

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

Absent: Stearn

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.

**APPROVE MINUTES OF A SPECIAL JOINT COUNCIL/FINANCE MEETING HELD ON MONDAY, AUGUST 30, 1999**

MOTION by Lison, supported by Walsh, that the minutes of a Special Joint Council/Finance Committee meeting held on Monday, August 30, 1999 be approved as submitted.

Motion passes unanimously.

**APPROVE MINUTES OF A REGULAR COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 7, 1999**

MOTION by Walsh, supported by Buterbaugh, that the minutes of a Regular Council meeting held on Tuesday, September 7, 1999 be approved as submitted.

Motion passes unanimously.

**CONSIDER APPROVAL OF EXPENDITURE FOR PRINTING 2000 VILLAGE CALENDAR**

Quotes were received from three companies for typesetting and printing the 2000 Village calendar. Administration recommends awarding the work to Spectrum 3 at a cost of \$7,550 rather than to the low bidder, Select Graphics Corporation, for a fee of \$7,266. The Village Clerk received information from a municipality that engaged Select Graphics to produce their calendar and was not satisfied with the quality of work or service. Spectrum 3 has provided an excellent product for the Village for the last three years.

RESOLVED by Downey, supported by Kennedy, that the Village of Beverly Hills Council award the contract for printing the 2000 Village Calendar to Spectrum 3 in the amount of \$7,550.

Roll Call Vote:  
Resolution passes unanimously.

**FIRST READING OF AMENDMENTS TO OPERATING UNDER THE INFLUENCE OF LIQUOR ORDINANCE**

Village Attorney Ryan presented the highlights of the proposed Ordinance to amend Chapter 41 of the Municipal Code of the Village of Beverly Hills Uniform Traffic Code. The Ordinance before Council is a complete update and compilation of the Village's Motor Vehicle Code which incorporates amendments that are effective October 1, 1999.

The purpose of the Code is to regulate the operation of vehicles, to provide for the regulation and use of streets, highways, and alleys and other public and semi-public places within the Village of Beverly Hills and to provide penalties for the violation of the Code. The amendments serve to enhance penalties for people that are drunk drivers or suspended or revoked license drivers.

Section 3.01 talks about the different amendments to the code. Section 5.15 is the section that addresses operating a motor vehicle while under the influence of intoxicating liquor. Ryan brought it to Council's attention that the Michigan Legislature created a new category of crime about four years ago which would penalize anyone under the age of 21 for drinking and driving if they have a blood alcohol level of not less than 0.02 grams or more than 0.07 grams per 100 milliliters of blood. This is a lower limit than the blood alcohol level which would penalize someone over the age of 21 for impaired driving. The purpose is to punish the underage driver who has been drinking alcohol. A person under the age of 21 is not able to drink legally in the state.

Ryan mentioned that two prior Councils made a policy decision not to include that provision in the Uniform Traffic Code. The Beverly Hills public safety officers write tickets for this offense anyway under State law with the revenue from these fines going to the State. Ryan has included this language in the proposed ordinance because it remains in the drunk driving law of the state of Michigan. If Council adopts this Ordinance, our officers will write Village citations which will be prosecuted by the Village prosecutor, and Beverly Hills will receive its share of the fines and costs. Ryan urges Council to leave this provision in the Ordinance. He commented that Council does not have to make this decision tonight.

Ryan focused on new sections which increase penalties for drinking drivers to get them off the road. The Ordinance says that the court may order the vehicle immobilized or seized. There is a section that states that the court may order the person to pay the cost of prosecution under the code of criminal procedure. There are added penalties for refusing a breath analysis. Officers can fingerprint offenders not previously subject to those requirements. An officer can issue a temporary license to an offender under the current code. Officers can remove a license plate and issue a temporary plate and temporary registrations which can call attention to a driver.

Comments and questions from Council and the public on the implementation of the proposed ordinance, record keeping, and enforcement were addressed by Ryan. Ryan will be meeting with the 46th District Court Administrator along with the other municipal attorneys to work out the administrative details of the new legislation.

The proposed ordinance is on file at the Village office for public review. The second reading will be held at the next Council meeting.

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

Downey made the second announcement of a vacancy on the Parks and Recreation Board. Applications will be accepted until Friday, September 24 at 5:00 p.m. A subcommittee of Stearn as chairperson, Buterbaugh, and Walsh will meet on Monday, October 4 at 7:00 p.m. in the Council meeting room to review applications and recommend a candidate to Council.

Downey had the Village Clerk provide Council members with an application for a board or committee vacancy. He thinks it is important for Council members to encourage residents to actively participate in this process.

