

REGULAR COUNCIL MEETING MINUTES - MONDAY, APRIL 17, 2000 - PAGE 1

Present: President Craig; President Pro-Tem Kennedy; Members: Downey, Munguia, Pfeifer, Stearn and Walsh

Absent: None

Also Present: Village Manager, Hanlin
Public Services Director, Spallasso
Village Clerk, Marshall
Village Finance Director, Wiszowaty
Village Attorney, Ryan
Director of Public Safety, Woodard

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 REGULAR COUNCIL MEETING HELD ON APRIL 3, 2000

On page 9, second paragraph from bottom, last line, correct "cable ordinance" to read "franchise agreement".

MOTION by Kennedy, supported by Walsh, that the minutes of a regular Council meeting held on Monday, April 3, 2000 be approved as amended.

Motion passes unanimously.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

Norman Rubin of 31020 Rivers Edge Court made follow-up comments to discussion at last week=s joint meeting of the Council and Finance Committee. Rubin indicated at that meeting that he did not feel the Village was receiving value from Birchler Arroyo on the bike path study. Council indicated that Birchler Arroyo did valuable work on ordinances and site plans. Rubin suggests that the Village use the services of Birchler Arroyo in areas where it thinks it is receiving value and consider another source for work in areas where the Village is not receiving value for its service.

Rubin proposed that Council consider drafting a business plan before next year's budget is developed. He does not think that looking at a set of numbers year after year tells the whole story.

Janet Mooney of 19111 Devonshire has observed that people are placing rocks along the edge of their property to keep motorists from driving on their lawn. It concerns her that people are now cementing rocks on the edge of their property. She asked if there is an ordinance that addresses this.

Spallasso responded that the Village does not have an ordinance that addresses installation of objects within the right-of-way. Enforcement by Public Safety could occur in terms of debris in the right-of-way. If residents ask, they are told not to place anything in the right-of-way. This problem is shared with surrounding communities.

Mooney commented that this practice could cause an accident. She would like Council to consider establishing a policy on placing large obstructions in the right-of-way close to the road.

PROCLAMATION HONORING WILLIAM PFEIFER

President Craig asked Bill Pfeifer to join him at the lectern where he presented him with a framed copy of the following Proclamation.

PROCLAMATION

WHEREAS, William Pfeifer has served the Village of Beverly Hills since July 1, 1976 as a member of the Zoning Board of Appeals; and

WHEREAS, Mr. Pfeifer served as Vice Chairman of the Zoning Board from July 1, 1984 to September 1, 1985 and also from July 1, 1988 to August 28, 1989; and

WHEREAS, William Pfeifer repeatedly demonstrated his knowledge of the Zoning Ordinance by protecting property rights and in pursuing reasonable developments; and

WHEREAS, Mr. Pfeifer warmly welcomed new members to the Zoning Board and provided them with guidance to ensure a smooth transition; and

WHEREAS, Bill Pfeifer thoroughly performed on-site inspections and consistently provided the personal touch of his interest and concern for problems of the petitioner,

NOW, THEREFORE BE IT RESOLVED, that the Village of Beverly Hills Council present this proclamation to William Pfeifer as a reminder of its sincere appreciation for his 24 years of dedication in serving the residents in the Village community.

RESOLVED by Craig, supported by Pfeifer, to adopt a Proclamation honoring William Pfeifer.

Roll Call Vote:
Resolution passes unanimously.

Craig stated that it is an honor to recognize someone who has served almost 25 years in the community. He thanked Bill Pfeifer very much for his dedicated service to the Village.

Pfeifer thanked Council for the honor and stated that he has enjoyed every minute that he has served on the Zoning Board of Appeals.

Council members expressed their individual appreciation for Bill Pfeifer's exemplary work on the Zoning Board of Appeals and his commitment to the Village. He was commended for his knowledge, insight, fairness, integrity and honesty. He will be missed.

Jack Fahlen of 30295 Marimoor, Zoning Board of Appeals members, commented on his long association with Bill Pfeifer and affirmed that it was a pleasure working with him.

Robert Bliven of 31633 Nixon stated that, as a private citizen, Bill Pfeifer is a leader of the walkable communities effort. When he bought a home in Huntley Subdivision, he installed a path on his property that allowed students from Beverly School to come over to the apartments and allowed people on Beverly Road to walk to 13 Mile Road.

PUBLIC HEARING TO REVIEW AND CONFIRM 2000 ASSESSMENT ROLLS FOR DUST CONTROL, WATER AND SEWER CHARGES, SOUTHFIELD ROAD MAINTENANCE, WATER MAINS, WEED CONTROL AND OTHER MISCELLANEOUS ASSESSMENTS TO THE 2000 TAXES

Pfeifer explained that every year at this time there is a public hearing and a resolution to review and confirm the assessment roll and billings that are to be added to the tax roll for dust control, water and sewer charges, Southfield Road maintenance, sidewalks, water mains and other miscellaneous assessments.

