

REGULAR COUNCIL MEETING MINUTES - MONDAY, NOVEMBER 6, 2000 - PAGE 1

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

Absent: None

Also Present: Village Manager, Hanlin
Assistant to the Manager, Pasioka
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.

President Craig recognized two scout troops present in the audience with their leaders and asked them to introduce themselves. Cub Scouts from Pack 1049 are attending the Council meeting as a requirement for obtaining a citizenship activity pin. Boy Scouts from Troop 1699 are working on their communications merit badges.

APPROVE MINUTES OF REGULAR COUNCIL MEETING HELD ON MONDAY, OCTOBER 16, 2000

On page 9, first paragraph, line 4, correct "\$166" to read "\$166,000". Replace the first sentence in paragraph 2 with the following sentence: "Pfeifer is not in total agreement with pre-funding the park master plan with a dedicated millage".

MOTION by Kennedy, supported by Walsh, that the minutes of a regular Council meeting held on Monday, October 16, 2000 be approved as amended.

Ayes - Craig, Downey, Kennedy, Munguia, Pfeifer and Walsh
Nays - Stearn
Motion passes (6 - 1).

APPROVE MINUTES OF A SPECIAL COUNCIL MEETING HELD ON THURSDAY, OCTOBER 26, 2000

The correction was made to remove Pfeifer from the list of those present.

MOTION by Kennedy, supported by Walsh, that the minutes of a special Council meeting held on Thursday, October 26, 2000 be approved as amended.

Motion passes unanimously.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

Patricia Greening of 19289 Riverside Drive thanked Council for giving her the opportunity to organize the Halloween Hoot again this year. It was a successful event attended by many children and adults. Volunteers from the Birmingham Area Seniors Coordinating Council organization came

early to top and gut pumpkins for the children to carve. Students from Groves High School and Berkshire Middle School helped with the carving and placing of pumpkins along the path. Craig thanked Greening for her efforts.

Janet Mooney of 19111 Devonshire, speaking on behalf of the ballot proposal committee, announced that today the committee submitted to the Village Clerk over 1,500 signatures of Beverly Hills residents who request a millage proposal on the March 2001 ballot to improve Beverly Park. The minimum number of signatures required was exceeded in just over a month. Mooney thanked the residents who signed the petitions as well as the people who circulated them. She remarked that this is the first time that a grass roots initiative will be placed on a ballot in Beverly Hills. Mooney believes that the support for this initiative reflects the consensus of a vast majority of residents that the time has come to improve our park.

Phil Schmitt of Riverside thanked the community for its tremendous support of the petition to place a park millage issue on the March ballot.

Jim O'Reilly of 31191 Huntley Court, member of the ballot proposal committee, commended those who circulated the petitions and thanked the members of the community who signed the petitions.

Norman Rubin of 31020 Rivers Edge Court expressed the opinion that some of the remarks made by Council member Downey at the October 25 Planning Board public discussion of sidewalks and pathways were inappropriate for a member of the Village Council who is elected at large. Mr. Downey stated his position as being in favor of sidewalks at a meeting of a board over which the Council has appointment and removal powers.

PRESENTATION OF SUMMER 2000 BEAUTIFICATION AWARDS

Kennedy reviewed that in the spring of this year the Village Council initiated a beautification awards program to recognize properties in Beverly Hills that demonstrate an outstanding job of harmonizing structure and landscaping. The Beautification Awards Program Committee was established as an advisory committee with the purpose of recognizing residents and business owners in the community who show pride in improving the Village of Beverly Hills.

Mary Ann Verdi-Hus chaired the committee comprised of volunteer members of Village boards and community organizations including Bob Bliven and Bob Belaustegui from the Planning Board, Irene Davis and Alan Cobleigh from the Parks and Recreation Board, Debbie Morrow and Shirley Bivens from the Beverly Hills Garden Club, Sharon Fox representing the Village Woman's Club of Beverly Hills, as well as Tami Hanlin and Stan Pasioka representing Village administration.

Over the last few months, the committee members collected nominations for residents and business owners whose property has added to the beautification of the Village. There will be seven recipients of the top awards and 47 honorable mentions that will receive a certificate signed by the Council and chair of the Beautification Committee.