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

Buterbaugh made the second announcement of a vacancy on the Cablecasting Board. He talked about the Board's recent activities. The deadline for accepting applications for this position is Friday, September 24, 1999 at 5:00 p.m. A subcommittee of Buterbaugh as chair, Craig and Downey will meet on Monday, October 4 at 7:15 p.m. to discuss applications and make a recommendation to Council on an appointment to the Cablecasting Board.

**APPROVAL OF BILLS**

MOTION by Downey, supported by Walsh, that the bills recapped as of Monday, September 20, 1999 be approved for payment in the following amounts:

\$175,404.77	General Fund
5,503.96	Major Road Fund
5,190.65	Local Road Fund
60,389.76	Combined Sewer Overflow Fund
861.87	Capital Projects Fund
2,178.09	Dedicated Millage
64,668.07	Water/Sewer Operation Fund
8,098.02	Trust & Agency Fund

Council and audience questions on the bills were addressed by administration. Council asked that Hanlin work with staff on the format of the list of bills to clarify descriptions and indicate pass-throughs. Hanlin will look into the reporting capabilities of this particular accounting software.

In response to an inquiry, Hanlin indicated that administration has invited Ameritech to conduct an analysis of the Village's phone bills. She has reviewed the phone bills for public safety and found that the cost is comparable to what it has been for years. What has changed is the advent of cell phones and an increase in activity with respect to electronic billings.

Motion passes unanimously.

### **LIAISON'S REPORTS**

Kennedy reported that the Planning Board met on September 8 and discussed text amendments to the Sign Ordinance relative to political signs. The Planning Board will be meeting this Wednesday with a full agenda.

A workshop on Naturescaping for the Rouge River sponsored by the Southeastern Oakland County Water Authority will be held on Saturday, September 25 from 9:30 until noon at the Cranbrook House. Kennedy hopes that members of the Planning Board who have expressed an interest will be attending this forum.

Kennedy informed Council that SEMCOG is sponsoring a Transportation 2000 and Beyond visioning session which will be a forum for the general public to discuss transportation problems and identify solutions. It is scheduled for September 29 from 8:00 a.m. to 12:00 p.m. at the Cobo Exhibition Center in Detroit.

Kennedy will attend a breakfast sponsored by the Oakland County Youth Assistance organization at the Pontiac Country Club on October 19.

A Teen's Night Out will be sponsored by the Birmingham Coalition on September 25 from 7:30-11:30 p.m. at the Beverly Hills Club. Kennedy expressed her appreciation to the owners of the Beverly Hills Club on Southfield Road for opening their entire facility to area teens. She noted that Racquet Club management was visible at yesterday's public safety open house.

Lison stated that the Beverly Hills Public Safety Department held a very successful open house yesterday from 1:00-4:00 p.m. Director Woodard stepped forward and commented on the activities that occurred during the event. It was well attended, and everyone had a very good time.

Downey informed Council that there has been recent discussion regarding the form of motions made by the Zoning Board of Appeals. The discussion was a result of confusion experienced at the August 9, 1999 ZBA meeting at which time a motion to deny a variance request from Bed Bath & Beyond failed followed by a motion to approve the request which also failed. There was a question as to whether the Board's action resulted in a decision on this case. Village Attorney Ryan wrote a letter dated August 12 advising that ZBA motions should be made in a positive or affirmative fashion as a general rule.

Downey stated that Board members have indicated that a motion to approve a variance is not appropriate in some cases. Historically, the Board has accepted motions to deny a request and passed them. The Board agreed at its August 30 meeting that it would not change its procedures but would clarify the vote after a motion is made.

Bill Pfeifer, member of the Zoning Board of Appeals, related a recent case that resulted in a motion from the Board to deny the petition. There are cases where Board members are unanimous in their

opposition to a request for variance which would preclude any member from making a motion to approve the request.

Ryan stated that making a motion to deny is acceptable as long as a motion passes and a decision is made. A vote of the Board to either approve or deny a request for variance should result in a decision on that appeal case.

Walsh stated that the Infrastructure Committee will meet on Monday, September 27 at 5:30 p.m. in the Council meeting room.

### **MANAGER'S REPORT**

Hanlin reported on the first quarterly meeting with Great Lakes Waste held at 7:00 p.m. this evening to discuss trash collection service. Service has improved dramatically in recent months, and there has been a huge reduction in the number of complaints received. Complaints are handled within 24 hours and usually within a couple of hours. The company has been very responsive. Great Lakes will begin using two-man rear load packer trucks that the Village prefers on its streets. Hanlin is pleased to report that Great Lakes has done what it said it would do. She hopes to see a continued team effort.

