

Present: President Craig; Members: Buterbaugh, Downey, Kennedy and Stearn

Absent: Lison and Walsh

Also Present: Village Manager, Hanlin
Assistant to the Manager, Pasioka
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 Stearn, supported by Buterbaugh, that the minutes of a regular Council meeting held on Monday, July 19, 1999 be approved as submitted.

Motion passes unanimously.

Buterbaugh recognized two Groves High School students in the audience who are observing the Council meeting as part of a government class.

CONSIDER COMMITTEE RECOMMENDATION FOR APPOINTMENT TO THE CABLECASTING BOARD

Buterbaugh reported that a committee of Stearn and himself met at 7:18 p.m. this evening to select a candidate to fill a vacancy on the Cablecasting Board. The committee recommends the appointment of Thomas Howard Eley of 31091 Stafford for this position.

MOTION by Buterbaugh, supported by Kennedy, to appoint Thomas Eley to the Cablecasting Board for a term to expire on June 30, 2002.

Motion passes unanimously.

RESOLUTION TO APPLY TO INFRASTRUCTURE REIMBURSEMENT FROM OAKLAND COUNTY

Kennedy stated that there is a plan by the Oakland County Board of Commissioners to fund an Oakland County Environmental Infrastructure Program for the next five years by transferring funds from the County's Delinquent Tax Revolving Fund to assist cities, villages and townships in addressing clean water and storm water needs. Council is being asked to adopt a resolution authorizing reimbursement of eligible environmental remediation or improvement expenses under the program. The Village is eligible to receive \$48,000 a year for five years. Director of Public Services Spallasso is confident that this money will be available to the Village, and he will fill out the appropriate forms.

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

**RESOLUTION
VILLAGE OF BEVERLY HILLS
INFRASTRUCTURE FUND EXPENSE REIMBURSEMENT REQUEST**

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established an Environmental Infrastructure Fund Program to assist Oakland County cities, villages and townships in addressing clean water and storm water needs; and

WHEREAS, Oakland County's Environmental Infrastructure Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with environmental remediations or improvements relating to ground and/or surface water, water supply, sewer and/or drainage systems and/or water pollution control efforts incurred as part of a city, village or township road project; and

WHEREAS, the Village of Beverly Hills, Oakland County, Michigan has incurred expenses in connection with environmental remediation or improvement project(s) believed to be eligible for reimbursement under Oakland County's Environmental Infrastructure Fund Program.

NOW, THEREFORE BE IT RESOLVED, that the Village of Beverly Hills Council authorizes and directs its DPS Director, as agent for the Village of Beverly Hills, in the manner and to the extent provided for under Oakland County Board of Commissioner Miscellaneous Resolution 99093, to request reimbursement of eligible environmental remediation or improvement project expenses under Oakland County's Environmental Infrastructure Fund Program.

Roll Call Vote:
Resolution passes unanimously.

REFER REQUEST FOR APPROVAL OF FRANCHISE TRANSFER FROM MEDIAONE TO AT&T TO THE CABLECASTING BOARD FOR RECOMMENDATION

The Village has received an application from MediaOne and AT&T for a change of control of the existing cable television franchise for Beverly Hills. The two companies entered into an agreement whereby MediaOne Group, Inc. will merge into a wholly owned subsidiary corporation of AT&T. The change of control of a cable television franchise is governed by federal law. The four communities in the Birmingham area consortium will have 120 days from the date the application is received to review the information and act on the application.

RESOLVED by Buterbaugh, supported by Stearn, that the application for change of control of the existing cable television franchise for Beverly Hills from MediaOne to AT&T dated July 16, 1999 and received July 19, 1999 be forwarded to the Birmingham Area Cablecasting Board for review and recommendation.

Comments and questions from Council and audience members regarding the affect of this change of control on franchise renewal and the rebuild of the system were addressed by Buterbaugh and Ryan.

Roll Call Vote:

Resolution passes unanimously.