Mary Ann Verdi-Hus joined Kennedy at the lectern to award the following recipients with a framed certificate recognizing the outstanding contribution made to the beautification of the Village of Beverly Hills and a gift of a Pewabic Pottery tile.

Ben and Carole Hill	31148 Sleepy Hollow
Pat and Don Street	16919 Lauderdale
Jim and Robbie Hrynik	30372 Georgetown
Detroit Country Day School	22305 13 Mile Road
Paul and Anne Kleppert	20855 W. 14 Mile Road
Jamie and Carol Jameson	20072 Wellesley
Midwest Guaranty Bank	Beverly Hills Branch

Kennedy thanked the Beautification Committee and the residents who nominated these worthy recipients.

PUBLIC HEARING ON USE OF CDBG FUNDS AND CONSIDER RESOLUTION TO APPROVE THE 2001/2002 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

U.S. Department of Housing and Urban Development grant funds are allocated to municipalities each year and are administered by the Oakland County Community Development Block Grant (CDBG) program office. Beverly Hills is allocated funds based on its population with this year=s allocation estimated at \$19,129. The Village is limited in how it can spend this Block Grant money, which is directed at low and moderate income areas in the community.

Theresa Monsour, Coordinator for the Birmingham Area Seniors Coordinating Council, stated that BASCC is the organization that operates the local senior center. It is a non-profit organization of seniors serving seniors. The service area encompasses the Villages of Beverly Hills, Bingham Farms and Franklin and a small portion of neighboring municipalities of Bloomfield Township and the City of Birmingham. For more than 22 years, BASCC has worked to identify older adult needs in the Beverly Hills area and to develop community resources to meet those needs.

In more recent years, BASCC has administered the Block Grant Funds that provide minor home repair and chore services for eligible seniors. These services enable recipients to maintain their homes and continue living independently as long as possible. Monsour presented the organization=s recommendations for allocation of CDBG funds for the 2001/2001 fiscal year funding.

Minor Home Repair	\$4,941.
Home Chore Services	5,948.
Transportation Dispatcher	2,616.
Equipment for chairs for Center	4,624.

Monsour answered questions from Council members. She noted that there is no increase in this year=s request because there has been no increase in the block grant funding made available to the

community. Kennedy remarked that the BASCC membership has increased by fifteen percent from last year. The organizations newsletter indicates that 56,000 contacts have been made by BASCC.

Margaret Yellin representing HAVEN (Help Against Violent Encounters Now) thanked Council for the past support received from Beverly Hills. HAVEN is the Oakland County Center for the prevention and treatment of domestic violence, sexual assault, and child abuse. The amount that the organization is requesting from Beverly Hills for the 2001/2002 year is \$1,000.

Yellin stated that last year HAVEN served 17 individuals from Beverly Hills. Some of the services that HAVEN provides include emergency shelter, a 24-hour crisis line, counseling, support groups, prevention education, court advocacy, and legal services. Donations can be sent to HAVEN, 75 W. Huron St., Pontiac, 48342. The 24 hour crisis and support line is (248) 334-1274.

RESOLVED by Pfeifer, supported by Kennedy, that the Village of Beverly Hills Council approve the application with the following proposed allocation of Community Development Block Grant funds for the 2001/2002 program year:

Birmingham Area Senior Coordinating Council and Center

Minor Home Repair	\$4,941.
Home Chores Services	5,948.
Transportation Dispatcher	2,616.
Equipment for Center	4,624.

HAVEN

Shelter, Counseling, Advocacy, Intervention and Education Services	<u>1,000.</u>
Total	\$19,129.

Craig opened the public hearing at 8:11 p.m. on the proposed allocation of funds for the 2001-2002 Community Development Block Grant Program in Beverly Hills. No one wished to be heard; therefore the public hearing was closed at 8:12 p.m.

Council members spoke in support of the services provided by BASCC and HAVEN.

Roll Call Vote:
Resolution passes unanimously.

RESOLUTION SUPPORTING AMERICA RECYCLES DAY

RESOLVED by Kennedy, supported by Stearn, to adopt the following Resolution.

