

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, Pasieka
Village Clerk, Marshall
Village Attorney, Ryan

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

Craig recognized scouts from Our Lady Queen of Martyrs Troop 1029 led by Laverne Cleary. The scouts are present working towards their communication merit badges. The scouts stepped up to the lectern and introduced themselves giving the name of the school they attend.

APPROVE MINUTES

MOTION by Pfeifer, supported by Walsh, that the minutes of a regular Council meeting held on Monday, November 6, 2000 be approved as submitted.

Motion passes unanimously.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

Sharon Tischler of 21415 Virmar Court questioned the status of petitions from residents on Embassy, Coryell and Stafford for the paving of those streets. Administration was requested to prepare cost estimates on the asphalt paving. Hanlin responded that Public Services Director Spallasso is working on the engineering. She will obtain a time line for this work.

Tischler has observed piles of grass and dirt at Thirteen Mile and Evergreen Road that was probably removed from the side yard of United Methodist Church during a project to improve the playground. The soil may be on Church property, but it has been there all summer.

Tischler questioned the enforcement of ordinances in the Village by either the building official or public safety department. There are several areas in the Village where cars have been parked in the road right-of-way with "for sale" signs on them. Tischler believes that Beverly Hills has an ordinance that prohibits this practice.

Tischler stated that she has noticed traffic exiting Churchill making left-hand turns onto Thirteen Mile Road on a red light. The Village should be aware that this is happening regularly. She suggests that the timing of the light be investigated. Also, consideration should be given to removing the signal if Huntley residents are no longer interested in having a traffic signal at that location.

Residents received a survey card in the mail from the Baldwin Public Library. Tischler urged people who receive the questionnaire in the mail to fill it out and return it. The Village may be able to retrieve valuable information from this survey.

Janet Mooney of 19111 Devonshire stated that the ballot proposal committee has submitted the necessary signatures to the Village Clerk to have an initiative petition placed on the ballot of the 2001 March election asking for a dedicated millage to improve Beverly Park. She questioned the next step in the process that would place the proposal on the ballot.

Ryan responded that the Village will send the ballot language to the Governor and the Attorney General as a courtesy. The park proposal will go on the March ballot. He assured Mooney that the ballot proposal committee has fulfilled its task of obtaining the required amount of certified signatures to place an initiative referendum on the ballot.

Ballots will be printed after the last Monday in January, which is the deadline for accepting petitions from candidates running for office.

APPROVE PURCHASE OF SIGNS FOR VILLAGE MUNICIPAL BUILDING AND PUBLIC SAFETY BUILDING

Downey commented that Council has discussed beautification of the Village municipal building site and the public safety site. Signage that would clearly identify the buildings has been a part of that discussion. The changeable message sign in front of Village Hall has recently been improved. Money was allocated last year to place identification signs in front of the Village buildings.

Administration has received bids on four signs: a large sign identifying the Village municipal building, a large sign identifying the public safety building, a small sign at the back door entrance of Village Hall, and a small sign at the public safety building driveway entrance. The identification signs were reviewed and approved by the Planning Board.

RESOLVED by Downey, supported by Pfeifer, that the Beverly Hills Village Council authorize administration to purchase four signs not to exceed \$4,885 from the low bidder.

Council discussed the signage proposal and the bids received. Gratitude was expressed to David Jensen for his assistance with this project and his input on the design. Questions from the audience were addressed by Council.

Roll Call Vote:
Resolution passes unanimously.

ESTABLISH POLICY FOR USE OF CHARTER BUS TRANSPORTATION THROUGH SMART PROGRAM

Kennedy stated that recent requests from residents for use of charter bus transportation through the Suburban Mobility Authority for Regional Transportation (SMART) program have been turned down because the demand for bus use has exceeded available funds. The Village has depleted funds

for FY 2000/2001, which became available in July. It has been suggested that Council establish a policy for distribution of SMART bus service in the future.

A chart was prepared by administration showing the use of this bus service over the last three years. There has been an extensive increase in the number of requests for the busses. Council received this information on charter bus trips along with a memo listing the organizations that request use of the busses and the current practice for approving requests.

Kennedy asked that Council discuss and adopt a policy that will allow Beverly Hills residents to receive the first opportunity to reserve the busses. The availability of funds would be advertised in the Villager newsletter and on the Beverly Hills web site. Kennedy proposed that the reservations be accepted for a two week period from residents only. After that time, applications could be taken from other Village residents that are involved in associations that would like to use the bus service. Groups that have used the bus service in the past will be notified by the Village staff of any change in the policy.

