

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

Absent: None

Also Present: Village Manager, Murphy
Assistant to the Manager, Pasioka
Village Attorney, O'Brien
Director of Public Safety, Woodard
Finance Director, Wiszowaty
Building Official, Byrwa

President Pro-Tem Pfeifer called the meeting to order at 7:00 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

RESOLVED by Walsh, supported by Munguia, to go into closed session to discuss labor negotiations.

Roll Call Vote:
Resolution passes unanimously.

Stearn entered the closed session at 7:05 p.m. Craig and Domzal did not attend the closed session.

Council reconvened in open session at 7:34 p.m. with all members present.

APPROVE MINUTES OF REGULAR COUNCIL MEETING HELD ON MONDAY, JUNE 4, 2001

On page 1, under “Consider Committee Recommendations for Appointment to the Planning Board”, correct the year indicated in the motion to read ‘2003’.

On page 2, under “First Reading of Ordinance...”, last paragraph, line 3, change word ‘announcement’ to ‘reading’.

MOTION by Walsh, supported by Pfeifer, that the minutes of the Regular Council meeting held on Monday, June 4, 2001 be approved as amended.

Motion passes unanimously.

PUBLIC COMMENTS

Ray Lacroix of 20285 Coryell questioned an article about Beverly Hills that appeared in the Sunday, June 10, 2001 Detroit News/Free Press entitled “Officials disburse \$130,000 to alleviate congested ditches”. Stearn indicated that the article was initiated by the Detroit News.

Lacroix expressed concern that the tone of the article downplays the serious nature of the situation in the opinion of the homeowners of the Coryell Estates Subdivision. It minimizes a problem that his neighborhood has brought to Council’s attention regarding the drainage and road conditions in their area. Lacroix commented that he has questions that he would like

addressed by Public Services Director Spallasso. Stearn suggested that Lacroix call Spallasso tomorrow at the Village offices.

Stearn recalled that Lacroix along with several others from his subdivision attended a Council budget meeting and voiced their concerns about drainage problems and deterioration of roads. Council budgeted \$130,000 from the Water and Sewer Fund balance for a road ditching project with approximately \$30,000 reserved for an engineering study that would prioritize the roads with ditches in most need of work. It is hoped that Council can allocate money as the years progress to continue a ditching program that will address drainage problems in the entire Village.

Sharon Tischler of 21415 Virmar Court commented on the poor quality of a promotion that was aired on cable channel 15 prior to the Council meeting. Pfeifer responded that she will bring this to the attention of the Cable Board at its meeting this Wednesday.

Tischler observed that the new monument sign in front of the public safety building has been illuminated, but the lettering on the face of the building is no longer lit. Director Woodard will look into this.

REFER REQUEST FROM KENSINGTON ACADEMY FOR PROPOSED PARKING LAYOUT CHANGES ON SITE PLAN TO THE PLANNING BOARD FOR REVIEW AND RECOMMENDATION

Administration has received a request from Kensington Academy located at 32605 Bellvine Trail for approval of minor revisions in the parking layout and total spaces provided on the site plan for a major expansion project that was approved by the Planning Board and Council in July and August of 2000. Kensington Academy was unable to complete an anticipated purchase of previously leased property owned by the Birmingham School District, which resulted in the need to modify the proposed parking layout. The number of parking spaces is within the guidelines of the ordinance requirements.

Members of Council recalled the Planning Board's discussion of the parking layout and concerns expressed by adjacent neighbors. There was a consensus that it is appropriate to forward this site plan revision to the Planning Board for review.

MOTION by Downey, supported by Walsh, to refer proposed revisions to the site plan for the Kensington Academy project to the Village Planning Board for review and recommendation.

Motion passes unanimously.

SECOND ANNOUNCEMENT OF TWO VACANCIES ON THE PLANNING BOARD

Downey announced two vacancies on the Planning Board to replace Sharon Mullin Fox and Bob Belaustegui, volunteers who have served with distinction. Fox and Belaustegui have chosen not to seek reappointment to another term on the Planning Board.

