

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

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

Absent: Walsh

Also Present: Village Manager, Hanlin
Assistant to the Manager, Pasioka
Village Clerk, Marshall
Village Attorney, Ryan
Director of Public Safety, Woodard

President Craig called the meeting to order at 7:45 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

APPROVE MINUTES

On page 2, paragraph 3, change the last sentence to read, "The School District was sent a copy of the Village Ordinance regulating cell towers but has not yet responded."

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

Motion passes unanimously.

AMEND AGENDA

MOTION by Pfeifer, supported by Stearn, to remove item #7 from the agenda, "Set hearing date for removal of Cablecasting Board member".

Motion passes unanimously.

PUBLIC COMMENDATION BY DIRECTOR WOODARD

Director of Public Safety Karl Woodard introduced Todd Losey and Todd Webster, recent graduates and coaches of Troy Athens High School. They are being awarded certificates from the Village of Beverly Hills for their valiant efforts to revive a swimmer who collapsed pool side at Groves High School. Both men have life guard experience and have been trained in CPR. They did professional work in their initial assessments on the swimmer while the public safety officers and an ambulance were in route.

Woodard presented civilian commendations to Todd Losey and Todd Webster on behalf of the Village of Beverly Hills in appreciation of their efforts on that day. Council and the audience applauded the men and their parents who were in attendance.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

Don MacDonald of 31208 Foxboro Way questioned the recent water billing mailed to residents on the west side of the Village. The Council approved an 11% rate increase on May 1, 2000 to be effective with all bills mailed as of July 1, 2000.

MacDonald noted that his water bill postmarked July 3 covered water used from March 14 through July 13, 2000. The bill he received was for water used in the prior fiscal year. He feels that the water bills should have been billed at the 1999/2000 rate. If the Village was using the full accrual method of accounting, the revenue should have been accrued in the period earned, which was fiscal year 1999/2000. The west side of the Village is paying a retroactive rate.

MacDonald views the Water Department no differently than a utility. Utilities such as Detroit Edison, Ameritech, Michigan Bell, and Consumers Power are regulated by the Michigan Public Services Commission. The Michigan Public Services Commission generally imposes a rate increase based on usage not when a bill is mailed. If the rate increase falls in the middle of a period, it is generally pro-rated.

Craig will ask the Finance Director to prepare a written answer for MacDonald, which will be read at the next Council meeting.

APPROVE PURCHASE OF AUTOMATIC EXTERNAL DEFIBRILLATORS

Funds were approved in the 2000/01 budget for the purchase of three new Automatic External Defibrillators (AED's). These devices are carried in patrol cars for response to emergency medical situations. Questions from Council were addressed by Woodard.

Woodard explained that the AED's that are currently in the Department's service were acquired in 1992. Although they are still functional, the manufacturer notified agencies using this generation of equipment that it could no longer support the products due to advancing technology. Previous maintenance agreements can no longer be obtained as parts availability cannot be assured by the manufacturer. The Department intends to use one of these units as backup in the Public Safety Department building for personnel in that building, specifically prisoners in the lockup. The other two units will be maintained but not be active at this time. The matter will be studied as to whether two devices will be placed in locations other than public safety. Woodard mentioned that there is oversight on these machines with a doctor at Beaumont Hospital. There was no trade-in allowance given for the older equipment.

The new AED units will provide smaller size, lighter weight, a five-year warranty, and the most up-to-date defibrillation technology available. The bidding process was conducted by the State of Michigan.

RESOLVED by Downey, supported by Pfeifer, that the Village of Beverly Hills Council approve the purchase of three Laerdal Heartstart FR AED's at a price of \$2,695 each for a total of \$8,085. Additional supplies are necessary with the initial purchase in the amount of \$767. The total package is \$8,852 and is \$748 less than the amount budgeted. Funds are available in Account #101-900-980 Capital Purchase: PS-Equipment.

Roll Call Vote:
Resolution passes unanimously.

SET PUBLIC HEARING DATE FOR SPECIAL APPROVAL AND SITE PLAN REVIEW FROM KENSINGTON ACADEMY FOR GYMNASIUM ADDITION AND MAIN ENTRY RENOVATION

The Village Planning Board held a public hearing at its July 12, 2000 meeting on the proposed addition and renovations at Kensington Academy.