RESOLVED by Pfeifer, supported by Kennedy, to adopt the following resolution:

Whereas the 1999 Dust Control (asphalt) for 19 properties cost \$447.73, and
Whereas the 1999 Dust Control (chloride) for 132 properties cost \$4,165.04, and
Whereas the 1999 Water and Sewer charges for 80 properties cost \$45,516.89, and
Whereas the 1999 Southfield Road Maintenance on one property cost \$545.99, and
Whereas the 1999 Sunnyslope/Norwood Water Mains for 7 properties cost \$6,019.30,
Whereas the 1999 Kennoway Water Main for 11 properties cost \$16,046.03 and
Whereas the 1999 Weed Control for four properties cost \$766.10, and
Whereas Water Service charges for 3 properties cost \$1,643.16, and
Whereas the 1999 Special Trash Pick Up for one property cost \$37.87
for a total of 259 properties in the amount of \$75,188.11.

Whereas copies of the affected tax rolls are available at the office of the Village Clerk for public inspection; and

Whereas the notice of public hearing was published in the Eccentric newspaper on April 9 and April 13, 2000.

Be it resolved to confirm the 1999 dust control special assessment rolls and to place the charges along with unpaid water and sewer bills, unpaid Southfield Road maintenance charges, unpaid water main assessments, and unpaid weed control and special trash collection services on the 2000 tax bills.

President Craig declared the public hearing open at 8:03 p.m. No one wished to be heard; therefore, the public hearing was closed at 8:04 p.m.

Roll Call Vote:
Resolution passes unanimously.

PUBLIC HEARING TO REVIEW MINOR ZONING ORDINANCE TEXT AMENDMENTS INCLUDING UPDATED STANDARDS FOR POLITICAL SIGNS, OFF-STREET PARKING REQUIREMENTS, MAXIMUM LENGTH OF CUL-DE-SAC STREETS, ADULT REGULATED USES AND MISCELLANEOUS CROSS REFERENCE REVISIONS

Walsh stated that the Planning Board has been working on minor Zoning Ordinance text amendments for several months. After a comprehensive review of a number of ordinances, the Planning Board completed its study and held a public hearing on the text amendments on March 8, 2000. The Planning Board approved the minor Zoning Ordinance text amendments and recommended their adoption by the Village Council.

Council will conduct a public hearing and first reading of the text amendments tonight. The minor Zoning Ordinance text amendments are available for public inspection at the Village offices.

Craig opened the public hearing at 8:05 p.m. No one wished to be heard; therefore the public hearing was closed at 8:06 p.m.

Village Attorney Ryan presented a synopsis of the proposed Zoning Ordinance text amendments which include updated standards for political signs, off-street parking requirements, maximum length of cul-de-sac streets, adult regulated uses, and miscellaneous cross reference revisions. Council discussed the ordinance amendments with Ryan.

Sign Ordinance - Revisions to the sign ordinance were made to bring the Village regulations in line with current case law dealing with political signs and free speech. An item 13 is added to the ordinance called "General Expression Signs". Two other revisions to the sign ordinance represent cross reference revisions. They are ordinance amendments that revise language that contains confusing references or unclear text.

Off-street parking requirements, space size standards, and landscaping requirements - Revisions to off-street parking requirements include updated dimensional standards of the off-street parking requirements. There are suggested changes to the number of spaces per land use including a number of additional uses to the section on retail sales or services. Uses are separated to allow for more specific sizes and typical uses and the proposed number of spaces are in accordance with generally accepted standards. Minimum parking lot landscaping requirements have been added to the off-street parking ordinance regulations.

Maximum length of cul-de-sac streets - An ordinance amendment to Chapter 23, the Subdivision Ordinance, Design Standards for Subdivisions, deals with dead-end or cul-de-sac streets. The permitted maximum length for a dead end street under the current ordinance is 600 feet. The maximum length proposed in the revised ordinance is 1,500 feet, subject to approval by the Village Council.

Adult Use Regulations - The majority of the proposed revisions involve removing definitions that the Village is not able to regulate and including definitions that have not been regulated in the past. The changes will tighten up the procedure so that these uses come before the Village Council. An important addition is the definition of “significant portion”, which sets criteria to determine whether a business is considered an adult use.

Stearn questioned the need for some of the changes in the Adult Regulated Use section and preferred a more broad definition. Ryan indicated that the definitions were placed in the ordinance to mirror ordinances that have been upheld by the Michigan Court of Appeals and the Michigan Supreme Court as defining adult regulated use. He explained that broadening the activities too much would impinge upon otherwise allowable conduct between adults, and the whole ordinance could collapse.

Miscellaneous cross reference amendments - An amendment is proposed under Section 22.24.010, Addendum to Section 22.24 Schedule of Regulations. Item c refers to Section 22.08.100 regarding accessory building setback and height requirements.

Another amendment is proposed to revise Section 22.25.050 regarding the unit area, site, and/or lot of all single family detached condominiums. It talks about Single-Family Residential Cluster Option and design and construction standards. This section applies to condominium projects developed using the Single-Family Residential Cluster Option. Development under the Cluster Option has to meet the same design standards as a single family detached condominium.

Planning Board chairperson Borowski stated that the Planning Board voted unanimously to adopt the ordinance amendments. He commented on the importance of the proposed text amendments.