In response to an inquiry, Hanlin explained that the Village staff has been closely tracking complaints. A log is kept of complaints in an effort to determine whether it is the contractor's problem or a resident problem. Buterbaugh asked Hanlin to look into whether compost material has been going on the regular rubbish truck.

Hanlin announced that SEMCOG conducted a walkable community audit in the Village last Thursday. An informative presentation was given by SEMCOG representatives before the group went out into the field. Those involved walked on Evergreen Road from 13 Mile Road to Beverly Road and looked at traffic and pedestrian safety issues. There were some common sense suggestions made that involved not much more than a can of paint and some attention to detail. Other suggestions were more involved in terms of reworking the construction of the road.

Hanlin thinks it was a worthwhile undertaking. The Village will be provided with a report from SEMCOG in four to six weeks which will be shared with Council members and the public. Hanlin views this event as a catalyst to get more people in the Village involved in making this a more walkable and pedestrian friendly community.

Craig added that the SEMCOG representative presented information on a variety of funding sources from outside the Village that will help pay for improvements to enhance safety and traffic flow.

### **PUBLIC COMMENTS**

Sharon Tischler of 21415 Virmar Court commented on an injury accident that occurred last weekend at the intersection of 13 Mile and Evergreen Roads. She questions the reason for serious accidents at

this location since there are no visual problems at the intersection. Tischler suggested that the Village Traffic Committee take a look at this intersection the next time it meets.

Tischler recalled that it was stated at the last Council meeting that Lison would come back at tonight's meeting with another nomination for an appointment to the Beverly Hills Public Safety Retirement Board. This is not on the agenda. She questioned whether additional applications are being accepted.

Lison responded that the Village is providing interested parties with an opportunity to apply for the position of resident member of the Pension Board. He is not ready to make an appointment for Council consideration tonight. It is still an open issue and may be an agenda item for the next Council meeting.

### **COUNCIL COMMENTS**

Kennedy thanked Planning Board member John Smith, Doyle Downey, and Village administration for pursuing the Village's participation in the walkable community survey sponsored by SEMCOG.

Kennedy questioned the status of the Traffic Committee. Craig stated that Bob Bliven was appointed to fill the vacancy created by Gerry Miley's resignation from the Traffic Committee. The group meets when there is an issue to discuss. It is anticipated that the Traffic Committee will meet when the walkable community survey report is received from SEMCOG. It will include information on the 13 Mile and Evergreen Road intersection with respect to accident prevention.

Kennedy read a letter from State Representative Pan Godchaux in response to the Council's adoption of a resolution opposing House Bill 4777 which takes control away from local government. Godchaux thanked the Village for informing her of its views and indicated that she intends to oppose HB 4777. The Village received a letter from Durene Brown of SEMCOG on the same topic.

Downey applauded the Public Safety Department for hosting Sunday's Open House. He spoke favorably of the walkable communities survey of the community and suggested that the Village continue to look at pedestrian and traffic safety issues. Downey proposes including continuous improvement items on the agenda when time permits.

Buterbaugh commented on the value of the walkable community survey and the need to consider provisions for walkers and bicyclists in the future.

Buterbaugh stated that HB 4777 has been a topic of concern for many communities. It is a bill that interferes with how local governments conduct their daily business. There has been a day set aside for people to go to Lansing and express their views on this subject. Hanlin indicated that Pasioka will represent the Village in Lansing this Wednesday.

Kennedy offered Council's best wishes to all Village residents who are celebrating Yom Kippur today. Craig stated that he has talked with Stearn about tonight's Council meeting taking place on this high Jewish holiday. This will be taken into consideration when setting the schedule for Council meetings next year.

Craig commented that there is a conflict this week with the regularly scheduled Planning Board meeting being held the same evening as the Friends of the Park fund raising dinner. Craig has discussed this with the Planning Board chairperson. It appears that only one Planning Board member will be attending the dinner. The Planning Board has been asked to conduct a site plan review of the Bed Bath & Beyond proposal at this week's meeting.

Craig stated that people interested in attending the fund raising dinner at the Birmingham Country Club can still purchase tickets.

RESOLVED by Lison, supported by Walsh, to go into closed session to discuss labor issues.

Roll Call Vote:

Resolution passes unanimously.

Council went into closed session at 9:15 p.m. The meeting reconvened at 9:26 p.m.

MOTION by Kennedy, supported by Lison, that the meeting be adjourned at 9:41 p.m.

Motion passes unanimously.

**Andrew Craig**  
**Council President**

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