

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
Assistant to the Manager, Pasieka
Village Clerk, Marshall
Village Attorney, Ryan
Director of Public Safety, Woodard

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

APPROVE MINUTES

MOTION by Kennedy, supported by Pfeifer, that the minutes of a regular Council meeting held on Monday, September 18, 2000 be approved as submitted.

Motion passes unanimously.

PUBLIC COMMENTS

Robert Bliven of 31633 Nixon commented that he has lived in the Village for 38 years and has seen both good and bad things happen. Thanks to this Council and previous councils, most of what has happened has been good. Bliven remarked that there are things that he has taken for granted that he would like to share with Council.

Bliven said that he takes weekly rubbish pick up for granted. He thanked the Village for taking care of the trash. There are good roads in Beverly Hills, and he thanked Council for keeping the Village roads in good condition. Bliven appreciates the good water service in Beverly Hills. The combined sewers, which were state-of-the-art when constructed, are now a problem. He appreciates that the Council is doing something to rehabilitate the sewer system.

Bliven stated that other items he has taken for granted are traffic control in the Village and the fact that it is a safe community. Beverly Hills is a good place in which to live. He takes the sidewalks and the use of the library for granted. Bliven appreciates Beverly Park and views it as the community center for the Village. He enjoys the new Village web site.

Bliven stated that he is impressed with the responsibility given to the Council by the Village Charter. He also voiced some concern because Section 6.12 of the Charter says that the seven members will act as a Council in this council room. The Charter language indicates to him that Council should not form committees and should not be on a Village committee or board. Section 6.12 suggests that Council persons should deal only with the Village Manager. Bliven thinks that Council is getting away from that. He thinks that members of Council should read Section 6.12 to be aware of their limitations.

Bliven stated that Council is elected to set policy and employ people to carry out the details. The Council should do its business in the council chambers. If members of Council want to be on a Village board or committee, Bliven suggests that they leave Council.

Bliven believes that every Council has serious problems. This Council is doing a good job for the most part. He suggests that they do not try to do it all but leave something for future Councils. He urges Council to take small steps and go forward at all times.

DISCUSS FRANCHISE ORDINANCES WITH DTE AND CMS RELATIVE TO FRANCHISE FEES

At its August 21, 2000 meeting, Council held a first reading of two ordinances to establish the process, requirements, terms and conditions for granting of franchises to suppliers of electricity. One ordinance would grant an electricity supplier franchise to DTE Energy Marketing, Inc., the parent company of Detroit Edison. The grantee of the second ordinance is CMS Marketing Services and Trading Company, which is the parent company of Consumers Energy.

At Council's direction, Ryan prepared a franchise fee section to be added to the proposed ordinances.

The clause states that, if any other municipality is getting paid a franchise fee, the Village would also receive a similar amount. If Council decides to include this section in the ordinances, Ryan will communicate to DTE and CMS that the Village Council wishes to consider the franchise fee clause as a part of the franchise agreement.

Ryan answered questions from Council. He indicated that franchise fees are being paid by these companies. Whether to raise this issue in Beverly Hills is a policy decision for Council to make.

MOTION by Walsh, supported by Kennedy, to incorporate a franchise fees section into the proposed ordinances granting an electric supplier franchise to DTE Energy Marketing, Inc. and CMS Marketing, Services and Trading Company.

Motion passes unanimously.

Ryan will contact representatives of both proposed franchisees and forward the language to be incorporated in a revised ordinance. The second reading can be held at the next Council meeting.

CONSIDER APPROVAL OF EXPENDITURES FOR PRINTING 2001 VILLAGE CALENDAR

Two bids have been received for publishing the 2001 Village information calendar. Administration recommends that Council award the contract to the low bidder, Spectrum 3, in the amount of \$7,475.00. This company has done a good job of printing the calendar since 1997. The quote this year is \$75 less than last year, and the company will provide pick up and delivery of materials.

