

REGULAR COUNCIL MEETING MINUTES - MONDAY, DECEMBER 18, 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
Public Services Director, Spallasso
Director of Public Safety, Woodard
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.

APPROVE MINUTES OF REGULAR COUNCIL MEETING HELD ON MONDAY, DECEMBER 4, 2000

On page 8, the total amount of the bills should be corrected to read, "\$352,469.46".

MOTION by Kennedy, supported by Downey, that the minutes of a regular Council meeting held on Monday, December 4, 2000 be approved as amended.

Motion passes unanimously.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

Kathleen Berwick of 31381 Kennoway Court informed Council that she is not pleased with the Village's snow removal service this year. Berwick related what she perceived to be an unsatisfactory job of snow removal on Kennoway Court following last week's snow storm. She thinks that snow removal is an important Village service that should be taken care of before consideration is given to community services that are not a necessity.

SECOND ANNOUNCEMENT OF VACANCY ON THE PLANNING BOARD

Walsh made the second announcement of a vacancy on the Planning Board. The deadline for accepting applications for this position is Friday, December 22, 2000 at 5:00 p.m. Applications can be obtained at the Village office. A subcommittee of Walsh as chair, Craig, and Downey will meet on Monday, January 2, 2001 at 7:15 p.m. prior to the regular Council meeting to review applications and recommend a candidate to be appointed to this position.

APPROVE OUTLET LOCATION FOR 14 MILE ROAD ACACIA RELIEF PROJECT

Walsh reviewed that the Village Council authorized administration to enter into a contract with Oakland County for constructing that portion of the Acacia Relief Sewer that will go under Fourteen Mile Road in advance of the major portion of the relief sewer project. This will avert the need to dig up the road again in a few years when the Acacia project is underway in that area. The Road Commission for Oakland County plans to begin reconstruction of 14 Mile Road from Southfield

Road to Greenfield Road in 2001. The replacing of the pavement for this section of sewer will be part of the Road Commission's road reconstruction project.

Council has set aside \$350,000 from the dedicated millage fund for this advance sewer construction. Beverly Hills will proceed with the project in conjunction with Oakland County and the City of Birmingham.

The Road Commission is currently in the design process for the reconstruction of this section of 14 Mile Road. The Village Council must decide on either Bates or Pierce as a route for the sewer outlet from 14 Mile going south. Both Public Services Director Spallasso and consulting engineers Hubbell, Roth & Clark recommend that the route of the relief sewer from 14 Mile to Beverly proceed down the center of Bates due to the fact that Bates has less existing utilities and less traffic volume than Pierce. Bates is well suited for relief sewer construction by open cut methods.

RESOLVED by Walsh, supported Kennedy, to authorize administration that Bates Road be utilized as the outlet for the Acacia Relief sewer pipe that will be constructed under 14 Mile Road in conjunction with the reconstruction of 14 Mile Road by the Road Commission for Oakland County. This project has been scheduled for completion in 2001.

Roll Call Vote:
Resolution passes unanimously.

APPROVE PURCHASE OF FIREARMS FOR PUBLIC SAFETY DEPARTMENT

Before Council for consideration is a proposal from Director Woodard for the replacement of the current duty weapons for the Department of Public Safety. The department inventory includes 28 9mm Sig Sauer semi-automatic pistols purchased in 1988. Woodard proposes replacing these weapons using the department Drug Forfeiture Account. The funds in this account are generated by patrol and investigative efforts at apprehending drug offenders who were in possession of drug quantities beyond what might be expected for personal use, thus indicating the potential for drug trafficking activity.

Use of these funds is restricted to expenditures for items that will further enforcement activity against drug possession and trafficking. The purchase of department duty weapons is a qualified expense under the legal restrictions for these funds. Proposals for the replacement pistol were solicited through the State of Michigan competitive bid process. C.M.P. Distributors, Inc. of Detroit is an authorized vendor.

RESOLVED by Downey, supported by Pfeifer, that the Council for the Village of Beverly Hills approve the purchase of 28 new Sig Sauer Model 226, .40 caliber, semi-automatic pistols with 15 additional training magazines from the State of Michigan approved vendor, C.M.P. Distributors, Inc. of Detroit for the total price of \$9,709. Funds are available for this purchase in the Drug Forfeiture Fund 265.

