

REGULAR COUNCIL MEETING MINUTES - MONDAY, JUNE 5, 2000 - PAGE 1

Present: President Craig; Members: Downey, Munguia, Pfeifer, Stearn and Walsh

Absent: Kennedy

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

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

MOTION by Pfeifer, supported by Walsh, that the minutes of a regular Council meeting held on Monday, May 15, 2000 be approved as submitted.

Motion passes unanimously.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

George Meyer of 22542 Fiddlers Cove in Metamora Green was present speaking for about 50-60 people who are interested in having the sidewalk completed from Bingham Farms School north of 13 Mile Road to Lahser Road, north on Lahser to 14 Mile Road and then west. About 66% of a this sidewalk is already there. The remaining 33% of sidewalk should be completed to have 10,000 feet of uninterrupted walkway for the safety of our children.

Meyer stated that area residents are working with the Planning Board and want Council to know that there is support of sidewalks from Georgetown, Georgetown North, Metamora Green, Camelot, Village Pines and Nottingham. There are individuals from those areas who support the completion of these sidewalks started 37 years ago. Interested residents are looking forward to an opportunity to be on the agenda to make their presentation to Council.

Morris Brackenbury of 31411 Sleepy Hollow mentioned that a teenage girl on a bicycle was struck and killed after dark by an automobile in the early 1970's on the shoulder of Lahser Road in front of the Metamora Green Subdivision. He believes that she would be alive today if there had been a sidewalk there. Brackenbury has observed that neighboring communities are completing sidewalks, and he urged the Council to do the same in Beverly Hills.

Karen Callanan of 22656 Highbank Drive in South Georgetown would like kids to be able to ride their bikes to Woodside Athletic Club. She stated that there are a lot of young families moving into her neighborhood of 143 homes, and there is a large increase in the number of children. The children in her subdivision are isolated from other neighborhoods. In addition, runners cannot safely run

along 13 Mile or Lahser Roads. Callanan stated that there are people of all ages who are in support of sidewalks. She maintains that sidewalks would increase safety and property values.

A resident of Nottingham Forest Subdivision who walks regularly on Lahser Road and 14 Mile Road commented on the hazardous traffic conditions for pedestrians. He expressed a willingness to pay an assessment or help promote a millage for sidewalks in that area.

Lori Hicks of 30337 Lincolnshire East commented on the support for sidewalks in her neighborhood. She congratulated Council for bringing up the issue of sidewalks and pedestrian safety. Hicks stated that residents are here to let Council know that they want to get involved. Petitions have been signed by at least 100 people who want these sidewalks completed, and petitions continue to be circulated. Connecting the neighborhoods on the west side of the Village would be a great thing for children and teenagers. Sidewalks would provide safety and help make our community a great place to live.

Stearn encouraged anyone who is interested in sidewalks to attend Planning Board meetings. The Planning Board is working on a sidewalk study to determine where the Village should start implementing sidewalks. A report will be presented to the Council some time this fall.

Becky Robertson of 22831 Shagbark stated that she and others attended a Planning Board meeting to express their support of sidewalks. They were advised to make their opinions known to the Village Council because the Council will make the final decision on sidewalks whereas the Planning Board is an advisory body.

Craig stated that he would like to see sidewalk constructed to fill in the gaps especially on 13 Mile, 14 Mile, and Lahser Roads. Earlier this year a ballot proposal for a millage cap increase was turned down, which makes a lot of people hesitant to spend money now. The Planning Board has been authorized to prepare a sidewalk plan that would identify and prioritize the areas where pathways and crosswalks should be installed for safety and connectivity when there is money available to start working on sidewalks.

Craig does not anticipate any Council discussion of this subject before that study is completed and submitted to the Council in the fall. The Planning Board is studying a pathway plan for the Village with the planning consultant. They will continue to solicit input from residents on sidewalks and pedestrian safety.

George Meyer suggested that the Planning Board sidewalk study should consider both new sidewalk and completing gaps in existing sidewalks, with higher priority given to finishing a project that was started 37 years ago. Craig commented that there are a lot of areas in the Village where there are unconnected sidewalks.

Downey commented that he is pleased to see people who use sidewalks coming to meetings and requesting a reasonable solution to pedestrian safety and connections in the community.

Caitlin Shea of 22809 Shagbark in Georgetown highly recommends sidewalks so that she and her friends can ride their bikes to the Stroh's store without crossing through back yards and major roads.