RESOLVED by Stearn, supported by Pfeifer, that the Village of Beverly Hills award a contract to Spectrum 3 to publish the 2001 calendar in the amount of \$7,475.00 with funds from Account #101-248-881.

Kennedy thanked Ellen Marshall for doing an excellent job in putting the calendar together.

Stearn questioned why \$11,000 was allocated for printing the calendar when the quotes are in the range of \$7,500.

Pfeifer asked if the postage is included in the budgeted amount. Marshall will research this and report to Council. She added that quotes have been considerably higher than \$7,500 in previous years.

Roll Call Vote:

Resolution passes unanimously.

(See Manager's Report on Page 9).

APPROVE COUNCIL MEETING DATES FOR 2001

Craig stated that Council has discussed moving its meeting day from Monday to Tuesday next year. This change was suggested due to the number of meetings that are rescheduled from Monday to Tuesday due to conflicts with Federal holidays. There has also been discussion about rescheduling Council meeting dates that conflict with religious holidays. Village Attorney Ryan researched this matter and drafted an opinion letter for Council's consideration.

Ryan noted that the issue of the legality of the Village scheduling meetings to accommodate religious holidays arose a couple of years ago. It was deemed by the Village Council at that time based on his input that only a secular standard such as Federal holidays would be appropriate in the scheduling of Village Council meetings. Ryan stated that the Constitution respects a person's right of freedom to exercise his or her religion, but it should not be the basis of action taken by a political subdivision of the state or the United States.

Ryan has reviewed the latest United States Supreme Court cases and holds the same opinion that Council continue to utilize secular days only, i.e. Federal holidays, to decide the meeting schedule. He understands that Christmas is a religious holiday, but the law is such that Christmas transcends a religious holiday. There are no other religious holidays that are recognized by the government. If a member has difficulty with a particular meeting or meetings because of a religious purpose, Council could accommodate that person by granting an excused absence for Apersonal reasons≅ as a courtesy to that Council member.

Stearn cited a section of the Michigan Constitution and several court cases that he believes support the position that total separation of church and state is not possible and some relationship between church and state is inevitable. Stearn asked that Council respect the Jewish holiday of Rosh Hashanah, the Jewish New Year, which begins on Monday, September 16, and schedule the September Council meeting for Wednesday, September 18, 2001.

Pfeifer introduced the following motion to change the Council meetings to Tuesday in the interest of efficiency and continuity.

MOTION by Pfeifer, supported by Downey, to establish the regular Council meeting dates on the first and third Tuesdays of each month in 2001 and to change the meeting time to 7:30 p.m.

Kennedy commented that she is not convinced that the Monday meeting day is a hardship. She would go along with the majority of Council if it decided to meet on Tuesdays, but her personal preference is for Monday meetings.

Walsh does not feel that there is enough justification to move the meetings from Monday night to Tuesday and will not vote for the motion

Downey thinks that Tuesday is a better night to meet for the reason that it is further separated from the weekend and would provide better communication and a more efficient meeting. He would support changing the meeting day for other holidays.

Craig commented that he does not feel strongly about Tuesday versus Monday meetings. He agrees with Stearn's comments and believes that councils can interpret the law and look at what makes sense for the community. He thinks that there is enough of a Jewish population in Beverly Hills to honor their holidays. He would support not holding a meeting on any Jewish holidays. The motion on the floor addresses changing the meeting day from Monday to Tuesday and the time from 7:45 to 7:30 p.m. Council has yet to decide the meeting schedule for 2001 and which dates will be rescheduled due to conflicts with holidays.

Council members had no objections to changing the meeting time from 7:45 p.m. to 7:30 p.m.

Sharon Tischler of 21415 Virmar Court commented on the motion to change the Council meeting day. She does not have a strong opinion but favors the traditional Monday meeting day.