Woodard addressed questions from Council on the Drug Forfeiture Account and its use. It was emphasized that the new weapons will be purchased without using taxpayer money. The 28 weapons that will be retired will be traded in to C.M.P. Distributors for a credit of \$250 each.

Roll Call Vote:

Resolution passes unanimously.

DISCUSSION OF DEVELOPING A SNOW EMERGENCY ORDINANCE

Craig stated that he drove around the Village after the heavy snowfall last week and observed that there were cars parked in the street in some areas making it difficult for snow plows to clear those streets. He learned that the Village does not have an ordinance that allows administration to declare a snow emergency and prohibit the parking of vehicles on Village streets for the purpose of snow plowing.

Craig suggested that it may be appropriate for Council to consider adopting a snow emergency parking ordinance. While it is not a major problem in the Village, cars parked in the street do slow down the snow plowing operation. Council members have received copies of a sample ordinance from a neighboring community. Craig asked that Council discuss this ordinance and consider directing the Village Manager to work with the Director of Public Safety and Public Services Director on drafting a similar ordinance for review by the Village Attorney and Council.

The majority of Council members were in favor of adopting an ordinance regulating snow emergency parking. It was suggested that the Village look at postal service regulations in terms of what is required for accessing mail boxes at the street. Members of Council questioned the enforcement provisions of this type of ordinance and whether there would be an accompanying policy adopted by Council relative to how rigorously the ordinance should be enforced and under what circumstances. It was noted that an ordinance could allow exemptions in cases where the owner of the vehicle does not have driveway space. Owners of exempt vehicles could be issued stickers for display on their vehicle.

Pfeifer mentioned that a snow emergency ordinance may create a hardship in the Huntley Square Apartments where there are limited parking spaces.

Stearn referred to the number of driveways on the east side of the Village that accommodate only one car. He maintains that an ordinance prohibiting parking in the street would create a major hardship for people who live on the east side of the Village. Stearn objects to the notice provisions in the sample ordinance that provide for declaration of a snow emergency through radio and television broadcasts.

Kennedy indicated that some of the roads on the east side of the Village are so narrow that parking on the street causes difficulties at any time of year. If cars are not removed from the street during a snow storm, a plow would not be able to clear the street to accommodate emergency vehicles. Notification may be a problem that could be addressed through a Village public service campaign. Kennedy remarked that it is a matter of common sense during a snow emergency.

Sharon Tischler of 21415 Virmar Court commended the Comeau Equipment Company crew for doing an outstanding job of plowing the streets during last week's storm. She agrees that an ordinance of this type is in order for Beverly Hills. Tischler commented that she does not know of a municipality that does not use the media to advise residents of a snow emergency. She does not believe that there is a problem with keeping vehicles off the street in a large part of the Village. Accommodations could be made in those areas where there is a problem.

Tischler questioned whether there is a pattern that the road maintenance contractor follows with respect to dispatching trucks to clear streets. Craig responded that major streets and certain priority routes such as schools are taken care of first. The intent is then to clear roads to make them accessible for trash pick up vehicles on the day scheduled for that service.

Craig commented that he intended the sample ordinance distributed to Council to be used as a reference point. The hardship issue can be addressed by providing stickers to owners of exempt vehicles. Notification can be taken into consideration in a proposed ordinance. Residents can be notified through specific news programs, the Village web site, the message board in front of the Village municipal building, and cable television. Residents can be made aware of a snow emergency ordinance in the Village calendar. People would be informed to expect a snow emergency declaration if six inches or more of snow fall or if there are other severe weather conditions. Craig asked Ryan to address the liability the Village may incur during or after towing a vehicle.

MOTION by Craig, supported by Kennedy, to instruct administration to work with both the Public Service Director and Director of Public Safety in drafting a snow emergency parking provision of the Village Ordinance to be reviewed by Village Attorney Ryan and brought back to Council for consideration.

Stearn questioned the need for an ordinance provision that addresses snow emergency parking. He thinks that the Village did a good job of snow removal. Stearn questioned the number of complaints received regarding cars parked in the street.

Spallasso commented that the snow plows had to work around 50-60 cars parked in the street. There were complaints related to residents not receiving mail delivery because the postal worker could not get near enough to the mailbox. Typically, the plows cannot clear the area near the mailbox when a car is parked near the driveway.