MOTION by Craig, supported by Downey, to set a public hearing for Monday, August 7, 2000 at 7:45 p.m. on a request for special use and site plan approval for a gymnasium addition and main entry renovation proposed for Kensington Academy at 32605 Bellvine Trail.

Motion passes unanimously.

APPROVE PURCHASE OF TURNOUT GEAR FOR THE DEPARTMENT OF PUBLIC SAFETY

Funds were budgeted in fiscal year 2000/01 for firefighter turnout gear, the second year of a three-year replacement schedule. The Department participated in a bid process for fire equipment with the City of Troy Fire Department.

RESOLVED by Downey, supported by Pfeifer, that the Village Council authorize the purchase of eight sets of Globe Fire Fighter Turnout Gear from the low bidder meeting specifications, West Shore Fire, Inc. in the amount of \$8,296. Funds are available for this purchase in Account #101-900-980, Capital Purchase: PS-Equipment.

Director Woodard answered questions from Council regarding this equipment.

Roll Call Vote:
Resolution passes unanimously.

PROCEDURE FOR APPROVING MINUTES OF COUNCIL SUBCOMMITTEES

There have been questions raised with regard to a suggestion made at the June 5 Council meeting that minutes of committees that meet infrequently be approved at a regular Council meeting. Craig explained that the intent was to allow Infrastructure Committee or Personnel Committee members to approve meeting minutes upon their completion during a regular Council meeting in order to expedite the distribution of those minutes. It was mentioned that it is difficult to recall events in order to approve or amend minutes when several months pass between meetings. It has been suggested that an alternative practice would be to schedule a brief committee meeting prior to a Council meeting for the purpose of approving meeting minutes.

Council discussed the procedures for distributing and approving minutes at some length. Input was received from members of the audience including a Planning Board member, the Township Clerk and Village Clerk.

There was a consensus of Council that committees that meet infrequently could schedule a special meeting for the sole purpose of approving its minutes prior to a regular Council meeting. Minutes should be approved and distributed in a timely manner.

APPROVAL OF REPLACEMENT ADMINISTRATIVE VEHICLE

The 2000/01 Capital purchase budget contains \$22,000 for the purchase of a new administrative vehicle to be used by the Public Services Director. A 2000 Pontiac Transport minivan is available at a cost of \$20,961.61 from Red Holman Pontiac through the Oakland County Cooperative Purchasing Plan.

The 1996 Transport minivan currently being driven by the Public Services Director will become the vehicle used by administrative aids for deliveries. The other 1996 Transport, which was replaced last year for the building department, is currently being used for deliveries and will be sold.

RESOLVED by Pfeifer, supported by Downey, to award the purchase of a 2000 Pontiac Transport minivan to Red Holman Pontiac of Westland in the amount of \$20,961.61 to be paid for from Account #101-900-979.

Council questions on the purchase of this vehicle were addressed by administration. Stearn remarked that he was interested in comparing the cost of leasing versus purchasing vehicles. An analysis prepared by Plante & Moran demonstrated that purchasing the vehicles is more cost effective than leasing.

Roll Call Vote:
Resolution passes unanimously.

DISCUSS PROCEDURE FOR APPROVING IMPROVEMENTS AT BEVERLY PARK

There was discussion at the June 20, 2000 joint meeting of the Council and Parks and Recreation Board as to whether the planned entranceway and parking lot improvements for Beverly Park should be referred to the Planning Board for review and recommendation. Pasieka has provided Council with information from the Municipal Code on site plan review and examples of Planning Board involvement with public improvements since 1985.

Stearn expressed support for allowing the Parks and Recreation Board to proceed with the improvements proposed for the park. He referred to the memo dated July 12 in which Building Official Byrwa indicates that a trigger for site plan review is an increase in intensity of use. The first phase of the park improvements only involves erecting a gate and new fencing at the park entrance and paving the existing parking lot. These improvements do not increase the intensity of use of Beverly Park.

Council members discussed how to proceed with the park improvements in question. It was clarified that the only improvements under consideration at this time are a new park entrance and paving the parking lot. Members of Council did not think the proposed improvements will change the use or increase the intensity of use of the park. The undertaking does not warrant preparing 25 copies of a detailed site plan as required for a site plan review.