Roll Call Vote:

Stearn	- no
Walsh	- no
Craig	- yes
Downey	- yes
Kennedy	- no
Munguia	- no
Pfeifer	- yes

Motion fails (4 - 3).

MOTION by Pfeifer, supported by Kennedy, that the Village Council continue to hold its regular Council meetings on the first and third Mondays of the month at 7:30 p.m.

Roll Call Vote:

Walsh - yes
Craig - yes
Downey - yes
Kennedy - yes
Munguia - yes
Pfeifer - no
Stearn - no

Motion carries (5 - 2).

The schedule presented by the Village Manager for 2001 Council meeting dates will stand. All regular Council meetings are held on Monday evenings at 7:30 p.m. unless otherwise noted.

2001 REGULAR COUNCIL MEETING DATES

Tuesday , January 2	July 2
Tuesday , January 16	July 16
February 5	August 6
Tuesday , February 20	August 20
March 5	Tuesday , September 4
March 19	September 17
April 2	October 1
April 16	October 15
May 7	November 5
May 21	November 19
June 4	December 3
June 18	December 17

CONSIDER AWARD OF CONTRACT FOR ROAD SALT REQUIREMENTS FOR 2001/2001 SEASON

Council President Craig will abstain from voting on this item due to the fact that he is a loan officer for Comerica Bank, and one of the companies bidding is his customer. Kennedy assumed the chair for this agenda item.

Three bids were received for the Village's 2000/2001 seasonal salt requirements. The low bid is from Detroit Salt Co. in the amount of \$25.24 per ton delivered. Walsh noted that this bid is about \$2.00 under last year's price.

Questions from Council were addressed by Spallasso.

RESOLVED by Walsh, supported by Kennedy, to accept Detroit Salt Company's low bid of \$25.24/ton delivered to the Beverly Hills Public Works building for the Village's 2000/2001 seasonal salt requirements.

Roll Call Vote:

Downey - yes
Kennedy - yes
Munguia - yes
Pfeifer - yes
Stearn - yes
Walsh - yes
Craig - abstain

Resolution passes (6 yes - 1 abstention).

APPROVE PURCHASE OF FINGERPRINT FUMING MACHINE

Funds were budgeted in the 2000/01 budget for the purchase of an Evidence Fuming Workstation for the Department's Investigation Bureau. This equipment will enable evidence technicians to process evidence for latent fingerprints in houses without the need of sending the items out to other evidentiary laboratories in Pontiac or Sterling Heights. This will lessen the expense of personnel time and vehicle mileage. Three bids were received on this equipment.

RESOLVED by Downey, supported by Walsh, that the Village Council approve the purchase of one Sirchie Air Clean 600A forensic workstation from the low bidder Sirchie Laboratories, Inc. in the amount of \$2,895.00. Funds for this purchase are available in Account #101-900-980: Capital Purchases Public Safety Equipment.

Questions from Council and the public were answered by Director Woodard.

Roll Call Vote:

Resolution passes unanimously.

AUTHORIZATION OF PRELIMINARY ENGINEERING AND DESIGN FOR WATER MAIN PROJECTS

Walsh stated that the Infrastructure Committee discussed a water main replacement project at its September 25 meeting. A list was prepared by Hubbell, Roth and Clark indicating twenty locations where aging water mains need to be replaced. The document lists the water mains in decreasing order of replacement priority based on: 1) substandard pipe size (under 8"); 2) high number of breaks in the last two "normal" winters (1998-1999); and 3) high number of breaks in the last ten or more years. The estimated cost of replacing water mains at the 20 locations is \$2.3 million.

The Infrastructure Committee recommends that Council proceed with the preliminary engineering and design to replace water mains in the top four priority locations.

RESOLVED by Walsh, supported by Downey, to approve the preliminary engineering and design to replace water mains in the top four priority locations from a list prepared by

Hubbell, Roth and Clark dated September 21, 2000 for an estimated cost of \$518,000 to be funded from the Water and Sewer Fund.