Craig expressed concern with loosening the parking standards to make it easier for redevelopment of a property to a “big box” use in the Village.

The majority of Council members were in favor of considering tonight’s summary of proposed ordinance amendments as a first reading. Ryan was asked to prepare the documents into ordinance form. Craig will ask that Council consider adoption of each ordinance separately.

Norman Rubin of 31020 Rivers Edge Court questioned why the proposed ordinance reduces the minimum size of a parking space given the size of the popular sport utility vehicles and light trucks.

Sharon Fox of 20605 Glenhill Court, Planning Board member, stated that she also raised that issue and was informed that sport utility vehicles have a shorter frame but are much taller.

Bob Bliven of 31633 Nixon, Planning Board member, stated that the parking reductions that were made in the proposed ordinance cover beauty parlors, engineering offices, and a range of retail uses. He explained that the changes in the Zoning Ordinance will not allow or disallow a big box building. He urged Council to consider the background of the proposed ordinance amendments before voting against them.

FIRST READING OF AMENDED CABLE ORDINANCE

Before Council for consideration is an amended Cable Ordinance in conjunction with the proposed franchise renewal agreement between MediaOne and the Village of Beverly Hills. It was clarified that tonight's agenda item is to conduct a first reading of a revised cable regulatory ordinance. There is an item on the agenda to set a public hearing date to review the cable franchise agreement. Council is able, under its Charter, to adopt the franchise agreement by resolution without an ordinance.

Attorney for the Cablecasting Board, Don Gillis, stated that the matter of franchise renewal has been before two of the communities in this cable consortium. The City of Birmingham approved the new cable franchise agreement and cable regulatory ordinance. The Village of Bingham Farms approved the renewal documents this evening.

Gillis presented a summary of the proposed revisions to the cable regulatory ordinance. The revisions to the cable ordinance consist of changes which may be classified as follows: (a) editorial changes; (b) revisions attributable to changes in governing laws which have occurred since the initial adoption of the ordinance; (c) revisions designed to provide flexibility in negotiating of the franchise agreement; and (d) substantive changes that did not fall into any of these categories.

Editorial changes were stylistic, not substantive. There was an effort to indicate that there may be competition in cable franchising in this community. Wherever the ordinance referred to "the" franchisee, it was changed to "a" franchisee.

The principal revisions required by law are in ordinance section 4.06.5. A new subsection (g) was added, which makes the renewal sections of the ordinance applicable only to the extent not preempted by federal law. Section 626 of the 1984 Cable Act, as amended, does currently preempt the renewal provisions of local law. Similarly, local regulation of rates has essentially been removed from local control by federal law. An ordinance section (4.08.6) has been added which expressly provides that the ordinance sections that regulate rates are applicable only if, and to the extent, permitted by law.

Other changes were designed to remove obsolete material and help in terms of flexibility in negotiating a franchise agreement. There were a great many specific provisions dealing with construction standards and technical requirements, and some were obsolete. It was decided that, rather than specifying current standards that are subject to change, sections were handled in a different fashion and without the necessity of periodic ordinance amendments. The sections in question say that the cable company must obey the law and comply with codes without specifying details.

Gillis outlined the substantive changes in the cable ordinance. In the definition section of the ordinance, the definition of "Gross Revenues" has been redefined to exclude advertising and home shopping revenues from the revenue base on which franchise and PEG support fees are based. These exclusions are based on similar exclusions in the City of Southfield. Gillis noted that leased access fees, which are excluded from gross revenues in Southfield, are not excluded in the ordinances of

this consortium. He added that Internet access fees are part of the gross revenues of the company on which the franchise fees are to be based.

Gillis explained the reason for following the city of Southfield format for the cable ordinance and franchise agreement. It was one of the considerations for obtaining from the cable company 3% of gross revenues over and above the 5% franchise fee. This added 3% of gross revenues is for the support of Public, Educational, and Governmental access channels.

Another important change in the cable ordinance is in Section 4.06.5 (d). The existing ordinance stated that the maximum renewal period shall be ten years. The cable company insisted on a 15 year term if the consortium was to receive 8% of gross revenues. The major concern with a 15 year term is the rapid pace of technology. The way that the board's negotiating team dealt with this was to recommend that the communities grant a 15 year renewal, as other communities have, but to include provisions in the ordinance that would require upgrades of the system within the 15 year term. Those are found in sections 4.07.15 and 4.07.21.

Gillis explained a provision that will eliminate a redundancy regarding termination at will. The original version stated that the agreement is revocable at the will of the Village for cause, a legal oxymoron. This has been changed to provide that the agreement is revocable at the will of the Village or in case of a material default. Gillis commented that whether federal law will permit the agreement to be revocable at will is another matter.

Section 4.07.15 deals with Internet Access and contains language regarding non-discriminatory access to the Company's cable system. This provision was derived from one of the conditions of the consent by the Board's member communities to the change in control of the Company from MediaOne to AT&T. The section requires the local cable operator to open its cable system to Internet Access providers other than the Cable Company.