Kennedy proposed a motion to adopt a policy whereby reservations for SMART charter bus service would be accepted from Beverly Hills residents only for a specific two week period of time before applications for bus trips are accepted from other groups. The date for accepting applications will be publicized by the Village office.

Questions from members of Council on the current policy and operation of the SMART bus program were addressed by Village Clerk Ellen Marshall, who has worked with the SMART funds for several years.

There was a lengthy discussion on proposed guidelines for equitable operation of the SMART bus program.

It was the consensus of Council that Beverly Hills residents should have priority over organizations that may not include a high number of residents. It was recognized that, as long as the bus trip is sponsored by someone who resides in the Village, it would be difficult to make a distinction as to the number of Beverly Hills residents in that organization. It was proposed that no group should be allowed more than one bus trip to permit more community organizations to participate in the program.

Some members of Council expressed concern with the use of the SMART bus service by the school district on the basis that residents pay taxes to support schools. The charter bus program represents tax dollars coming back to the community from the SMART program for use by Village residents.

An example was given of different groups within the same organization that ask to reserve the bus service making it difficult to limit bus trips to one per organization. It was agreed that restricting bus use to residents only would create an enforcement problem.

The motion on the floor made by Kennedy failed for lack of support.

MOTION by Pfeifer, supported by Stearn, to establish a subcommittee of Council to draft a policy for Council consideration on use of charter bus transportation through the SMART program.

Janet Mooney of 19111 Devonshire suggested that the subcommittee include residents at large.

Sharon Tischler of 21415 Virmar Court suggested that the subcommittee give preference to Village organizations. The school district has its own busses and should not be allowed to monopolize the SMART busses intended for use by Village residents.

Laverne Cleary commented that the Beverly Hills Garden Club uses this bus program every year for a field trip, which is very much appreciated. All but several of their members are residents of Beverly Hills. She suggested that the applicant be required to indicate on the application how many members using the bus are residents of Beverly Hills.

Roll Call Vote:

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

Motion fails (5 - 2).

MOTION by Stearn, supported by Kennedy, that the Village establish a minimum number of people who can use the bus and establish a policy whereby the majority of the people from any group be Beverly Hills residents.

Council discussed the motion. Craig suggested that Council identify the issues and take a straw vote on ways to scale back the program so that the funds are not depleted in the first three months. A policy can be established to limit the time frame during which the applications are received, limit applications to one trip during an initial application period, require a fee if the trip is over 200 miles or if more than one bus is needed, or require applicants to certify that they are a resident of Beverly Hills.

Ayes - Kennedy and Stearn

Nays - Craig, Downey, Munguia, Pfeifer and Walsh

Motion fails (5 - 2).

There were further suggestions on a proposed policy.

RESOLVED by Downey, supported by Kennedy, that the Village Council establish a policy for the SMART charter bus program whereby there is a sign-up period of one month when SMART funds become available to Beverly Hills, and an organization may only reserve one bus for one trip during that period. If there are funds available at the end of that month, reservations will be accepted on a first come, first served basis. The application form will require a signature certifying that 50% of the people participating in the bus trip are Beverly Hills residents.

Roll Call Vote:

Pfeifer - yes

Stearn - no

Walsh - yes

Craig - yes

Downey - yes

Kennedy - yes

Munguia - yes

Resolution passes (6 - 1).

RESOLUTION REQUESTING TO RECAPTURE UNOBLIGATED 1998 CDBG FUNDS

Pfeifer explained that Council action is required to retain unexpended funds allocated to the Birmingham Area Seniors Coordinating Council (BASCC) in 1998. Oakland County records show that BASCC has \$9,646.71 in unspent funds. The Village Finance Director's current records show the unexpended balance as \$4,515.87. BASCC Coordinator Theresa Monsour has indicated that the organization is in the process of spending these funds on equipment for the senior center.

It is recommended that Council request a one-year deferral on the recapture of the unobligated 1998 Community Development Block Grant (CDBG) Funds.

RESOLVED by Pfeifer, supported by Kennedy, that the Village of Beverly Hills requests a waiver for the recapture of the unobligated 1998 Community Development Block Grant Funds granted to the Birmingham Area Seniors Coordinating Council in the unexpended amount of \$9,646.71.