AUTHORIZATION TO SEEK PRELIMINARY COST ESTIMATES FOR THE BEVERLY PARK ENTRANCE GATE AND PARKING LOT PAVING

Stearn asked Parks and Recreation Board member Patricia Greening to comment on the fund raising efforts of the Friends of Beverly Park. Greening related that approximately \$13,000 has been received towards park improvements as a result of the mailing sent to each residence in the Village. This figure represents about \$3 from each household. Greening feels that the community should do more than this for their park.

Plans for the fund raising dinner at Birmingham Country Club are progressing well. It is anticipated that the Friends of Beverly Park will raise about \$25,000-\$30,000 from the dinner and silent auction to be used for the new park entrance. The Village Woman's Club has raised over \$2,000 for this project through the sale of paving bricks. Greening suggests that sufficient money is available to proceed with preparing a cost estimate for the park entrance project.

At Stearn's inquiry, Pasieka stated that the Parks and Recreation budget shows that there is over \$26,000 in the park capital improvement fund. More than \$15,000 has been raised to date by the Friends of Beverly Park. There is a sufficient amount of money to be able to proceed with preliminary studies for the entrance gate project and the parking lot paving.

Stearn reviewed that a park master plan has been adopted which includes plans for a new pedestrian and vehicular entranceway into Beverly Park. A high priority as far as park master plan improvements is the paving and striping of the parking lot.

RESOLVED by Stearn, supported by Downey, that the Village of Beverly Hills Council authorize a preliminary cost estimate for the Beverly Park entrance gate project in an amount up to \$2,000 from money generated by the Friends of Beverly Park; further, to authorize a preliminary cost estimate to be prepared for paving the parking lot using General Fund money allocated for capital projects park improvements.

Stearn recalled that Council discussed the park master plan projects during the budget process at which time \$12,000 was allocated towards the park improvement fund for this fiscal year. The Friends of Beverly Park group has done an incredible job of raising private money for park projects, and Stearn thinks that it is time to start moving ahead on the park master plan.

Kennedy supports the resolution to proceed with initial studies required to go forward with these projects. She implores Village residents to contribute towards park improvements.

Downey commended the Parks and Recreation Board for a fabulous job of fund raising for park improvements. He thinks it is important to prepare cost estimates in order to have meaningful discussions about the proposed projects.

Roll Call Vote:
Resolution passes unanimously.

REQUEST AUTHORIZATION TO HIRE A PUBLIC SAFETY OFFICER

RESOLVED by Buterbaugh, supported by Downey, that the Village of Beverly Hills Council authorize the Public Safety Department to hire a Public Safety Officer.

Buterbaugh stated that there are one and perhaps two officers who will be leaving the department in the foreseeable future. As the August dates approach for the beginning of the police and fire recruit academies, it is important that Public Safety personnel strength be addressed. It is beneficial to coordinate hiring decisions with these training dates so that candidates receive as much required training as possible early in their tenure. It takes approximately six months to bring a new hire up to training standards so they can work alone. The resolution authorizes hiring one public safety officer in a conservative anticipation of one likely vacancy in order to meet this training window. The next police and fire academy dates are in February of 2000.

Questions from Council were addressed by Public Safety Director Woodard. There was discussion on whether two officers should be hired at this time in order to maintain the department's authorized budget strength of 26 sworn public safety officers. Woodard related that one officer has been on extended injury status. An extra person was hired last year due to the extended absence of that officer. The officer remains on injury status, but the department anticipates receiving a clarification on his status from the medical authority this month.

Woodard indicated that an officer resigned in June to take a position with another department. There is an officer who has applied for a position with an outside agency; he is of retirement age and there is a strong likelihood that he will be leaving the department as early as September. If the officer on sick leave does not return to regular employment, the department will need two officers. Woodard stated that the department has a waiting list and is able to hire two officers if there is no objection from Council.