There have been changes to Section 4.10, which deals with the Cablecasting Board. The revisions were designed to clarify and resolve certain questions that arose in the past. The changes include raising the number required for a quorum from five to seven members for the 12 person board and to specify that a majority of the full board shall be required for board action.

Gillis commented that Council should also know that, in order to aid in the monitoring and enforcement of consumer protection and customer service provisions under both the ordinance and the franchise renewal agreement, section 4.11.2 (b) has been amended by the addition of a broad definition of "complaint".

Gillis reminded Beverly Hills that it has been clearly decided that matters of consumer protection and customer service can be unilaterally adopted by ordinance of local communities and do not require the consent of the cable company. Beverly Hills has adopted a consumer protection ordinance. It will be monitored to see if it needs amending and strengthening.

Council commended Gillis and the Cablecasting Board for its work on this cable regulatory ordinance. Gillis remarked that Cablecasting Board chairperson Steve Hall is present as well as Beverly Hills representative to the board, Brian Janks. Gillis noted that Janks was helpful in negotiating the franchise renewal documents. Gillis gave credit to the cable company and chief negotiator, Jon Kreucher, representing MediaOne.

Gillis commented that the franchise renewal was a long and arduous process. He stated that renewals tend to drag out despite the best efforts of the parties involved, primarily because of the industry clustering. Things get delayed because cable companies are in the mode of transferring and acquiring franchise territory.

Pfeifer made reference to the side letters that are part of the franchise agreement. Gillis stated that there are four such letters, and they have been distributed to Council along with the franchise agreement.

In response to an inquiry, Janks stated that, because of the location of its municipal buildings, Birmingham will receive an institutional network (I-NET). This is addressed in Exhibit G of the franchise agreement.

Pfeifer observed that there is nothing in the document that indicates that Beverly Hills is to be provided with cameras and the permanent wiring of its Council meeting room. Janks responded that the cameras and wiring of the Beverly Hills Council chambers will be funded from a grant that is part of the franchise agreement. A one-time \$400,000 grant will be received from the cable company in addition to the 3% of gross revenue for PEG access operations. Janks stated that the public safety building will be wired for cable television as well as Internet access as part of the franchise agreement.

Stearn asked for a definition of "signal input point" referred to in Exhibit C of the franchise agreement.

Steve Hall, chairperson of the Cablecasting Board, stated that the signal input points are places where you can receive live feeds of the cable signal going out to all of the subscribers. The Beverly Hills Village office will be a signal input point. Hall stated that one of the items to be accomplished with the PEG access grant mentioned previously is to fund permanent wiring of cameras and microphones in this Council chambers.

Craig stated that the second reading and possible adoption of the cable ordinance is scheduled for May 1, 2000. The ordinance will go into effect 20 days after publication. The public hearing and adoption of the franchise agreement is scheduled for the May 15 Council meeting. Ryan indicated that it is not a problem to have a public hearing and adopt a resolution approving the franchise agreement before the cable ordinance is enacted.

CONSIDER REQUEST BY THE BEVERLY HILLS LIONS CLUB AND THE VILLAGE WOMAN=S CLUB OF BEVERLY HILLS FOR USE OF VILLAGE STREETS AND

BEVERLY PARK ON MAY 29, 2000 FOR THE ANNUAL MEMORIAL DAY FUN RUN, PARADE AND CARNIVAL, PETTING FARM AND PONY RIDES, AND WAIVER RESTRICTIONS ON SALES

MOTION by Stearn, supported by Kennedy, to approve the request by the Beverly Hills Lions Club and the Village Woman's Club of Beverly Hills for the use of Village streets and Beverly Park on May 29, 2000 for the Annual Memorial Day Fun Run, Parade and Carnival, petting farm and pony rides, and to waive any restrictions on sales.

Motion passes unanimously.

CONSIDER COMMITTEE RECOMMENDATION FOR APPOINTMENT TO ZONING BOARD OF APPEALS

Munguia reported that a subcommittee of Council consisting of Craig, Walsh and himself met prior to tonight's Council meeting to review applications to fill a seat on the Zoning Board of Appeals vacated by the resignation of Bill Pfeifer. It was the unanimous recommendation of the subcommittee that the vacancy on the ZBA be filled by Carl R. Johnson of 18214 Riverside.

MOTION by Munguia, supported by Walsh, to appoint Carl R. Johnson to fill a vacancy on the Zoning Board of Appeals.

In response to a question from Stearn, Village Clerk Marshall stated that Sherwin Zamler withdrew his application from consideration.

Motion passes unanimously.

VOLUNTEER APPRECIATION DINNER

Craig stated that every other year the Village of Beverly Hills hosts a dinner recognizing the volunteers of the Village. The recognition dinner will be held this year on June 7 at the Birmingham Country Club. Formal invitations will be mailed to sitting board and committee members and their guests.

AWARD BID FOR REPLACEMENT OF ROOF MOUNTED HEATING/COOLING UNIT ON THE VILLAGE MUNICIPAL BUILDING

Before Council for consideration are three bids from mechanical contractors for removal and replacement of the roof mounted heating and air conditioning unit for the municipal building. The low bid is from M. F. Downs Engineering, Inc. in the amount of \$7,695.