Council discussed the fact that BASCC has not spent Community Development funds allocated to them by the Village. It was noted that, in past years, Council has elected to allocate CDBG funds towards Village planning consultant expenses. Federal guidelines allow a community to spend up to 20% of the entire allocation on planning services.

Administration was directed to communicate with BASCC representatives and seek an explanation on why the money requested by their organization was not spent. The amount the Village receives from the CDBG program in future years is jeopardized by unexpended money. Council was in agreement that the Village could use a portion of CDBG funds for planning services if BASCC is not going to use the money. BASCC and HAVEN will be required to come before Council with their

funding requests next year. Council will also request a report from administration on how these organizations have used money allocated in the past.

Hanlin commented that the Village is scrutinized by the County on the use of this money. Administration has met with BASCC representatives in the past to talk about expending the money in a timely manner.

Roll Call Vote:
Resolution passes unanimously.

Craig called a two minute recess at 9:10 p.m. to allow the boy scouts to leave the council chambers. The meeting reconvened at 9:12 p.m.

APPROVAL OF BILLS

MOTION by Pfeifer, supported by Downey, that the bills from the period of 11/07/00 through 11/21/00 be approved for payment in the following amounts:

\$248,682.55	General Fund
9,330.85	Major Road Fund
18,484.85	Local Road Fund
838.04	Dedicated Millage
838.01	Planning & Engineering Fund
57,029.29	Water/Sewer Operation Fund
<u>7,873.68</u>	Trust & Agency Fund
<u>\$343,077.27</u>	Total

Questions on the bills were addressed by administration.

Motion passes unanimously.

LIAISON'S REPORTS

Munguia stated that the Zoning Board of Appeals met last week. He remarked that many residents of the Village are expanding and improving their homes rather than moving out of Beverly Hills.

Walsh informed Council that Norm Robiner has submitted a letter of resignation from the Planning Board. He has made many contributions to the Village, and Council will be sorry to see him leave the Planning Board. There will be an agenda item at the next meeting to accept his resignation and make the first announcement of a vacancy on the Planning Board.

Walsh announced that the Infrastructure Committee will meet on Monday, November 27 at 5:30 p.m. in the Village municipal building.

Kennedy stated that the Retirement Board will meet tomorrow, November 21 at 7:30 p.m. at the public safety building.

Stearn stated that the Parks and Recreation Board met this past week. There are interesting things going on at the park, and he encourages people to get involved.

Pfeifer stated that the regularly scheduled Finance Committee meeting for November will be canceled. The December Finance Committee meeting will be held a week earlier on Tuesday, December 12 at 7:00 p.m.

The Cablecasting Board met last week and approved a contract with Bloomfield Community Television for cable access management.

Pfeifer related that the Cablecasting Board has been reviewing documents relative to the transfer of the cable television franchise to Comcast Cablevision. The board adopted a resolution at its November 15 meeting to recommend that a Resolution granting consent of transfer of the cable television franchise from MediaOne of Michigan to Comcast Cablevision of the South, Inc. be approved by the Birmingham Area Cablecasting Board and forwarded as a recommendation to each of its member communities. The member communities legally have until the end of December to act on the request. If no action is taken, the request is automatically granted.

Pfeifer commented that Cablecasting Board member from Beverly Hills, Bob Borgon, has offered to assist Stan Pasioka and others working with contractors to wire the council chambers for cable. It is anticipated that Council will discuss options for wiring the room for cable at its December 4 meeting.

Pfeifer stated that the Cablecasting Board is in the process of developing by-laws that the board will adopt for internal operating purposes. One of the options calls for an alternate representative from the community with voting rights. The alternate would step in if an existing board member is not able to attend a meeting. Council may want to think about this appointment once the by-laws are adopted.

MANAGER'S REPORT

Hanlin stated that the Village has received a written proposal from the insurance company for excess insurance for sewer backup exposure. She recommends that the Village accept the proposal to enter into a policy for \$10 million coverage with a \$50,000 deductible and a yearly premium of \$31,000, which is less than the amount Council authorized at its special meeting of October 26, 2000. Ryan will be reviewing the document before the policy is signed. Hanlin added that the Best rating on the insurance company is A plus.