Council members expressed a commitment to maintaining a full public safety staff. It was the sense of Council to hire one officer at this time with the understanding that there is a possibility that Director Woodard may come back in a month or two requesting authorization to hire an additional officer.

Roll Call Vote:
Resolution passes unanimously.

CONSIDER APPROVAL OF APPLICATION FOR SMART FISCAL YEAR 2000 MUNICIPAL AND COMMUNITY CREDIT AGREEMENTS

The Village is in receipt of an application to the Suburban Mobility for Regional Transportation (SMART) for financial assistance to support public transportation programs in Beverly Hills. The contract is for Fiscal Year 2000 (July 2, 1999 through June 30, 2000). The SMART program is supported 50% by a .33 millage tax that was approved by Oakland County voters in August 1998

and 50% is from the State of Michigan transportation fund which is collected from the State gasoline tax. The amount of funding available to Beverly Hills through the Municipal Credit Program is \$10,322.00; the amount of funding available to the Village through the Community Credit Program is \$8,149.00.

RESOLVED by Stearn, supported by Kennedy, that the Village of Beverly Hills apply to the Suburban Mobility Authority for Regional Transportation (SMART) for the Municipal and Community Credit Program for the period of July 1, 1999 through June 30, 2000 and agree that the Municipal Credit/Community Credit Master Contract incorporated by reference will form part of this Agreement.

Beverly Hills agrees to use \$10,322 in **Municipal Credit** funds available to it as follows:

- (1) Transportation program operated/administered by the community which includes Charters, Van/Bus Program, Taxi Reimbursement in the amount of \$6,655.00.
- (2) Transportation service purchased from SMART including SMART Tickets/Passes, Shuttle Service, Dial-A-Ride in the amount of \$3,667.00

Beverly Hills agrees to use the \$8,149 in **Community Credit** funds available to it as follows:

Transportation program operated/administered by the community including Charters, Van/Bus Program, Taxi Reimbursement in the amount of \$8,149.00.

Roll Call Vote:
Resolution passes unanimously.

RESOLUTION COMBINING THE 2000 VILLAGE ELECTION WITH THE STATE-WIDE PRESIDENTIAL PRIMARY IN FEBRUARY 2000

**Resolution to Change the Date of the
Regular Village Election of March 13, 2000
and to Combine the Regular Village Election with the
State-wide Presidential Primary Election of February 22, 2000**

WHEREAS, the State Legislature recently passed Senate Bill 51 moving Michigan's Presidential Primary election date in 2000 from the third Tuesday in March to the fourth Tuesday in February; and

WHEREAS, the annual Village of Beverly Hills' Election and many other Michigan village elections are scheduled to be held on the second Monday in March; and

WHEREAS, holding these two elections on one day would save considerable governmental resources for such items as printing of ballots, election worker pay and legal publications; and

WHEREAS, combining these two elections would conserve resources and prevent inconvenience for Village voters and encourage greater voter participation,

NOW, THEREFORE BE IT RESOLVED, that the Beverly Hills Village Council respectfully requests the State Legislators to authorize the Village of Beverly Hills and other villages in the State to conduct their annual Village Elections in combination with the February 22, 2000 Michigan Presidential Primary Election.

FURTHER BE IT RESOLVED, that the Beverly Hills Village Council authorizes the Village Administration to request the Southfield Township Clerk to conduct the Village Election in combination with the February 22, 2000 Michigan Presidential Primary Election.

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

Kennedy cautioned that Council will have to act quickly to meet deadlines for placing issues on the ballot.

Buterbaugh questioned whether the Township Clerk would have problems with preparing the voting machines for a March Village election so soon after the presidential primary. Township Clerk Sharon Tischler responded that all three villages in the Township have March elections scheduled. The Township would have to purchase, borrow, or rent additional prom packs which go into the equipment and are locked up for 30 days after an election. To purchase two additional prom packs would cost the Village \$700. Tischler stated that there is some turn around time if the Legislature does not allow the elections to be combined. Combining the elections will save the Village approximately \$3,000-\$5,000.