Hanlin stated that the Village has had satisfactory experience with this company in the past. She mentioned that \$8,000 was budgeted for this 26 year old unit that needs replacing.

RESOLVED by Walsh, supported by Downey, to approve the low bid from M. F. Downs Engineering, Inc. in the amount of \$7,695 for the removal and replacement of the roof mounted heating and air-conditioning unit on the Village municipal building. Funds have been budgeted in the Building & Grounds Repair and Maintenance Account #101-265-934.

Questions from Council were addressed by Hanlin.

Roll Call Vote:

Resolution passes unanimously.

AWARD CONTRACT #S-00-01 FOR AMHERST-SHERIDAN RELIEF SEWER PROJECT

Walsh stated that this project is part of the Sewer Rehabilitation Program funded by a dedicated millage. This project will be completed by September, which will coincide with the completion of the North Arm of the 12 Towns project, and will increase the capacity of the sewer system on the east side of the Village.

Eleven bidders submitted bids, which ranged from a high bid of \$1,001,755 to a low bid of \$823,473. The low bid is from Sunset Excavating Company. The Village has had favorable experience with this company on past projects.

RESOLVED by Walsh, supported by Kennedy, to award Contract #S-00-01 for the construction of the Amherst/Sheridan Relief Sewer to Sunset Excavating for the low bid amount of \$823,473. This award is contingent upon the contractor submitting all insurance and bond coverage per contract document.

Kennedy commended Spallasso for administering this project. The scope of the original project was expanded to relieve sewer backups on Sheridan, Lauderdale, Reedmere and Wetherby. Those changes in the preliminary plan from the 1996 Sewer System Study will cost an additional \$411,000.

Spallasso answered questions from Council. If the contract is awarded tonight, work will begin in the middle of June. Spallasso estimates that the project will be completed in approximately two months. Advance notice of the project will be mailed to area residents. It was noted that Greenfield-Beverly homeowners association is scheduled to meet in the Village hall on May 2. Spallasso will be available to attend the meeting if needed to address this project.

Roll Call Vote:

Resolution passes unanimously.

APPROVAL OF REPLACEMENT VEHICLE FOR PUBLIC SAFETY DEPARTMENT #119

Downey described an incident which resulted in a public safety vehicle being heavily damaged due to the fault of another driver. The public safety vehicle is no longer functional, and payment has been received from the insurance company in the amount of \$16,500.

A replacement vehicle is available from Shaheen Ford of Portland, Michigan at a cost of \$20,980. Although the excess purchase amount over the insurance payoff represents an unanticipated cost, funds can be made available from the sale of a 1996 Chevrolet Caprice patrol vehicle anticipated to

be sold following the acquisition of the budgeted patrol car later this month. The department received a trade-in offer from Shaheen Restoration, Inc. for this vehicle in the amount of \$4,500. The transaction would cover the balance needed to purchase the replacement patrol car.

RESOLVED by Downey, supported by Kennedy, that the Village of Beverly Hills Council approve the purchase of one new 2000 Ford Crown Victoria patrol car in the amount of \$20,980 from Shaheen Ford with funds from the insurance proceeds of Vehicle #119 in the amount of \$16,500 combined with the funds from the sale of Vehicle #106 in the amount of \$4,500.

Questions from Council were addressed by Director Woodard.

Roll Call Vote:
Resolution passes unanimously.

APPROVE FORMATION OF VILLAGE BEAUTIFICATION COMMITTEE

Kennedy stated that there has been interest expressed by residents in establishing a beautification awards program to recognize properties in Beverly Hills that demonstrate an outstanding job of harmonizing structure and landscaping. Earlier this year Kennedy proposed that Council establish a committee to serve in an advisory capacity to make recommendations regarding an annual beautification awards program. Council was supportive of the proposal and asked administration to draft an outline for Council review on the creation of this advisory group.

Administration met with volunteer members of Village boards and community organizations including Bob Bliven from the Planning Board, Irene Davis from the Parks and Recreation Board, Mary Ann Verdi-Hus from the Zoning Board of Appeals, Debbie Morrow and Shirley Bivens from the Beverly Hills Garden Club, and Sharon Fox from the Village Woman's Club of Beverly Hills. This group has been meeting and has drafted a nomination form and basic ideas on how the recognition committee could be formed.

Kennedy is ready to offer a resolution to form an advisory committee that would be called the Beautification Awards Program Committee of Beverly Hills with representation from the organizations mentioned. The purpose of the committee would be to recognize residents of the community who show pride in improving the Village of Beverly Hills.

Sharon Fox of 20605 Glenhill Court related that she had proposed that the Village Woman's Club undertake a program similar to this at the same time that Elaine Kennedy made a suggestion to Council about creating a beautification awards program. Fox stated that many communities in southeast Michigan have such committees dealing with beautification awards and recognition.

Fox commented that the Village Woman's Club has planted flowers on Southfield Road for many years. It is hoped that the business owners will take this upon themselves if there is an award and recognition given by a community group.

