Village of Beverly Hills.

Roll Call Vote:  
Resolution passes unanimously.

**APPOINT OFFICIAL REPRESENTATIVE AND ALTERNATE TO MICHIGAN MUNICIPAL LEAGUE ANNUAL BUSINESS MEETING**

The annual meeting of the Michigan Municipal League will be held in Grand Rapids on October 6-8, 1999. The business session is scheduled for Wednesday, October 6. The Village Council is requested to designate a Village official who will be in attendance at the Convention as its official representative to cast the vote of the municipality at the annual meeting.

RESOLVED by Kennedy, supported by Stearn, to appoint Hildreth Buterbaugh as official representative and Andrew Craig as official alternate of the Village of Beverly Hills at the annual meeting of the Michigan Municipal League on Wednesday, October 6, 1999 in Grand Rapids.

Roll Call Vote:

Resolution passes unanimously.

### **CONSIDER RESOLUTION APPOINTING DELEGATES TO THE MERS ANNUAL MEETING**

RESOLVED by Lison, supported by Stearn, that the Village of Beverly Hills send the following delegates to the MERS 1999 Annual Meeting at Dearborn, Michigan on September 29 to October 1: Officer Delegate - Robert Wiszowaty with an alternate of Renzo Spallasso; Employee Delegate - Barbara Fix with an alternate of Jerry Burden.

Roll Call Vote:

Resolution passes unanimously.

### **APPROVAL OF BILLS**

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

\$183,268.34	General Fund
8,126.35	Major Road Fund
4,417.81	Local Road Fund
116.00	Drug Law Enforcement Fund
1,879.68	Dedicated Millage
66,380.95	Water/Sewer Operation Fund
1,038.75	Water/Sewer Improvement Fund
10,235.63	Trust & Agency Fund

Questions from Sharon Tischler of 21415 Virmar Court were addressed by Woodard and Craig.

Motion passes unanimously.

### **LIAISON'S REPORTS**

Craig announced that Bob Benton has resigned as member and chairman of the Village Board of Trustees of the Beverly Hills Public Safety Retirement Fund after 38 years of volunteer service. He was the original and only chairperson and has missed one meeting in 38 years.

The next meeting of the Retirement Board is scheduled for August 17. The Village Charter states that the Council President shall appoint the chairperson of the Retirement Board with the concurrence of Council. Craig has elected not to sit on the Retirement Board due to a conflict of interest. He will ask Council member Paul Lison to bring before Council a replacement for Mr. Benton.

Residents interested in serving as a member and chairperson of this Board should contact the Village Manager. Applicants should submit a letter indicating their qualifications to serve on the Retirement Board.

Lison described the position for a standing member of the Village of Beverly Hills Public Safety Retirement Board. The Village manages and maintains an ongoing fund for the retirement of its public safety officers. There are five members on that Board - two from Council, two from the Public Safety Department, and one citizen chosen from among Beverly Hills residents. The one Village resident who sits on this body is always the chairperson of the Board. A financial background would be beneficial. Applicants must be registered voters of the Village of Beverly Hills. The Retirement Board has quarterly meetings at the minimum. Council welcomes anyone who is interested to make application at the Village office.

Kennedy commented that the Village owes its sincere appreciation to Mr. Benton for his service on the Retirement Board. It has been a major responsibility and he has been a good steward of the Village fund.

Stearn stated that the Finance Committee met on July 13. It was a productive meeting and a draft of the five-year capital improvement plan is ready to be distributed to Council members for preliminary review. Stearn commended the Finance Committee and Administration on this effort.

The Parks and Recreation Board met on July 15. Stearn reported that the Art in the Park event will not occur this year. It is anticipated that it will return next year. The third concert of the summer series featuring the Detroit Brass Society is scheduled for 4:00 in the afternoon of July 25 in Beverly Park. Stearn is looking for a volunteer from Council to act as the master of ceremonies for this concert.

The Friends of Beverly Park fund raising dinner is scheduled for September 22, 1999 at the Birmingham Country Club. The tickets for this event are \$150 each with proceeds going towards park improvements. Stearn reported that there has been over \$12,000 donated to the Village to date for improvements to the park and implementation of the park master plan.

Stearn thanked Eagle Scout Brian Husband who is currently repairing the benches in Beverly Park. The gate at the entrance to the Douglas Evans nature preserve has been moved and replaced. Informational pamphlets are available in a box attached to the Douglas Evans sign.

Stearn announced that Andrea Brink has decided not to continue as a member of the Parks and Recreation Board. Council will be looking for a replacement for her position soon. Interested residents should make application through the Village office. The Board will miss Andrea.

Kennedy stated that the Planning Board meeting of July 14 was attended by Bob Walsh in her absence. Vince Borowski was re-elected as chairperson of the Board and Bob Belaustegui as vice-chairperson.

Walsh stated that there was a lengthy discussion on the proposal of Bed, Beth & Beyond to move into the former Halo Creative Concepts in Marketing building located at 31535 Southfield Road. There are variances being requested from the Zoning Board of Appeals at a meeting tonight, without which the project will not proceed as planned. It is proposed that the Planning Board will discuss the site plan and make a recommendation to Council at its July 28 meeting.