Questions on the water main project were addressed by Spallasso. The \$518,000 estimated cost includes engineering work.

Craig referred to a chart prepared by administration that shows current and projected working capital in the Water and Sewer Operating Fund. On June 30, 1999 the Water and Sewer Operating Fund balance was \$1,035,461. The fund balance as of June 30, 2000 is expected to be \$1,352,954. Based on anticipated consumption and the rate increase adopted this year, the fund balance is expected to be \$1,601,758 in June of next year without this project. The proposed water main project will bring the fund balance back down to roughly \$1 million, which will be sufficient for other projects that arise.

Norm Downey of 23042 Nottingham Drive stated that the public was informed three years ago that the 2 mills dedicated for sewer system and road work would have to be supplemented with transfers from the Water and Sewer Operating fund surplus in the amount of \$2.5 million. He questioned whether that money will be available in the Water and Sewer Operating Fund if the Village spends \$2.5 million on the water system.

Craig stated that Council is only considering approval of \$0.5 million for water main replacement. He concurred that it was stated three years ago that the dedicated millage would not cover the cost of the entire sewer repair program and that the balance would come from the Water and Sewer Fund.

The priority list identifies 20 sites that total \$2.5 million. Replacement of aging water mains have been identified as something that needs to be addressed in the Village five year plan. Water rates were raised to help pay for this project. Council will address the four most critical sites this year and evaluate whether future water main projects can be funded at a later time.

In response to an inquiry, Spallasso stated that there is no schedule attached to this list. A list of locations where water mains need replacing was generated so that the Village knows what to expect in terms of future water main projects if funds become available.

Roll Call Vote:
Motion passes unanimously.

APPROVAL OF BILLS

MOTION by Pfeifer, supported by Walsh, that the bills from the period of 9/19/00 through 10/02/00 be approved for payment in the following amounts:

\$172,107.18	General Fund
8,059.90	Major Road Fund
71,029.24	Local Road Fund
569.20	Capital Projects Fund
242,384.09	Dedicated Millage
32,798.94	Water/Sewer Operation Fund

658.26 Trust & Agency Fund

\$527,606.81 Total

Questions on the bills from Council and a member of the audience were addressed by administration.

Motion passes unanimously.

LIAISON=S REPORT

Munguia stated that the Zoning Board of Appeals will meet next Monday evening.

Downey attended last week's Planning Board meeting as alternate liaison to that board. During discussion of the Pathway Plan, it was noted that there is an easement in front of Groves High School where it extends directly across 13 Mile Road to the subdivision. This easement was the result of an agreement that was reached with the School District, but the legal documents were never recorded with the County. It might be appropriate for the administration and Council to pursue this.

The Planning Board will conduct a public discussion on the Pathway Plan on Wednesday, October 25 at 7:30 p.m. in the Village municipal building.

The Planning Board proposes a joint meeting date with Council on Wednesday, November 8, 2000.

Kennedy stated that the Infrastructure Committee met on Monday, September 25 with the main topic of discussion being the water main replacement program. The Infrastructure Committee plans to meet in October and November to discuss the road repair program and the schedule for the sewer system rehabilitation program.

Pfeifer referred to Downey's comment about an unrecorded easement in front of Groves High School. She and her husband granted the Birmingham School District an easement on their property to provide access between Huntley Square and Beverly School. The easement was leased to the school district on a 99 year basis. That easement was never recorded.

Spallasso suggested that he runs into the situation where easements are not recorded at the time they are granted, sometimes 30 or more years ago. He mentioned that it would be a large project to address these unrecorded easements village-wide.

Pfeifer reported that the Cablecasting Board held its regular meeting on September 20 and a special meeting on September 26 to discuss proposals for cable access management of the consortium=s Public, Education, and Government (PEG) Access Channels. The Cablecasting Board voted at the September 26 meeting to accept the proposal from Bloomfield Community Television (BCTV). A contract will be negotiated whereby BCTV will manage the consortium=s municipal and public access channels.