Fox thinks that it is very constructive that this beautification awards committee is being formed on a community-wide level. It will recognize those people who beautify the community and will bring groups in the community together to work on this worthwhile project.

Bob Bliven of 31633 Nixon commented that he notices attractive landscaping on Southfield Road and believes that effort deserves recognition from the Village. He foresees that there may be a large number of awards with one first prize for businesses and one first prize for a residence that is outstanding. Bliven thinks there will be great response to this program. The committee will learn from its activities in the first year. He thinks that the seven volunteers on the committee will do a good job.

It was clarified that there were six members of the committee mentioned tonight. The committee has asked that the Village appoint a member of its administrative staff to the committee to act as a liaison and voting member.

Members of Council expressed support of a program that they believe to be in the best interests of the Village. It was felt that renovation and beautification efforts should be recognized.

There were some questions regarding the make up of the committee, term of its members, and how the recognition program will be conducted. Craig suggested authorizing the committee for one year to see what kind of feedback is received. He questioned committing future councils to this program because a budget is involved.

Fox suggested allowing the committee to go forward and work on the structure of the committee. The committee can come back to Council with a recommendation for a more formal structure that addresses issues brought up tonight.

Sharon Tischler of 21415 Virmar Court questioned how the information on this recognition program will be disseminated in the Village. She questioned the process of developing guidelines for the program.

Fox stated that the committee would like to get information out to the residents in the newsletter before the planting season. She noted that the guidelines are not specific, and the committee is not limiting the nomination form to any set criteria for beauty. Bliven added that he envisions letters going to subdivision association presidents and to all the businesses in the Village.

RESOLVED by Kennedy, supported by Downey, that the Village of Beverly Hills Council approve the formation of the Beverly Hills Beautification Awards Program Committee and authorize \$500 to be spent in the year 2000. The committee will report back to council in three months.

Roll Call Vote:
Resolution passes unanimously.

APPROVE PURCHASE OF FIRE TURNOUT GEAR FOR DEPARTMENT OF PUBLIC SAFETY

Council approved funds in the current budget for the purchase of fire fighter turnout gear, the first year of a three-year replacement schedule. There was a bid process with a resulting low bid from West Shore Fire, Inc. in the amount of \$8,024 for eight sets of Globe Fire Fighter Turnout Gear. The bid document includes an option for the additional purchases in fiscal year 2000-2001 with those prices being firm until June 30, 2001.

RESOLVED by Downey, supported by Kennedy, that the Beverly Hills Village Council approve the purchase of eight sets of Globe Fire Fighter Turnout Gear from West Shore Fire, Inc. in the amount of \$8,024 with funds to be taken from account #101-900-890 Capital Purchases: PS Equipment.

Roll Call Vote:
Resolution passes unanimously.

AUTHORIZATION TO PROCEED WITH LOCAL ROAD CONCRETE MAINTENANCE PROGRAM

Walsh stated that the Infrastructure Committee met last Saturday and discussed this project. The committee unanimously recommended that Council authorize administration to go out for bids for a local concrete road maintenance program.

RESOLVED by Walsh, supported by Kennedy, to authorize Village administration to solicit bids for the 2000 concrete repair program #R-00-2 dated 4/13/2000.

Roll Call Vote:
Resolution passes unanimously.

SET PUBLIC HEARING DATE TO REVIEW CABLE FRANCHISE AGREEMENT

MOTION by Pfeifer, supported by Walsh, to set a public hearing to review the cable franchise agreement at the regular Council meeting on Monday, May 15, 2000 at 7:45 p.m.

Motion passes unanimously.

SET PUBLIC HEARING DATE TO REVIEW 2000/01 FISCAL YEAR BUDGET

MOTION by Pfeifer, supported by Kennedy, to set a date for the public hearing to review the 2000/01 fiscal year budget on May 1, 2000 at 7:45 p.m. during a regular Council meeting.

Motion passes unanimously.

APPROVAL OF BILLS

MOTION by Pfeifer, supported by Downey, that the bills from a period of 4/4/00 through 4/17/00 be approved for payment in the following amounts:

\$296,654.06	General Fund
3,240.33	Major Road Fund
12,239.82	Local Road Fund
77.50	Capital Projects Fund
42,766.40	Water/Sewer Operation Fund
<u>10,597.98</u>	Trust & Agency Fund
<u>\$365,576.09</u>	Total

Questions on the bills from Sharon Tischler were addressed by administration.

Motion passes unanimously.

Assistant to the Manager Pasieka entered the meeting at 10:40 p.m.

LIAISON'S REPORTS

Walsh stated that the Planning Board met last week and is continuing its work on a pathway plan for the Village. Walsh estimates that the study will be completed in June. The Planning Board also discussed the need for annual joint meetings with Council. The suggestion was made to hold joint meetings in October before the holidays and the Village election.

It was the sense of Council that it should schedule a joint meeting with the Planning Board in the next couple of months to discuss priority projects. Consideration can be given to holding the annual joint meetings in October in the future.

Hanlin commented that it has been suggested that joint meetings be included in the Village calendar. Craig asked Hanlin to schedule joint meetings with Village boards as required.