ACCEPT RESIGNATION OF BRIAN JANKS AND MAKE FIRST ANNOUNCEMENT OF VACANCY ON THE CABLECASTING BOARD

Pfeifer stated that it is with a great deal of reluctance that she will make a motion to accept the resignation of Brian Janks from the Cablecasting Board. He has served our community very well. Brian Janks and his family are moving out of the Village.

MOTION by Pfeifer, supported by Walsh, to accept with great regret and many thanks the resignation of Brian Janks from the Cablecasting Board.

Motion passes unanimously.

Pfeifer made the first announcement of a vacancy on the Cablecasting Board. Interested residents may pick up applications at the Village office during normal business hours.

MAKE FIRST ANNOUNCEMENT OF VACANCY ON THE ZONING BOARD OF APPEALS DUE TO LISA DERY'S TERM EXPIRING ON JUNE 30, 2000

Munguia stated that Lisa Dery has chosen not to be reappointed to the Zoning Board of Appeals when the new terms begin on July 1. He made the first announcement of a vacancy on the Zoning Board of Appeals.

APPROVE PRELIMINARY ENGINEERING/TOPOGRAPHICAL SURVEY FOR ROAD IMPROVEMENTS TO CORYELL

Walsh stated that this is the second petition that has come before Council in the last month signed by residents interested in improving a gravel road. At its last meeting, Council approved an engineering/topographical survey to determine the cost of paving Stafford Road. Before Council this evening for consideration is a petition signed by 46 of the 63 property owners of the Coryell Estates Subdivision. Property owners are requesting that the Village acquire a cost estimate for the asphalt paving of about 1.5 miles of unpaved roads without concrete curb and gutters. This petition also requests the Village to acquire a cost estimate for addressing the drainage of the subdivision streets.

Walsh stated there has been some question about the maintenance costs for paved roads versus gravel roads. The Finance Director indicates that the cost of maintaining an unpaved road is \$5,216.43/mile per year based on an average cost over the last four years. The cost of maintaining a paved road is \$1,083.34/ mile per year. Walsh thinks that paving these roads will be a benefit to the Village.

RESOLVED by Walsh, supported by Pfeifer to approve the preliminary engineering/topographical survey for Coryell Estates Subdivision by Hubbel, Roth & Clark in an amount not to exceed \$15,300.

There followed an in-depth discussion on the cost savings over time with respect to maintenance of gravel roads versus paved roads.

Spallasso stated that, if the area residents decide not to have their roads paved, the topographical survey will be used in conjunction with ditch maintenance and possible future road improvements.

There were members of Council who supported preparation of a topographical/engineering survey in an effort to proceed with the paving of roads on the basis that the Village would realize a substantial cost benefit on the maintenance of those roads.

Downey commented that the petition signed by area residents is not very strong in its commitment to supporting the paving project. He would prefer providing a rough estimate of the cost per property owner and obtaining a commitment from the area on that basis. Downey would like to have more tangible input from the residents that the project will go forward before the Village spends the money for this study. Downey clarified that he supports paving the roads, but will not vote to spending \$15,000 on a survey that may or may not result in a paved road.

Sharon Tischler of 21415 Virmar Court, President of the South Berkshire Homeowners Association, commented that the residents in the Coryell area have discouraged paving roads in the past on the basis that it would increase traffic and speeding. Another reason that paving was not pursued in the last twenty years was due to the Village's policy requiring that roads be paved with concrete curbs and gutters, which made the project cost prohibitive to homeowners. There is now support in the neighborhood to pave the roads because of the Village's current policy to allow asphalt resurfacing without concrete curb and gutters.

Tischler questioned whether the figure cited for maintaining unpaved roads includes the resident's share of the cost of maintaining the roads. Wiszowaty stated that the \$5,216.43 amount for maintenance of unpaved roads is the cost to the Village and does not include the special assessment to residents for road maintenance.

Norm Downey of 23042 Nottingham Drive questioned why a rough estimate for the cost of paving the roads in question cannot be provided. Spallasso responded that an accurate estimate involves addressing the drainage needs in addition to calculating the linear feet of pavement needed.

Craig stated that he is opposed to spending \$15,000 on a study when the property owners have not committed to the project. He would rather have the petition indicate an approximate cost per household and ask residents to sign the petition if they are interested in paving the road. Craig also questioned where the Village would come up with the money for its share of paving 1.5 miles of road next year.

Roll Call Vote:

Downey	- no
Munguia	- yes
Pfeifer	- yes

Stearn - yes
Walsh - yes
Craig - no

Resolution passes (4 - 2).