It was the consensus of Council to authorize the Village Manager to sign the contract as long as the requirements set by Council are met and the amount amount is not greater than the amount approved by Council at the special Council meeting in October.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court commented that the Township of Southfield experienced an 80 percent turnout for the November 7 Presidential Election.

Tischler referred to an earlier discussion about SMART charter bus transportation. It was mentioned that every community supporting SMART receives community and municipal credits in return for its contribution. She noted that Bingham Farms collects money for the SMART program and assumes that Bingham Farms receives SMART credits. She questioned whether Bingham Farms School can take advantage of SMART funds allocated to Bingham Farms.

Tischler inquired about the status of litigation involving a gate erected on property in the area of Thirteen Mile and Evergreen roads and recent cell tower litigation. Ryan responded that both matters are in the appeal process.

Tischler stated that an event held at Groves High School last weekend drew a substantial crowd, and parking was at a premium. She inquired about the group that was charging a dollar to park on the lawn. Tischler hopes that the public safety department is cognizant of the fact that the Village has attempted to prohibit parking on Thirteen Mile Road. She thinks that school activities should be handled the same as any other event that takes place on property along Thirteen Mile Road.

Craig explained that state playoff football games are run by the state and not by the school district. They have the right to charge for parking.

COUNCIL COMMENTS

Pfeifer noted that the City of Detroit held a tree lighting ceremony tonight. A number of people have noticed that the Village does not display holiday decorations as it has in the past. Pfeifer would like to see holiday decorations return to Village Hall.

Pfeifer thanked Township Clerk Sharon Tischler on a great job of running the election.

Munguia stated that he observed the Village rubbish contractor mixing yard waste and regular refuse in his area of the Village. He asked administration to check on this. Munguia announced that the Beverly Hills Lions Club White Cane collection is underway at various locations throughout the Village business districts.

Downey commented that Village maintenance and appearance issues have been discussed recently. He related that some governments divide their community into small sectors and have various members of administration responsible for that area in terms of observing and reporting problems in that section. This may be an idea for future consideration.

Downey commended Wiszowaty on the new format used for the list of bills. He mentioned that camera operator Scott Michie has volunteered to assist the Village with the wiring of the council chambers.

Downey commented that a regular engineering update is missing from the Council information packet. Craig explained that Spallasso contacted him about delaying his report until the next Council meeting on the basis that a couple of projects were due to be completed this week.

Kennedy commented that Larry Needham mentioned at the last Council meeting that political signs should be removed ten days following an election. She would appreciate it if the appropriate parties would remove their election signs.

Kennedy congratulated Spallasso for the positive results he achieved through a meeting with a member of the Birmingham planning department to resolve the issue of a non-conforming fence and safety issue at Beverly School.

Kennedy stated that resident Debbie Morrow, member of the Beautification Awards Program Committee, was recognized in the Eccentric newspaper as being part of group from the Garden Club that decorated trees that will be on display at Cobo Hall until December 26.

Kennedy congratulated Township Clerk Sharon Tischler and all of the election workers for a great job of conducting the November 7 election.

Kennedy mentioned a brochure that residents recently received in the mail from the Baldwin Public Library. In addition to the survey, the brochure lists features that are available at the library. There will be computer classes held this winter with one of the classes dealing with how to use the library modem to access the Internet.

Craig asked Township Clerk Tischler for the number of Beverly Hills voters by precinct who voted in the November election.

Craig commented that Village resident John Thomas on Birwood is the president and active supporter of the Festival of Trees held at Cobo Hall. The event will raise \$1 million this year to benefit Children's Hospital.

Craig thanked Patricia Greening for organizing another great Halloween Hoot this year. A memo from Greening shows that the cost to the Village came in under budget. Greening asked Council for \$2,500 and spent \$1,600 of Village money due to contributions that were received from Mary Ann McBroom, the Lions Club, and other anonymous donors. This support demonstrates that the Village is soundly behind the event.

Administration will meet with the rubbish removal contractor from 7:00-7:45 p.m. prior to the December 4 Council meeting. If residents have any issues relative to trash pick up, they should bring them to the attention of Village administration. Administration meets with representatives from the contractor quarterly.

Council members wished everyone a Happy Thanksgiving.

MOTION by Downey, supported by Walsh, to adjourn the meeting at 9:46 p.m.

Motion passes unanimously.

Andrew Craig
Council President

Ellen E. Marshall
Village Clerk