Stearn stated that the Parks and Recreation Board will meet this week at 7:30 p.m. He announced that the annual Park Clean Up will be held on Saturday, May 13. The Easter Egg Hunt will be held in Beverly Park this Saturday.

Craig referred to a memo from administration outlining items that the Parks and Recreation Board is reviewing for recommendations to Council.

Kennedy reported briefly on the Summit II sponsored by the Birmingham Community Coalition, which she attended along with Gladys and Bob Walsh.

Walsh reported on the Infrastructure Committee meeting that was held last Saturday. The Infrastructure Committee will be scheduling regular meetings to discuss pending issues.

Downey mentioned that a priority list of projects was formulated by the Infrastructure Committee in attempt to arrive at a more formal structure for reviewing issues.

MANAGER'S REPORT

Hanlin conveyed the Council and administration's best wishes to John W. Smith who was hospitalized today. Hanlin acknowledged that it is Bob Wiszowaty's birthday today and wished him a happy birthday.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court commented on changes in State law with respect to releasing trapped animals.

COUNCIL COMMENTS

Downey questioned who is serving as the Council liaison to the Birmingham Public Schools. Craig stated that this liaison responsibility is covered under "community and youth programs", and Stearn is that liaison, with Kennedy being the alternate.

Stearn thanked the Public Safety Department for the service it offers of installing a child's car seat in a resident's vehicle at no charge. He commended Public Safety for responding in seconds to a situation on Kirkshire this week.

Kennedy suggested that Council consider a resolution regarding "Let Local Votes Count". Administration will prepare a resolution for the next Council meeting.

Kennedy related that on Tuesday, May 9 the Birmingham Bloomfield Families in Action group will be sponsoring a program called "Parent Talk".

Craig stated that the Village received a letter dated April 12, 2000 from the Department of Natural Resources stating that Beverly Hills is one of 255 applications that will be considered under the Michigan Natural Resources Trust Fund, Clean Michigan Initiative Recreation Bond program to receive money from the \$95 million available in those funds.

MOTION by Kennedy, supported by Walsh, that Council recess for five minutes at 10:57 p.m.
Motion passes unanimously.

Munguia left the meeting. Council reconvened at 11:08 p.m. to discuss the 2000/01 fiscal year budget.

The Parks and Recreation capital budget was discussed at some length. It was agreed that the allocation to Capital Purchases: Park Site Improvement will be \$23,000 for the next fiscal year and the allocation to Capital Purchases: Park Equipment will be \$1,000.

Pfeifer directed Council's attention to the Water and Sewer Fund budget. She proposed funding water main replacement through the water bills. Pfeifer remarked that she does not know of a utility that does not have a built in replacement factor. It was indicated that there is a \$900,000 balance in the Water and Sewer Improvement Fund.

Setting water rates is part of the budget process. Craig stated that Council will be considering a rate structure for water rates as part of the adoption of the budget in May.

Wisowaty stated that auditors have recommended an 11.5% increase in water rates. The biggest part of that increase (75%-80%) is a non-cash item, which is depreciation of current water and sewer mains plus the upcoming construction of the Acacia Park Interceptor. He related that the CSO facility constructed in 1995 at a cost of \$5 million will be recorded as an asset this year, which will bring the assets of the Water and Sewer Fund from \$8 million to \$13 million. The impact on the proposed budget is that depreciation is about 50% higher than in the previous year. Those assets will have to be maintained as they are used and replaced at some point in time.

Wisowaty explained that a depreciation expense is included in the Village's enterprise fund for the cost of replacing water and sewer mains. Depreciation expense is anticipated to increase from \$80,000 to \$248,000 in the budget and will be charged to the water customers. He suggested that this additional revenue can be used for replacement of water mains.

It was questioned how much of that 11.5% increase could be used for water main projects on an annual basis. Wisowaty responded that the annual revenue would increase by \$170,000 to \$248,000. The projected year end fund balance in the Water and Sewer Operating Fund is estimated at \$900,000. Wisowaty explained that this fund is used for maintenance of the system. A portion of that balance will be used for contractual obligations of the Village such as a \$150,000 quarterly sewage payment to the Evergreen-Farmington system. The Village maintains a fund balance of 15% of the cash flow of the total budget, which would be \$300,000 for the Water and Sewer Operating Fund. Wisowaty estimates that there will be \$500,000-\$600,000 unallocated above the 15% fund balance that could be used for water main replacement.

Craig suggested that Council authorize administration to proceed with a water main project this year with \$500,000-\$600,000 available in the Water and Sewer Fund balance. That fund will be replenished by \$170-\$250,000 a year through revenue from water bills. He proposes spending that \$500,000 this year on a project before Council contemplates a further increase in water rates to replace deteriorating water mains in the Village.

Council discussed the proposal to increase the water rates to finance water main replacement. It was mentioned that Council members have indicated in the past that they would prefer to do water and sewer repairs out of tax dollars because they are tax deductible for the residents. Some members of Council support the idea of water bills paying for water main repairs. It was noted that a usage charge would have a greater effect on high water users.