DISCUSSION OF WATER AND SEWER DEBT SERVICE CHARGES

Pfeifer requested that this item be on the agenda for Council's consideration. During the budget discussions, a comment was made from a member of the public as to why the Village charges its debt service based on water usage rather than charging a flat fee per water meter. Pfeifer thinks that this makes sense. The debt service charge is a payment on bonds that have been issued for improvement to the water system, and it involves no depreciation. The debt service charge has nothing to do with the amount of water the customer is using.

Pfeifer questioned whether it is legal to charge for a debt based on water usage if the potential exists of not collecting enough money to make payment on the debt. In the event that the Village has a light water use year, the potential exists that the fee would not generate enough funds through water sales to cover the debt charges. Pfeifer thinks that it would be better to charge for debt service through a meter charge rather than charge by water use.

Ryan stated that it is legal to charge a debt based on water usage. Other municipalities do this in the same fashion. A number that is estimated to be accurate based on proposed water usage is spread over the system as a debt service charge. It could fluctuate from year to year. Ryan does not believe that the Village has ever experienced a deficit. He stated that the same dollars would have to be raised through a water meter charge, but the cost would be redistributed.

Pfeifer views the current method of charging for debt service as penalizing high water users. She asks that Council reconsider the manner of charging for debt service. She estimates that the cost would be approximately \$33/meter per year to satisfy these debts, or a quarterly charge of \$8.25. Pfeifer asked if Council agrees that this should be addressed.

Craig concurs that the debt service charge is inequitable. It is his view that the inequity does not have to do with a flat meter fee versus a user charge. In 1990, the Council chose to float bonds to finance sewer repair. The Council at the time agreed to have the future residents pay for repairing sewers that were broken. Craig would have preferred to have the sewers repaired through a depreciation expense built into the sewer charge. Funds should have been reserved to pay for sewer repairs on a "pay as you go" basis. The inequity is that people are paying for a repair that should have been funded and paid for ten years ago. This Council does not have enough money now to pay for repairs that need to be done today.

Craig stated that the Village has to retire these bonds that have another 12 years to go. Whatever the cause for the repair or the improvement, Craig supports user fees versus a flat fee.

Downey commented that a citizen not using the system for six months out of the year would have a high meter charge. He is satisfied with the way the Village is retiring the debt on a usage fee basis.

Walsh expressed the view that Council should live with the debt fee the way that it is structured.

Pfeifer conceded that there was no support for her position. She posed another question about the way the Village bills its water and sewer charges. Residents are paying a combined water and sewer fee in that they are billed for sewer charges based on the amount of water they use. She questioned the rationale for segregating the charges on the water bills. Pfeifer suggests combining the water and sewer charges on the bill. The total amount of the bill will remain the same.

Craig stated that the separate charge for water and sewer was established many years ago when there were residents with septic fields. People with septic fields were not charged for sewer and people with wells were not charged for water. Currently, there is one septic field in the Village and 62 wells. There are about 62 people who would pay a higher bill if the rates were combined. People with wells are charged a flat rate based on the averages for the Village for sewer only.

There was not a consensus of Council to combine the water and sewer charges on the water bill.

It was noted that there was an error made on the due date of water bills that went out recently for Section 2 of the Village.

REFER REQUEST TO PLANNING BOARD FOR SPECIAL APPROVAL AND SITE PLAN REVIEW FROM KENSINGTON ACADEMY FOR GYMNASIUM ADDITION AND MAIN ENTRY RENOVATION

Walsh stated that Kensington Academy located at 32605 Bellvine Trail is a educational institution on approximately 7.5 acres just behind Berkshire Middle School. The School submitted a site plan to build a 9,200 square foot gymnasium on the north end of the building. State law dictates that the gymnasium construction will be overseen by the State Fire Marshall. Council will refer the site plan to the Planning Board to review everything but the basic construction of the renovation.

Two variances are being requested. A variance is requested to allow enhancement of the existing greenbelt rather than erecting a six foot masonry wall on the eastern side of the property adjacent to a residential area. Another variance is requested from the required number of off-street parking spaces.

Ryan stated that the Village Council has the authority to review the screening and the parking for a multiple use building. There will be a public hearing held at the Planning Board level and the Council level regarding the site plan and special use approval.

MOTION by Walsh, supported by Downey, to refer the site plan and special use approval for Kensington Academy renovations to the Planning Board for review and recommendation to Council.

Downey reviewed the plans and thinks this will be a fine addition to the Village. Because this is a large structure, ground water retention is a consideration. Spallasso and Byrwa will be reviewing the drainage aspects of the plan. Downey stated that he has asked Council in the past to establish a

policy for ground water retention. He expects to have a more thorough discussion on this topic shortly.