The Finance Committee will meet on Tuesday, October 10 at 7:00 p.m.

MANAGER'S REPORT

Hanlin clarified that postage is included in the \$11,000 budgeted for the Village calendar. The cost of postage last year was \$1,122.00. The cost of publishing the calendar in 1997-98 was \$9,802; \$9,334.00 in 1998-99; and, \$8,972.00 last year.

Hanlin commented that resident Norm Downey has contacted her and asked about the Village's concrete replacement program. She invited Mr. Downey to come in and talk to Spallasso and her about the program.

Kennedy referred to a recent newspaper article regarding Proposal A. Pasiaka stated that he and members of the Parks and Recreation Board will be attending meetings this week at various locations in the metropolitan area to learn more about this ballot proposition. Proposal A is a joint Oakland and Wayne County cultural arts property tax assessment of 0.5 mill to be placed on the November 7 ballot. If passed, Beverly Hills has the potential of receiving about \$70,000 a year for ten years.

Parks and Recreation chair Phil Schmitt spoke with County Commissioner Tom Law, who indicated that his interpretation of the proposal was that the \$70,000 would be awarded to the Township. The Township would have the discretion to award the money, which could go towards cultural art and recreational projects.

Pfeifer asked about the oversight involved in the final grading of condominium developments in the Village.

Spallasso responded that developers are required to submit an as-built drawing that indicates how close the elevations are to the approved site plan. The project will not be approved if there is an unacceptable deviation.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court commented that she believes that involvements of Council members that lead them to attend Village board meetings or form a committee to take on a particular project only benefit the community.

Tischler referred to Internet connection charges listed on the bills approved at the last Council meeting. She asked if there is a Village policy on employee e-mail and Internet usage.

Hanlin responded that Internet access is shared among the staff at present. The Village will adopt a policy before the building is wired with cable for high speed Internet access.

Tischler voiced a concern that the Village should adopt a policy requiring an employee who receives reimbursement for continuing education to remain in the community and provide benefits of that education to Beverly Hills for a specified length of time.

COUNCIL COMMENTS

Pfeifer attended the Annual Michigan Municipal League (MML) Conference on Mackinac Island from September 28-30. She described it as the most positive event that she has had the privilege of being a part of since becoming a member of Council. There was an opportunity to network with

other municipalities about shared problems. She noted that whole councils attended the conference with city managers.

Pfeifer attended several helpful and educational workshops and will be sharing some of the information with Council at upcoming meetings. Among the items that Pfeifer would like the Council to consider is the adoption of consent agendas. This is a tool in which automatic motions are combined to make meetings more efficient. She has requested information on this topic that will be distributed to Council.

Pfeifer joined a seminar by Coco Siewert, who is the registered parliamentarian for the MML. Pfeifer thinks it would be beneficial for the Council to consider asking Siewert to conduct a symposium that would include all Village boards and committees. Siewert has condensed Robert's Rules into a readable presentation of about 25 pages. Pfeifer proposes that the Village obtain a couple of copies at \$15 each. Pfeifer brought back a condensed flow chart relative to motions.

Pfeifer will be discussing with Hanlin the information she received regarding help for sewer backups. There is federal legislation that may provide a grant program to help communities that have had devastating flood events.

Pfeifer offered to set up a candidate=s forum with the consent of Council. It would be a two or three hour session for anyone who has filed or plans to file to run for the office of Council member. She would like to involve administration and members of Council.

Council is in receipt of a copy of a resolution adopted by Waterford Township in opposition to Michigan Municipal League Ballot Proposition #2. Pfeifer would like to share information she has received on this MML "Let Local Votes Count" initiative and how it has been misinterpreted. This will be a topic of a future discussion.