VILLAGE OF BEVERLY HILLS
RESOLUTION
AMERICA RECYCLES DAY

Each year, Americans generate more than 217 million tons of municipal solid waste. That is more than 4.4 pounds per person per day. While the nation has reached an overall recycling rate of more

than 28 percent, much more can be done, especially in closing the loop and purchasing products made with recycled content.

WHEREAS, to focus the nation's attention on the importance of recycling and closing the loop, businesses, industries, government agencies, nonprofit organizations, and individuals have joined together to celebrate America Recycles Day and are encouraging their employers, staff, customers, members, and all citizens to pledge to buy more recycled-content products starting on November 15;

WHEREAS, participating in America Recycles Day is one way citizens can help raise awareness about the need to reduce waste by reusing, recycling and buying recycled products;

WHEREAS, the theme of America Recycles Day is "For our children's future...buy recycled today";

WHEREAS, state and community leaders need to spread the word about the excellent programs they have established, the growth of markets for recyclable materials, the importance of buying recycled products;

NOW, THEREFORE, BE IT RESOLVED by the Village of Beverly Hills Council that Wednesday, November 15, 2000 is hereby proclaimed as America Recycles Day in Beverly Hills, Michigan.

Council informed the public that the Village provides a free recycling bin to any resident who wants one. Additional bins can be purchased. Council members emphasized the importance of recycling and expressed support for America Recycles Day. People are urged to ask for recycled products as a means of increasing the demand and market for items made with recyclable material.

Norman Rubin of 31020 Rivers Edge Court thinks the Village should be proud of its recycling and composting efforts.

Roll Call Vote:
Resolution passes unanimously.

DIRECT FINANCE COMMITTEE TO UPDATE FIVE YEAR CAPITAL IMPROVEMENT PLAN

Council Liaison Pfeifer reported that it was the sense of the Finance Committee at its October 10, 2000 meeting to recommend that the Village Council direct the committee to update the five year financial plan for the Village.

MOTION by Pfeifer, supported by Walsh, to direct the Finance Committee to update the Five Year Capital Improvement Plan with consideration given to the upcoming accounting change to a full accrual basis of reporting financial statements. Council requests that the revised plan be completed by March 1, 2001.

Hanlin stated that the Finance Department will work with the Finance Committee on a revised financial plan. She supports this undertaking due to modifications in plans for technology upgrades in the Village office and other changes that have occurred since the capital plan and financial

forecast was developed over a year ago. Hanlin thinks it is appropriate to take another look at the whole picture and have an updated plan ready for budget deliberations.

Craig added that issues that will be discussed at the joint Council and Planning Board meeting on Wednesday may impact the Five Year Plan. There are a number of capital improvement issues that impact grounds and maintenance of Village property that the Finance Committee may be asked to consider in the financial plan.

Motion passes unanimously.

RESOLUTION TO ADOPT REVISED WATER AND SEWER INDUSTRIAL WASTE CONTROL CHANGES

Pfeifer stated that the Oakland County Drain Commissioner's office has advised the Village of an error in the fiscal year 2000/2001 Schedule of Rates and Charges for the Evergreen-Farmington Sewage Disposal District effective July 1, 2000. The Industrial Surcharge Rates and Industrial Waste Control Charges were incorrectly stated in the schedule and should be reduced. It was noted that the rate change does not effect residential customers.

RESOLVED by Pfeifer, supported by Kennedy, to incorporate the revised FY 2000/2001 Industrial Surcharge and Waste Control Charges dated October 11, 2000 into the Village Resolution establishing Water and Sewer Rates effective July 1, 2000.

Roll Call Vote:

Resolution passes unanimously.

RESOLUTION APPROVING EXCEPTION TO MERS RETIREMENT VESTING PERIOD

Downey stated that it has been brought to Council's attention by Director of Public Safety Woodard that the Village has an opportunity to address staffing issues within the Public Safety Department and provide an opportunity for a 41-year employee to take advantage of early retirement.