It was noted that the park master plan is a component of the Village Master Plan, which has been prepared by the Planning Board and approved by the Council. The park plan has not been changed since public hearings were held and the Master Plan was approved three years ago. The Village will be implementing activities that received much review by the Parks and Recreation Board, Planning Board, Council and the public.

Council encouraged the discussion and input of the Planning Board on the park improvements. Village resident, developer, and Planning Board member David Jensen has been working with the Parks and Recreation Board to develop a topographic map and a preliminary plan for the entrance and parking lot design. It was suggested that Jensen lead an informal discussion of these park improvements at a future Planning Board meeting.

Bob Belaustegui, Planning Board member, related that there was some discussion at the last Planning Board meeting as to whether the board should review the proposed park improvements. He stated that the park master plan is specifically referred to in the Village Master Plan and is part of that Master Plan. The Planning Board was invited to participate in a joint meeting of the Parks and Recreation Board and Council to discuss the park plan. There is no master planning need for the Planning Board to review the park plan.

The Planning Board reviews and approves signs. There is no sign involved in this stage of the park plan. The Planning Board is also involved in a site plan review when there is more than five yards of dirt moved as part of excavation work.

Belaustegui commented that there is no change of use anticipated with the proposed park improvements. There is nothing in the park master plan that the Planning Board has not already seen and agreed to. The Planning Board concluded that there is no need for it to review the proposed park improvements unless Council asks the board to review a specific issue.

MOTION by Stearn, supported by Kennedy, that the Parks and Recreation Board be allowed to move forward with the entrance and parking lot proposals included in the park master plan without any further review by the Planning Board. The motion is limited specifically to the Beverly Park entranceway and parking lot improvements.

Motion passes unanimously.

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

The annual meeting of the members of the Michigan Municipal League (MML) will be held on Mackinac Island from September 28-30, 2000. There was no one from Council who could commit at this time to attending the convention as the official representative to cast the vote of the Village at the annual meeting. The deadline for designating a representative is September 8.

MOTION by Craig, supported by Downey, to postpone the designation of a voting delegate to the Michigan Municipal League Annual Meeting until the next Council meeting.

Administration will look into whether the Council can vote by proxy. Hanlin will also investigate whether anyone in the Village can be designated by Council to attend the convention as the voting delegate representing Beverly Hills.

Motion passes unanimously.

APPROVAL OF BILLS

MOTION by Pfeifer, supported by Kennedy, that the bills from a period of 7/01/00 through 7/17/00 be approved for payment in the following amounts:

\$212,521.62	General Fund
6,913.01	Major Road Fund
8,3214.90	Local Road Fund
64.98	Dedicated Millage
64,102.43	Water/Sewer Operation Fund
<u>12,229.33</u>	Trust & Agency Fund
<u>\$304,046.27</u>	Total

Questions from Council and the public were addressed by administration.

Motion passes unanimously.

LIAISON'S REPORT

Pfeifer commented that the Cablecasting Board will meet this Wednesday, July 19 at 7:45 a.m. in the Rotary Room of the Birmingham Public Library. The Cablecasting Board continues to receive complaints about the Emergency Alert System, which will be discussed at the meeting. The board will welcome its new member Raymond Lacroix on Wednesday.

Stearn announced that Bobby Lewis and the Crackerjack Band will perform in Beverly Park this Sunday, July 23, at 4:00 p.m. He asked if the Beverly Hills concert series could be videotaped and aired on the municipal/library access channel. Pfeifer will bring this request before the Cablecasting Board. Stearn also asked that the Birmingham Eccentric reporter publicize the concerts in the newspaper.

The Parks and Recreation board meeting for July is canceled.

Kennedy stated that there will be a SEMCOG meeting held on Thursday, August 10 on the topic of the future vision for the region's transit system. The meeting is open to the public.

Kennedy noted that Southfield Road construction started this morning and is expected to be complete on November 15. The road will not be closed, and access to businesses along Southfield Road will be maintained throughout the project.

Downey stated that the Public Safety Department was contacted this week regarding young people riding mopeds, mini-bikes, and powered skate boards in the Village. While it is not illegal, Downey reminded everyone of the regulations to be followed regarding mopeds.

Craig welcomed Larry Needham to the Zoning Board of Appeals and Raymond Lacroix to the position of Cablecasting Board member.