Dorothy Pfeifer of 160 Charrington Court was informed that there will be one ballot if the election is combined. The terms of office will not change. She emphasized that combining the elections would affect the Village's filing dates.

Roll Call Vote:
Resolution passes unanimously.

APPROVAL OF BILLS RECAPPED AS OF MONDAY, AUGUST 2, 1999

MOTION by Stearn, supported by Downey, that the bills recapped as of August 2, 1999 be approved for payment in the following amounts:

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|--------------|------------------------------|
| \$289,968.83 | General Fund |
| 13,512.97 | Major Road Fund |
| 6,318.79 | Local Road Fund |
| 39,079.10 | Dedicated Millage |
| 175,390.29 | Water/Sewer Operation Fund |
| 157.42 | Water/Sewer Improvement Fund |
| 361.60 | Trust & Agency Fund |

Kennedy referred to an invoice reimbursing an employee for education expenses. She commented that there has been discussion on whether the Village should have a policy whereby employees receiving reimbursement for training and education remain in the Village's employ for a certain time frame after receiving a degree in order to benefit the community.

In answer to a question on an invoice, Sharon Tischler of 21415 Virmar Court was informed that \$1,500 was allocated at the last Council meeting to support the Birmingham Community Coalition.

Motion passes unanimously.

LIAISON'S REPORTS

Stearn congratulated the Parks and Recreation Board on its fund raising efforts and for receiving authorization to proceed with preliminary cost estimates for two park improvement projects.

Kennedy stated that the Planning Board met last Wednesday and discussed projects that will be undertaken this year including minor text amendments to the Zoning Ordinance; bikeways, walkways and pedestrian safety study; and, residential site design and redevelopment standards. The Planning Board under the leadership of Norm Robiner will research and prepare recommendations to Council on improving signs that appear at the entrances to the Village.

The Planning Board is interested in improvements to Southfield Road. Kennedy advised the Planning Board that administration will be in contact with the surrounding communities of Lathrup Village and Southfield and keep the Board advised of the Village's participation in plans to improve Southfield Road if the opportunity arises. Kennedy mentioned that the Planning Board brought up the fact that it has recommended to Council that portions of the site development handbook be formalized in the Zoning Ordinance.

A revised site plan for Bed Bath & Beyond is scheduled to come before the Planning Board for review at its August 11 meeting. Variances with respect to parking will be heard by the Zoning Board of Appeals on August 9.

Downey reported on the July 19 Zoning Board of Appeals meeting. One of the cases heard involved variances requested by Bed Bath & Beyond with respect to signage and number of parking spaces. The Zoning Board granted a variance on signage for the site. There was discussion about the parking available which resulted in the variance for parking being tabled until their next meeting.

Buterbaugh commented that there are problems with the live broadcast of tonight's Council meeting in some areas of the Village. The meeting is being taped and will be rebroadcast at various times during the week.

Buterbaugh reported that the Cablecasting Board met on July 21 with the main topic of discussion being complaints that are being received by subscribers due to the change over of the rebuilt system. Representatives from MediaOne were present at the meeting to explain how the company was addressing its problems.

MANAGER'S REPORT

Hanlin stated that she has been informed by attorney Ryan that there have been significant changes to the OUIL law. Council authorized Ryan to proceed with drafting the appropriate changes to Village Ordinance to be in sync with State law.

Stearn commented that he has seen other municipalities charge court costs and attorney fees to people as part of their sentence in drunk driving cases. He questioned if Beverly Hills will do this.

Ryan responded that State law only allows this when there is an accident or extraordinary expenses. This can be done under the new statute, and the Village will seek to amend the ordinance to that point.

Buterbaugh asked Hanlin if there have been any basement flooding incidents reported following significant amounts of rain experienced last week. Hanlin answered that there have been no such reports to the Village office or Public Safety Department during the last couple of months. There have been phone calls about branches being down following storms.