Pfeifer concluded that there were many relevant issues discussed at the MML conference. The experience confirmed her thinking that this Council should work as a team to serve the people of the Village.

Stearn revisited an earlier agenda item to approve Council meeting dates for 2001. He made a motion to amend the calendar for 2001 to schedule a Council meeting on Monday, September 10 in the place of the Tuesday, September 4 meeting and not have another Council meeting until October 1, 2000.

Pfeifer mentioned that the Village Charter calls for two Council meetings a month. Stearn commented that he could revise the motion to schedule meetings on September 10 and September 24.

Village Clerk Marshall stated that a person who voted for the motion to set the schedule for Council meetings would have to introduce a motion to reconsider that motion, which was acted upon.

Stearn has introduced a motion revisiting the issue of meeting dates in September of 2001. Craig asked for an opinion from the Village Attorney on whether a motion should be entertained during

Council comments and who can revisit a similar motion that has been acted upon. He added that the motion calls for one meeting in September when the Charter requires two Council meetings a month.

Ryan stated that someone who voted with the prevailing party would have to make a motion to reconsider that action. Whether a motion could be made at this time in the meeting could be decided by Council. A motion that goes against the Village Charter would be out of order.

Craig did not accept the motion from Stearn on this basis.

Kennedy appreciates the enthusiasm of Pfeifer after attending the MML meeting. This conference is particularly valuable to first time Council members due to the amount of information available. Kennedy thinks it would be a good idea for a team consisting of an administrative member and a Council member to attend the MML conference together in order to bring back support from a policy and an implementation standpoint.

Kennedy stated the Elected Woman's Official Network runs seminars throughout the year for women candidates. She would support Pfeifer's idea of a workshop for Council candidates. She recommends a book called "Soul of a Citizen" to anyone who runs for an office.

Kennedy congratulated the Cablecasting Board on its decision and careful selection of a PEG Access provider. She appreciates that the board took its charge seriously and hopes that the Bloomfield Community Television will fulfil their expectations.

Munguia commented that the memo from administration updating Council on various issues is helpful and should be continued. He asked Spallasso about the status of the Amherst-Sheridan project. Spallasso responded that the project is completed for the most part, and that sod will be laid tomorrow.

Munguia commented that he is in favor of Council having oversight on the bills. He suggests that Council members be called upon to review the bills on a rotating basis.

Downey reminded people that the Council is not here to speak to the cameras. Council is here to communicate amongst ourselves and make good decisions. Downey encouraged Council members not to vote their own interests but to remember that Council is here to serve the people.

Walsh commented on an article in Thursday's Eccentric newspaper regarding the park. It erroneously states that the Village contributed \$23,000 last year to maintain the park. Walsh stated that the \$23,000 referenced was allocated for capital improvements. There was \$44,000 budgeted last year for park maintenance. Two years prior to that the cost of maintaining the park was over \$50,000.

Craig stated that he attended Tom Ryan's induction as President of the Michigan Bar Association at Cobo Hall. Ryan delivered a well thought out and appropriate speech to the audience, which included four State Supreme Court justices. His theme was to tell everybody that citizens take a lot of things for granted, which may cause people to become complacent. When things are going well, people may think that they do not have to get involved. In that spirit, Craig challenged all municipal

workers and people that represent municipalities to take up the same cause, which is to communicate everyone's responsibility to participate in the process by voting. It is your privilege and your responsibility as a citizen.

Craig commented on a gala event he attended recently at Detroit Country Day School to celebrate the completion of their renovation and construction project. The Hanlins and the Woodards were also guests of DCDS. The school did a wonderful job on the renovation. Craig noted that Detroit Country Day is the biggest land owner in the Village, and it probably draws the most attention to the Village from outside of the area.

MOTION by Kennedy, supported by Munguia, to adjourn the meeting at 9:53 p.m.

Motion passes unanimously.

Andrew Craig
Council President

Ellen E. Marshall
Village Clerk