Craig will support the motion. He mentioned that this building was formerly an elementary school that was closed by the Birmingham School District and sold for use as a private school. The entrance to the building is from a residential street inside a subdivision. School traffic comes and goes through the residential area. Craig suggested that administration approach Kensington Academy representatives with the idea of obtaining an easement or land acquisition from the Birmingham School District through Berkshire Middle School property in order to create a driveway along the property line from Kensington Academy to 14 Mile Road.

Craig commented that the new gymnasium will allow the school to have more night activities. The neighboring residences will experience the consequences of additional traffic in the subdivision at night. He is concerned with the affect that the proposed expansion will have on the ten residences on that street.

Motion passes unanimously.

AWARD CONTRACT #R-00-2 FOR CONCRETE REPAIR

Walsh stated that seven contractors submitted bids for the concrete repair program for the 2000 construction season. The bids ranged from a high bid of \$408,070 to the low bid of \$274,590. The low bid was submitted by Lacaria Construction Co.

RESOLVED by Walsh, supported by Downey, to award Contract #R-00-2/ 2000 Concrete Repair Program to Lacaria Construction Company for the low bid of \$274,590, subject to the contractor submitting all bonds and insurance coverage per contract specifications.

In response to an inquiry, Spallasso stated that the project will probably take three to four weeks to complete. Preliminary discussion with the contractor indicated that they will be able to begin the work in about four to five weeks.

Don MacDonald of 31208 Foxboro Way commented that he thinks that there was about \$300,000 in the 2000/01 budget for road work. He suggests that the Village do as much concrete repair as possible this year with available funds in order to fix some of the areas that are in a state of disrepair. These repairs are needed in order to make Beverly Hills look like a first class community.

Spallasso stated that the low bid represents the cost of construction. Added to that will be the cost of engineering, testing, and field inspection. Any remaining money will be used for additional concrete repairs.

Norm Downey of 23042 Nottingham Drive questioned the scope of the program. He was informed that the concrete repair program involves replacing small sections of concrete that have deteriorated in a number of locations Village-wide. Damaged concrete will be replaced with concrete. The

project is being financed with money that had been reserved for the Evergreen bridge reconstruction. Federal and State money has become available for the bridge improvements.

Roll Call Vote:

Motion passes unanimously.

AUTHORIZATION TO SEEK PROPOSALS FOR GENERAL LIABILITY INSURANCE

Pfeifer stated that the Village's contract for municipal liability insurance will expire in the fall. The Village has gone out for bids periodically for liability insurance. She asked if it is possible to obtain a proposal for a package deal but also receive a break down for various areas of coverage.

Hanlin will draft a proposal requesting a cost for the different types of insurance as well as a bottom line number.

MOTION by Pfeifer, supported by Walsh, to instruct the Village Manager to go out for bids on liability insurance coverage for the Village.

Motion passes unanimously.

APPOINT REPRESENTATIVE AND ALTERNATE TO SOCWA BOARD OF TRUSTEES

RESOLVED by Walsh, supported by Pfeifer, that the Village Council of Beverly Hills appoint Renzo Spallasso as representative and Tamara Hanlin as Alternate to represent the Village of Beverly Hills on the Southeastern Oakland County Water Authority Board of Trustees for the fiscal year beginning July 1, 2000.

Roll Call Vote:

Resolution passes unanimously.

APPOINT REPRESENTATIVE AND ALTERNATE TO SOCARRA BOARD OF TRUSTEES

RESOLVED by Walsh, supported by Pfeifer, that the Village of Beverly Hills Council appoint Tamara Hanlin as representative and Renzo Spallasso as Alternate to represent the Village of Beverly Hills on the Southeastern Oakland County Resource Recovery Authority for the fiscal year beginning July 1, 2000.

Roll Call Vote:

Resolution passes unanimously.

APPROVE MINUTES OF AN INFRASTRUCTURE COMMITTEE MEETING HELD ON APRIL 15, 2000

Craig stated that a suggestion was made at the last Personnel Committee meeting that committees that meet infrequently such as the Personnel Committee and the Infrastructure Committee have their

minutes distributed upon completion and approved by those committee members at a regular Council meeting.

There were two corrections made to the Infrastructure Committee meeting minutes of April 15, 2000. On page 5, fourth paragraph from bottom of the page, line one, correct "east" to read "west". On page 8, add the following heading under the #2 agenda item, "Maintenance Plan and Projects".

MOTION by Downey, supported by Walsh, that the minutes of an Infrastructure Committee meeting held on April 15, 2000 be approved as amended.

Motion passes unanimously.