Buterbaugh commented that it appears that some of the hard work by Village administration and Council members is beginning to show results. It is the opinion of Public Services Director Spallasso that there have been a couple of rain storms this summer that would have flooded basements two years ago. Emergency repairs to the sewer system that have been authorized have begun to benefit the community. The Village is in the process of a long term infrastructure improvement project.

Buterbaugh asked how the Village is currently treating branches that are down in the aftermath of a storm. Hanlin stated that branches that have fallen in the public right-of-way constitute a hazard and are removed by the road maintenance contractor. They do not address branches on private property.

PUBLIC COMMENTS

Dorothy Pfeifer of 160 Charrington Court received clarification on the SMART Municipal and Community Credit Agreements.

COUNCIL COMMENTS

Stearn recalled that a Council member recently admonished members of Council for expressing their views to Village boards and committees. Stearn was surprised to read comments made by Mr. Downey in minutes from the last Zoning Board of Appeals meeting. Stearn conceded that he does comment at board meetings but does not like to be sanctioned by someone who also does this.

Kennedy thinks that members have to be careful to speak or express an opinion at a board meeting as a resident and not as a member of Council. She believes that comments at board meetings are acceptable from Council members other than at the Zoning Board of Appeals.

Downey appreciates comments from fellow Council members regarding liaisons. It is important not to state personal opinions when acting as a liaison to a board and particularly when bringing a board's comments to the Council. It is also important not to express personal comments when representing Council as a liaison to a board. He maintains that Council members are also citizens of the Village and have the right to state their opinions. Downey indicated that he always qualifies his comments at board meetings by saying that he is not speaking as a member of the Council.

Downey related an incident that occurred in his neighborhood last weekend with disorderly conduct of teenagers involving driving recklessly and speeding. He asked that residents remind their teenagers that they have a great responsibility in operating a motor vehicle, and they should act responsibly.

Downey recently surveyed the bridge replacement on 13 Mile Road on foot. He was reminded of the need for sidewalks on 13 Mile Road, particularly along Detroit Country Day School. He encouraged the actions of the Planning Board to consider the Village's need for sidewalks and bikeways.

Downey stated that his employer is disposing of a local area network which he has made available to the Village. The Village proposes to retain a consultant and evaluate the effectiveness of the outdated equipment. Downey sees this as an opportunity to obtain the network equipment even though it may require upgrades. There is no cost to the Village to accept these assets as they are.

Buterbaugh urges young people to think about the possible consequences of their actions and to behave accordingly.

Craig stated that he occasionally attends Village board and committee meetings when there are topics that interest him. Comments he made at the July 14 Planning Board meeting are recorded in the meeting minutes. He received strong feedback from some people about his input even though he was there as a resident. Craig wanted to raise important issues early so that the applicant would address them in future plans. Ryan has indicated that Council members who are present at a board

meeting as a resident are perceived as a Council representative. Council has to be cognizant of this. Council members attending a meeting can be viewed as undue influence.

Buterbaugh thinks that Council members should be able to act as private citizens and express their own personal beliefs outside of this room.

Craig agrees that we are residents first and public officials second. Council members should clarify that they are speaking on behalf of themselves as a resident and not as a sitting Council member. Craig believes that Council members have removed themselves from potential conflicts when they arise.

Ryan commented that this has not been a problem with the Village Council but emphasized that there is case law in cities, villages, and townships throughout the state regarding people who appoint board members attending a meeting. A Council member can state that he or she is a private citizen, but the fact remains that they are an elected public official who gave up some of the rights they would have as a normal citizen. Board members may take it into consideration when a Council member who appoints them voices a strong opinion on an issue at a meeting.

MOTION by Stearn, supported by Kennedy, to adjourn the meeting at 9:06 p.m.

Motion passes unanimously.

Andrew Craig
Council President

Ellen E. Marshall
Village Clerk