MANAGER'S REPORT

Hanlin stated that the next Villager newsletter will be issued in September. The deadline for submitting material is August 8.

Village resident and master gardener Betty Sturley was featured in a Detroit Free Press article on July 14. Her garden will appear on the HGTV television show. Hanlin stated that Sturley has helped the Village with a landscaping plan for the municipal building.

Hanlin received a letter from the Oakland County Equalization Division informing the Village that their representatives will be taking photographs of homes in Beverly Hills during the month of August for their Graphic Information System. Photographs will be taken from public sidewalks and streets. She asked residents to be aware that this will be occurring.

Southfield Road improvements began today at 14 Mile Road.

COUNCIL COMMENTS

Stearn asked when Bed Bath & Beyond on Southfield Road will open. Hanlin answered that the store will open for business on Thursday. Byrwa remarked that the company has expectations that this will be a high volume store.

Stearn questioned the status of the Village web page. Belaustegui responded that the web site is ready and that he is negotiating the domain name.

Kennedy informed residents that roads that have been damaged during the construction of the Amherst-Sheridan relief sewer will be repaired as needed. She noticed that Birchler Arroyo has offered to initiate a brief training series for Planning Board members on planning related issues at each board meeting. Kennedy urges the Planning Board to take advantage of this offer, depending on the cost.

Kennedy questioned whether it was appropriate for the chair to make a motion or a resolution. She asked that research be conducted on this question in order to arrive at a clear policy to be adopted by Council. Kennedy does not think Council should be inconsistent or indecisive on whether a motion of the chair is allowed. She requests that this be a topic for a future agenda.

Craig asked Ryan to furnish Council with a memo on this topic based on his review of the Charter.

Downey referred to an earlier comment from the Building Official with regard to the high expectations of Bed Bath & Beyond for the Beverly Hills store. He cautioned Council to be aware of a developer's agenda during a presentation before the Village.

Munguia asked if there is a progress report on construction in the area of Amherst, Lauderdale and Reedmere. Hanlin stated that the project is proceeding on schedule. She will provide Council with a written update.

Munguia commented on fund raising efforts for park improvements. He related that he visited the park recently with a member of the Grosse Pointe parks and recreation board. That individual was impressed with Beverly Park but commented that the parking lot and the fence area needs work. Munguia thinks that it is incumbent on the Village to be a good neighbor and take care of the fence along Beverly Road and the parking lot.

Craig corrected a mis-statement he made at the Volunteer Appreciation Dinner regarding Jack Fahlen's term of service with the Village. Jack Fahlen has served on the Zoning Board of Appeals for 26 years. Craig thanked Kennedy for chairing the last two Council meetings in his absence.

Craig commented that he lives across Evergreen Road from Groves High School. He understands and accepts the fact that school district property is governed and overseen by the state and not by local government. Craig believes that the law makers who wrote the laws concerning jurisdiction of schools never intended school districts to undertake for-profit enterprises.

The Birmingham School District has undertaken ventures at Groves High School that Craig feels are not in his best interests as a resident and a neighbor. The school district allowed a higher education learning and conference center at GHS that is not geared towards the students of our community. The size of the parking lot was doubled. This project would have come before the Planning Board for site plan review if it was not a school district enterprise. Village regulations require walls or berms to shield residential property from headlights and noise. Craig maintains that the school district should have come before the Village for a site plan review of this activity.

The third cell tower on Groves High School property is too close to the property line. Public Services Director Spallasso wrote a letter to Birmingham Schools advising them of the Village's cell tower ordinance. A response has not been received. The schools should comply with local ordinances because they are our neighbors.

Craig expressed the view that, when the school district goes beyond its original charter and does things for profit and not for the children in the area, the law needs to be changed. He requested that

Village Attorney Ryan research this issue and prepare a resolution for Council's consideration. The resolution will reference state statutes suggesting that the school district is going outside of the scope of what the Village thinks the lawmakers had intended. The resolution should ask the school district going forward to comply with local ordinances on matters that are not pertinent to the education of children. Craig thinks the school district needs to know that this community will not continue to stand for this.

MOTION by Kennedy, supported by Downey, that the meeting be adjourned at 9:24 p.m.

Motion passes unanimously.

Andrew Craig
Council President

Ellen E. Marshall
Village Clerk