RESOLVED by Downey, supported by Stearn, that the Village of Beverly Hills Council approve a window period of November 1, 2000 through December 31, 2000 for a reduction in the required vesting years for retirement of qualifying member of dispatcher personnel (Municipal Employees' Retirement System Unit 01) from ten years to six years at a cost to the Village of \$904.

Council discussed the proposal.

Roll Call Vote:

Resolution passes unanimously.

APPROVAL OF BILLS

MOTION by Pfeifer, supported by Walsh, that the bills from the period of 10/17/00 through 11/06/00 be approved for payment in the following amounts:

\$210,341.45	General Fund
12,461.45	Major Road Fund
230,633.85	Local Road Fund
500.00	Drug Law Enforcement Fund
389.65	Capital Projects Fund
18,813.42	Dedicated Millage
1,666.10	Planning & Engineering Fund
172,135.83	Water/Sewer Operation Fund
916.44	Water/Sewer Improvement Fund
<u>3,301.41</u>	Trust & Agency Fund
<u>\$651,159.59</u>	Total

Council questions on the bills were addressed by administration.

Motion passes unanimously.

LIAISON'S REPORT

Munguia stated that the Zoning Board of Appeals will meet next Monday, November 13.

Downey referred to the recent revenue and expense report generated by the Finance Department and commented on staffing issues that account for the heavy expenditure in the Public Safety overtime account. He remarked that this situation is not expected to continue.

Walsh stated that a joint meeting of the Council and Planning Board is scheduled for this Wednesday, November 8 at 7:30 p.m. The sidewalk program will be discussed along with a number of other Planning Board projects.

Stearn congratulated Pat Greening and everyone who worked on the Halloween Hoot. He commended the committee that has collected signatures for a park ballot proposal. Stearn supports a dedicated millage for well-deserved improvements to Beverly Park.

Pfeifer reported that the Cablecasting Board will meet in the Village municipal building next Wednesday, November 15 at 7:45 a.m. One of the agenda items will be to consider approving a contract with Bloomfield Community Television to manage the consortium's municipal and public access channels.

Pfeifer stated that the Beverly Hills council chambers will be wired for cable with a portion of grant money from the cable company as part of the refranchising agreement. Beverly Hills will be responsible for working with the vendors and technical advisors at BCTV on the specifications for this system and will seek proposals for the system. Pasioka has been overseeing this project. Pfeifer asked that Council discuss the options for wiring the council chambers at its December 4 meeting.

MANAGER'S REPORT

Hanlin updated Council on continuing negotiations with insurance providers for purchase of excess insurance for sewer backup exposure. Information is being exchanged, but there has been no agreement on terms. Administration has entered into a contract with the Michigan Municipal Risk Management Authority for general liability insurance with a \$15 million limit and \$425,000 per year sewer backup coverage.

Kennedy asked if there has been any response from a Council resolution that was sent to the Legislature requesting legislative relief that would limit municipal liability for catastrophic flooding.

Hanlin has not received a direct response to that communication. She has been serving on a SEMCOG task force composed of people in the region who are concerned about this issue. The task force is pursuing the sewer backup liability issue through both judicial and legislative means. Hanlin has arranged to meet with Senator Gary Peters in a couple of weeks along with the City of Birmingham to discuss the seriousness of this issue for our communities.

Kennedy asked Hanlin about the policy for use of SMART charter bus service by residents. People in her neighborhood called the Village office about a month ago to reserve the bus for their traditional transportation to the Thanksgiving Day parade. They were informed that there is no further funding available for this program.

Hanlin explained that the Village of Beverly Hills contracts with the Suburban Mobility Authority for Regional Transportation (SMART) for financial assistance to support public transportation through a Municipal and Community Credit Program. The Village uses its community credits to fund a Beverly Hills charter bus program. Citizens groups reserve busses on a first come, first served basis. There is more demand for the program than there is money. Hanlin suggested publishing the policy for use of this service in the Villager newsletter and on the Village web site. There was some discussion relative to reviewing the eligibility criteria for use of the charter bus service.

Kennedy stated that she was out of town and unable to attend Summit II sponsored by the Birmingham Community Coalition. She thanked Assistant to the Manager Pasieka and Public Safety Director Woodard for participating in this summit on the Village's behalf.