Craig encouraged members to visit this site if the Bed Bath & Beyond proposal comes back before Council. A site visit will help clarify the issues involved in this application.

Buterbaugh stated that the Cablecasting Board will be meeting this Wednesday morning at 7:45 a.m. at the Baldwin Library. They will be discussing the status of the Franchise Agreement with the cable company. Buterbaugh commented on the number of complaints that have been received by subscribers concerning the lack of information and notice from MediaOne regarding the upgrade of the system and problems with customer service representatives. The meeting is broadcast on Channel 15.

Lison reported on a meeting he attended last week with members of the Village administration and staff and four members of Great Lakes Waste Services. The Village has a three-year contract with this company. The purpose of the meeting was to exchange ideas and resolve difficulties that have been experienced lately. The Village Manager and her team will arrive at a method for quantifying complaints. Residents are asked to read the rules for trash collection in the Village informational calendar.

### **MANAGER'S REPORT**

Hanlin asked residents to call the Village office with any questions about trash pick up. Hanlin reported that she met with Attorney Ryan, Planning Board member Bob Bliven and building official Dave Byrwa last week to discuss zoning ordinance text amendments that should be addressed as a matter of housekeeping. She requests Council authorization to prepare the appropriate zoning ordinance amendments to affect these modifications.

It was the sense of Council to authorize Ryan to prepare necessary ordinances for first and second readings in order to bring Village ordinances in sync with the zoning map.

Hanlin stated that the next phase of the sewer work will begin the week of July 26. This project involves sewer repair that will take place on Kirkshire west of Pierce, Birwood west of Pierce, and

Beechwood east of Birmingham. Notification letters will be sent to affected residences prior to construction taking place.

Walsh commented on the policy for posting rescheduled board and committee meeting dates. He suggests that meetings be rescheduled to a date after their published date and posted on the message board outside of the Village office.

Craig informed the viewing audience that it has been determined that the north bridge on Evergreen Road is deteriorating and weight limits have been placed on the bridge. Craig recently observed a moving truck and a Rochester school bus going over that bridge which he reported to Village administration and to the Public Safety Department. There will be increased enforcement of weight limits on the bridge. The Birmingham Schools will be notified that construction traffic should not be routed across the bridge or on Beverly Road.

### **PUBLIC COMMENTS**

Sharon Tischler of 21415 Virmar Court suggested that better cooperation would be received with clear direction on signage alerting trucks to the alternate route during the Evergreen Road bridge construction.

Dorothy Pfeifer of 160 Charrington Court commented favorably on the action Council took with respect to approving the arraignment equipment. She had a question about attorney presence at video arraignments which was answered by Ryan. Pfeifer commended the efficiency of the Village staff who helped with arranging a trash pick up at her new residence.

Norm Downey of 23042 Nottingham Drive asked Council if there is a time schedule for the five-year financial plan. Stearn responded that the five-year plan is almost ready for distribution to Council by the Finance Committee. A joint meeting between Council and the Finance Committee may be scheduled to discuss the financial forecast.

### **COUNCIL COMMENTS**

Stearn thanked Norm Downey, Sharon Tischler, Dorothy Pfeifer and everyone else who attends Council meetings. This forum is about people coming here to tell Council what they think, and Stearn wishes more people in the Village would come to the meetings.

Stearn congratulated newly elected chairs and vice-chairs of the Finance Committee and Parks and Recreation Board: Tom Koontz and Don MacDonald on the Finance Committee and Phil Schmitt and Pat Greening on the Parks and Recreation Board.

Kennedy commented that there was concern expressed by a resident recently on the condition of the grounds at Vic's Market. Kennedy has noticed the poor condition of their outdoor displays and hopes administration will convey her comments to the owner.

Kennedy commended developer Jim Merritt for doing an excellent job at Charrington Crossing on Greenfield Road north of 13 Mile Road.

Kennedy reviewed that the Council adopted a resolution at its last meeting opposing Senate Bill 190. This bill was infringing on home rule as far as residency requirements for officials. She referred to another bill, SB 477, that is another attempt to infringe on local municipalities and should be monitored.

Kennedy referred to Mr. Downey's comments about Birmingham receiving grant funds that could be used to pay for residents' check valves. This Council made a decision that any grant funds that it pursued would be for remediation of the sewer system problems. The Village approached many State and Oakland County elected officials asking for money to solve those problems. Council made a conscious decision at that time not to invest in check valves. Beverly Hills is spending taxpayer money on a plan to solve its infrastructure problems.

Lison concurs with Kennedy's comments on Council's decision not to pursue funding for check valves. He added that Council always welcomes feedback from the public.

Buterbaugh commented that he has noticed an improvement in trash pick up since the Village entered into a new contract. The trash hauler is making an effort and he hopes it continues. Buterbaugh stated that any Village resident can install check valves on their property with a permit.

Buterbaugh spoke favorably about the Bed Bath & Beyond store that would like to come into Beverly Hills. He hopes that Bed Bath, the Grill, Racquet Club and every business along that strip can find a way to co-exist. They are all good businesses for Beverly Hills.

MOTION by Kennedy, supported by Lison, that the meeting be adjourned at 9:28 p.m.

Motion passes unanimously.

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

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