Wisowaty stated that every dollar increase in water rates generates approximately \$60,000 in revenue. He advised Council that an 11.5% rate increase in water bills will mean an increase of \$54.72 for the typical customer.

Stearn remarked that he raised the issue last year that the schools, churches, and synagogues are not paying their fair share of the water bills. He questioned why he was not made aware of the surplus in the Water and Sewer Fund. He agrees that the Village should start spending the unallocated fund balance on water main repair.

Spallasso indicated that there are 26 miles of water mains in the Village that are eligible for replacement. Council asked Spallasso to prioritize the water mains in need of replacement.

Pfeifer stated that a portion of the \$350,000 allocated in last year's budget for replacement of the Evergreen Road bridge is now available for other projects. The Village received a grant from the Michigan Department of Transportation that will cover 95% of the construction cost of bridge repair. Administration estimates that \$225,000 will be available to be used on major or local roads. Pfeifer proposed that some of this money be allocated towards starting a ditching program.

Spallasso stated that the cost of asphalt paving has increased. He may be able to negotiate a change order with the current contractor for a substantial amount of work at a 3-4 percent increase in cost. Council will have to decide whether to go out for bids or negotiate an increase to extend the current contract for asphalt replacement work.

Kennedy stated that asphalt paving was discussed at the Infrastructure Committee meeting. Spallasso was asked to prepare a priority list of road repairs for their next meeting. The topic of ditches was also discussed.

Spallasso stated that there are ditches that need to be maintained along segments of major roads. It would be a definite improvement to the condition of the road giving it a longer life expectancy. He cautioned Council that reditching long segments of local streets would be very expensive when it involves redoing every approach and culvert. The Village could not afford a ditching program on local roads unless homeowners participated in the cost. He proposes initiating a ditching program on major roads where there is a serious need.

Spallasso suggested that ditch repair be done in conjunction with road paving. In answer to an inquiry, he agreed that ditch work on recently repaved roads would be important to insure the maximum life of that road.

There was discussion of whether to allocate money toward a reditching program. There was a concern that problems will develop in the future if long term preventive maintenance is not addressed. It was indicated that the Five Year Plan allocated about \$20,000 per year for ditch work. It was mentioned that road fund money will be needed for the Village's portion of the 14 Mile Road reconstruction and other projects that Beverly Hills is committed to do.

Sharon Tischler of 21415 Virmar Court expressed concern that residents who replace their driveway and culvert find that their culvert is heaving and cracking the new concrete in two years. Water undermines the concrete, freezes, and breaks the concrete because of improper ditching. If the Village undertook a ditching program, the culvert and approach area would be the resident's

responsibility. Tischler believes that the Village could negotiate a reasonable cost with a contractor for that work. She urged the Village to inform people if and when a ditching program is anticipated for their area so they can plan for it.

Council agreed to allocate \$20,000 to develop a plan for a ditching program that would involve setting priorities and checking elevations. Spallasso will come back to Council with a plan and cost estimate for a ditch maintenance program that could be spread over a number of years. Council could decide to amend the budget to increase the amount for a ditching program depending on the initial project proposed.

Hanlin asked Council for direction on whether to transfer the \$200,000 budgeted last year for water main replacement to the Water and Sewer Fund or leave it in the General Fund. The intent was to reserve the \$200,000 until at least \$500,000 could be accumulated before going out for bids on a water main project.

The consensus of Council was to leave that \$200,000 in the General Fund and not transfer it to the Water and Sewer Fund at this time. Council has agreed to proceed with water main replacement with \$500,000 from the Water and Sewer Operating Fund balance.

Craig thinks that this Council should be implementing the Five Year Plan where it can. The \$200,000 could be spent toward that effort.

Spallasso stated that the Village may need some money within the next fiscal year for the cost of installing sewer pipe for the anticipated Acacia Interceptor project under 14 Mile Road before the road is resurfaced. The Village does not want to have to dig up the road after 14 Mile Road is improved through a joint project scheduled for 2001 with the County and the city of Birmingham. Spallasso is preparing a rough estimate on the cost of this sewer construction.

Council asked Wiszowaty to keep them aware of fund balances in all funds and to note the targeted fund balance in each fund.

In response to a question about the amount budgeted for the planning consultant, Craig stated that Council agreed to delete \$15,000 from the budget request of \$43,810. Council will meet with the Planning Board to discuss how that money will be spent.

Craig mentioned that the \$15,000 contribution for fire truck replacement was removed from the proposed budget. He thinks that this amount should be included in the budget.

At Council's inquiry, Wiszowaty stated that the Village has \$15,274 left under the 11 mill cap as reduced by Headlee. Council could increase the General Fund budget by that amount. The millage cap is 10.4006 mills. This budget contemplates levying 10.3646 mills. All that is left is 0.4 mills to max out the General Fund Charter millage.

Four of the six Council members present were in favor of levying the entire 10.4006 mills in order to allocate \$15,000 in the fire truck replacement fund.

MOTION by Walsh, supported Kennedy, to adjourn the meeting at 12:40 a.m.

Motion passes unanimously.

Andrew Craig
Council President

Ellen E. Marshall
Village Clerk