Walsh stated that the next Infrastructure Committee meeting is scheduled for Monday, June 26, 2000 at 5:30 p.m.

APPROVAL OF BILLS

MOTION by Pfeifer, supported by Downey, that the bills from a period of 5/16/00 through 6/05/00 be approved for payment in the following amounts:

\$210,969.16	General Fund
9,904.88	Major Road Fund
9,609.18	Local Road Fund
3,368.05	Dedicated Millage
13,906.32	Water/Sewer Operation Fund
<u>588.48</u>	Trust & Agency Fund
<u>248,346.07</u>	Total

Stearn thanked the Beverly Hills Lion's Club for its donation of a park banner to the Village. Questions on the bills were addressed by administration.

Motion passes unanimously.

LIAISON'S REPORTS

Pfeifer reinforced the fact that there is an opening on the Cablecasting Board and interested individuals should apply at the Village office.

Stearn thanked the Lion's Club for sponsoring the Fun Run on May 29. The Memorial Day Parade and Carnival was a huge success. There was large turnout and everyone had a great time. Stearn announced that a joint meeting of the Council and Parks and Recreation Board is scheduled for Thursday, June 15 at 7:30 p.m. at Beverly Park.

The second of four concerts is being held in Beverly Park on Sunday, June 25 at 4:00 p.m. The Motor City Brass Band will perform.

Walsh stated that the Planning Board continued its discussion of a pathway plan for the Village at its May 24 meeting. The Planning Board will have a public discussion on sidewalks with the date to be announced. The board will submit a recommendation to the Council some time in the fall.

MANAGER'S REPORT

Hanlin received a correspondence from Southfield Township Trustee Jack Fahlen informing the Village that the Township has contracted with a new animal control service, A & D Animal Control, as of June 1. Fahlen stated that early reports on the service are positive.

The Council received an update on the Village web page. Hanlin remarked that Bob Belaustegui has spent many hours on this project. She thanked him for the expertise he has brought to the Village to accomplish this task. Administration will be working more closely with Council, board and committee members who might have an interest in the web page. Input is welcome.

At the Council President's request, a draft of the budget amendments have been prepared. Craig asked members of Council to review the document and address their questions to Wiszowaty. This will be an agenda item for the next Council meeting.

Craig referred to a report distributed to Council prior to the meeting indicating that the Public Safety Retirement System fund balance has shown consistent growth for the last four quarters.

COUNCIL COMMENTS

All members of Council thanked Mary Ann Troy of the Village Woman's Club and everyone who helped organize the Memorial Parade and Carnival. The Lion's Club was thanked for conducting the Fun Run and Walk. Council members commented that they had a wonderful time at the events.

Munguia announced that the Greenfield-Beverly Homeowners Association will be holding its annual spring meeting and ice cream social on June 6 at 7:30 p.m. at the green space in the intersection of Amherst, Fairfax and Glencoe. All Village residents are invited to attend this event.

Munguia reminded everyone that tomorrow is the 56th anniversary of D-Day. On June 6, 1944 during World War II, Allied forces stormed the beaches of Normandy, France in the D-Day invasion of Europe.

Pfeifer reminded Village residents that Flag Day is June 14.

Downey noticed the charts and graphs that accompanied agenda items. He thinks that they add to the understanding of the items, and he looks forward to seeing more of them. He reminded administration to date all documents included in the packet.

Downey mentioned that Council had a fruitful discussion at its study session last week about ways to do continuous improvement. He proposed a standing agenda item at the first meeting of each month to talk about possible additions to the agendas in order to discuss planning items. He maintains that

covering some of these items in the course of a year would be a great improvement to the efficiency of this Council. Downey stated that he would be interested in a presentation of the Village web page to Council.

Stearn commended the excellent job done by the Village building department as evidenced during a recent addition to his home.

Stearn asked for a sense of Council on whether they agreed that the yellow tape on the aerial map designating sewer districts should be removed. It was suggested that the markings be removed in September after the completion of the Amherst-Sheridan relief sewer project. Craig suggested that the aerial map be marked and used during discussion of agenda items when appropriate.

Walsh understands that the report prepared by SEMCOG on the walkable community audit that was performed in the Village by consultants on September 16, 1999 is available. Hanlin has the report and will distribute it to Council.

Craig announced that a recognition day will be held this Wednesday at the Birmingham Country Club to honor the volunteers who serve on various Village boards and committees.

MOTION by Downey, supported by Stearn, to adjourn the meeting at 9:57 p.m.

Motion passes unanimously.

Andrew Craig
Council President

Ellen E. Marshall
Village Clerk