Craig stated that he observed quite a few cars parked in the street during the snow storm in certain sections of the Village. A majority of the surrounding communities have an ordinance that allows them to declare a snow emergency.

Ayes - Craig, Downey, Kennedy, Munguia, Pfeifer and Walsh
Nays - Stearn

Motion passes (6 - 1).

APPROVAL OF BILLS

MOTION by Pfeifer, supported by Walsh, that the bills from the period of 12/05/00 through 12/18/00 be approved for payment in the following amounts:

\$234,542.27	General Fund
9,808.65	Major Road Fund
8,032.50	Local Road Fund
941.16	Capital Projects Fund
78,247.99	Water/Sewer Operation Fund
<u>9,268.03</u>	Trust & Agency Fund
<u>\$340,840.60</u>	Total

Questions from Council were addressed by administration.

Motion passes unanimously.

LIAISON'S REPORT

Pfeifer stated that the Finance Committee meeting scheduled for last week was canceled and rescheduled for Tuesday, January 9 at 7:00 p.m. in the Village municipal building. The regularly scheduled Cablecasting Board meeting will be held on Wednesday, December 20 at 7:45 a.m. at the Baldwin Public Library.

Munguia reported that the Zoning Board of Appeals met during the snow storm last Monday, December 11 to hear three cases.

Downey stated that monthly crime statistics for the Beverly Hills Public Safety Department show that there has been a significant increase in arrests for part A crimes and narcotic offenses in particular. There has been a 31 percent increase in traffic violations issued. These statistics confirm the hard work of our public safety officers.

Downey reminded residents to clear the snow away from fire hydrants in their neighborhoods to make them visible in the event that they need to be used by the public safety department.

Kennedy informed Council that the Personnel Committee meeting has been rescheduled to January 4, 2001 at 7:00 p.m.

MANAGER'S REPORT

Hanlin announced that Village Treasurer Colleen Wayland gave birth to a beautiful baby girl on Wednesday, December 13. Hanlin commended Ellen Marshall on a great job on the Village calendar

this year. She mentioned that residents will receive the December issue of the Villager Newsletter in the mail this week.

Hanlin thanked residents who took the time to call the Village office to say that the Village did a good job in terms of snow plowing during the recent snow storms.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court mentioned that residents call the Village office after a heavy snowfall wanting to know approximately when their street will be plowed. If the contractor has a schedule, the Village staff should be advised so they can provide that information to residents who call to ask when their streets will be cleared.

Craig asked Spallasso if he can prepare a priority list and share it with the Township and the Public Safety Department.

COUNCIL COMMENTS

Council members commended administration on the nice looking and informative Village calendar for 2001.

Pfeifer commended Pasieka on the December Villager Newsletter. She noted that Council meetings will start at 7:30 p.m. beginning on the first meeting in January, which is Tuesday, January 2.

Pfeifer requested an item on the next Council agenda to consider mailing applications for absentee ballots to senior residents in the Village. The Village Election is in the winter months and has a light voter turnout. There are a number of seniors who leave town for the winter. Pfeifer thinks that a reminder to seniors that they can vote by mail would be helpful.

In answer to an inquiry from Stearn, Hanlin commented on administration's policy relative to distributing home and business phone numbers of Council members. If someone asks to speak with a Council member, the Village staff takes the information and relays it to that Council member.

Kennedy thanked the volunteers from the Village Woman's Club who held a luminary sale in the Village hall last Saturday. She thanked Pasieka for attending many community events and taking most of the great pictures on the pages of the Village calendar. Kennedy thanked Spallasso for his efforts with respect to coordinating snow removal in the last week.

Kennedy encouraged families to join in the "First Night" New Year's Eve celebration in Birmingham sponsored by the Birmingham Coalition as well as many other organizations. She hopes many residents will enjoy this alcohol free evening with their families.

Council wished everyone a happy and safe holiday season.

RESOLVED by Kennedy, supported by Walsh, to go into closed session for Council discussion of labor negotiations and pending litigation.

Roll Call Vote:

Resolution passes unanimously.

A five minute recess was called at 9:00 p.m. prior to the closed session. The meeting reconvened in open session at 9:40 p.m.

MOTION by Walsh, supported by Stearn, that the meeting be adjourned at 9:41 p.m.

Motion passes unanimously.

Andrew Craig
Council President

Ellen E. Marshall
Village Clerk