Pfeifer referred to a recent memo to Council from the Village Manager relative to the NPDES permit issued through the Department of Environmental Quality for control of water quality that is discharged into the Rouge River. Pfeifer received information from SEMCOG on water fund initiative grants and asked if they could be applied to the Rouge River basin clean up efforts. Hanlin will explore this with Public Services Director Spallasso.

PUBLIC COMMENTS

Lawrence Needham of 15588 Kirkshire commented that the Village Ordinance states that political signs must be removed ten days after an election. He observed that some signs in the Village have

been up since the middle of June. He believes that there is either a State Law or Village Ordinance that allows signs to be erected 60 days prior to an election. This has not been enforced.

COUNCIL COMMENTS

Council members urged citizens to exercise their right to vote in tomorrow=s election.

Pfeifer recalled that, when the Village first initiated its recycling program, there were bin totes available for sale. She asked administration to look into where these totes could be purchased by the Village and sold to residents who would find them useful for hauling recycle bins to the curb.

Munguia commends this Council for keeping its promotion of political candidates and ballot proposals to a minimum at Council meetings.

Munguia congratulated all the beautification award recipients. He mentioned that next year on July 24, 2001 the Tricentennial of the City of Detroit will be celebrated. One of the daily newspapers published a book called "The Metropolitan Detroit Almanac". There is a section on Beverly Hills in the book that indicates that the Village's motto is "Beautiful Beverly".

Stearn congratulated Sharon Fox for doing a fine job of chairing the Planning Board public discussion on the Pathway Plan. He congratulated Council on its handling of issues at a special meeting held on October 26 to discuss insurance proposals.

Stearn reviewed that a majority of Council voted to intervene in a lawsuit filed by Bloomfield Township against the Birmingham School District regarding erection of cell towers. Bloomfield Township has a cell tower ordinance similar to the Village's ordinance, which is a regulatory scheme attempting to acknowledge the function of the federal legislation relative to sighting of cell towers while preserving the rights of local units of government. Stearn reported that the courts have decided that the Birmingham School District erected a cell tower illegally. He congratulated Tom Ryan for his efforts in this lawsuit.

Downey asked that Spallasso examine the paving work done by the City of Southfield at 13 Mile and Southfield Roads with respect to the way the lanes merge traveling westbound.

Downey expressed the view that the discussion of the pathway plan held at the October 25 Planning Board meeting was an excellent, thoughtful discussion. He mentioned that a number of residents commented favorably on the new sidewalk in Bloomfield Township near Beverly Hills. Downey thinks that the people of Beverly Hills want pathways.

Downey commented that one person at that meeting asked about the publication of the public discussion on pathways. A representative of the Village listed the people and organizations that were sent notification of this issue. Downey conveyed opportunities to communicate better in the future. This meeting was published on the Village web site. He suggested that current events be made more visible on the web site. Notice of that public discussion was not displayed on the marquee sign in front of the municipal building.

Kennedy commented that she noticed the beautiful, new signs erected in Lathrup Village. She will bring this up at the joint Council and Planning Board meeting on Wednesday. Kennedy observed a newly erected six foot high fence along Beverly School and questioned whether it is in compliance with the Village ordinance. She also has some safety concerns relative to this fence. Kennedy asked Village administration to take a look at this fence.

Kennedy congratulated the Parks and Recreation Board for its hard work in obtaining signatures for a ballot proposal.

Craig stated that this is the time of year for people to check the batteries in their smoke detectors and carbon monoxide alarms.

Craig mentioned that he was in Toronto recently and observed that public places use three connected garbage cans that are marked as "garbage", "paper" and "plastic". This system promotes recycling. He suggested that this setup be used in Village parks instead of using a single garbage can.

Craig acknowledged camera person Scott Michie, who read an inspirational writing called "Deserata" to Council following the last Council meeting. Craig thanked Michie for his thoughtfulness.

MOTION by Kennedy, supported by Walsh, to adjourn the meeting at 9:15 p.m.

Motion passes unanimously.

Andrew Craig
Council President

Ellen E. Marshall
Village Clerk