Downey encouraged interested residents to apply for a seat on the Planning Board. Residents can call the Village office and request to have an application mailed to their home, or they can pick up the brief form at the office during business hours. Applications can be printed from the

Village web site (www.villagebeverlyhills.com). The deadline for receiving applications for these positions is Friday, June 22 at 5:00 p.m. A subcommittee of Downey as chair, Stearn and Walsh will meet on Monday, July 2 at 6:50 p.m. to review applications and make a recommendation to Council on candidates for this position.

SECOND ANNOUNCEMENT OF VACANCY ON THE FINANCE COMMITTEE

Domzal made the second announcement of a vacancy on the Finance Committee that was created by the resignation of Gary Mach. Interested residents were encouraged to apply for a seat on this advisory board to the Village Council. Applications are available at the Village office, can be requested by phone, or printed from the Village web site. The last day to submit applications is Friday, June 22 at 5:00 p.m.

A committee of Craig, Downey and Munguia will meet to review applications and make a recommendation to the Council for an appointment at the July 2 Council meeting.

CONSIDER REAPPOINTMENT OF MEMBERS OF VARIOUS BOARDS AND COMMITTEES

Each year Council reappoints Village board and committee members whose terms of office are due to expire at the end of June. All members whose terms are expiring have been contacted to determine their interest in being reappointed for an additional three year term.

RESOLVED by Pfeifer, supported by Walsh, to reappoint Robert Bliven to the Planning Board for a three year term to expire on June 30, 2004.

Resolution passes unanimously.

RESOLVED by Pfeifer, supported by Craig, to reappoint Irene Davis to the Parks and Recreation Board for a three year term to expire on June 30, 2004.

Resolution passes unanimously.

RESOLVED by Pfeifer, supported by Walsh, to reappoint Neil Hitz to the Finance Committee for a three year term to expire on June 30, 2004.

Resolution passes unanimously.

RESOLVED by Pfeifer, supported by Craig, to reappoint Robert Borgon to the Birmingham Area Cable Board for a three year term to expire on June 30, 2004.

Resolution passes unanimously.

Pfeifer indicated that one of the members seeking reappointment to the Zoning Board of Appeals does not meet the 70% minimum attendance criteria established by Council for deciding reappointments to boards and committees. She feels that attendance at ZBA meetings is particularly important because any appeal from a decision made by that body goes into the court system. Pfeifer is concerned about reappointing a member who has not served in the manner prescribed by Council.

Domzal pointed out that the Village is short on volunteers at this time, and he would like to encourage people to serve on boards. He would be interested in the circumstances behind this member's low attendance record and a commitment to meet the established attendance requirements.

Pfeifer questioned whether the decision on reappointment of this member could be delayed for two weeks.

Downey commented that Council should encourage participation and take other factors than attendance into consideration. He has found Parks to be a thoughtful contributor to the Zoning Board and would encourage others to vote on behalf of him if he is recommended for reappointment.

RESOLVED by Pfeifer, supported by Walsh, to reappoint I. Jack Fahlen and Nanci Freedman to the Zoning Board of Appeals for a three year term to expire on June 30, 2004.

Resolution passes unanimously.

RESOLVED by Pfeifer, supported by Domzal, to table the reappointment of James Parks to the Zoning Board of Appeals.

Roll Call Vote:

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

Resolution fails (4-3).

RESOLVED by Downey, to reappoint James Parks to the Zoning Board of Appeals for a three year term to expire in June 30, 2004.

Resolution fails for lack of support.

RESOLUTION AMENDING 2000/2001 FISCAL YEAR BUDGET

The State Uniform Budgeting Act requires that Council reallocate budget appropriations in any department that exceeds the budget amount approved in May of 2000 without changing the total budgeted amount. The proposed budget amendments for 2000/2001 will also reflect budgeted and reserved money in balance sheet accounts or transferred to the Capital Project Funds because the expenses will not take place until after July 1, 2001.

Finance Director Wiszowaty presented background information on the budget amendment process. He reviewed the proposed transfers, reserves, and amendments to the budget and addressed questions from Council.

RESOLVED by Domzal, supported by Pfeifer, that the Village Council of Beverly Hills approve the proposed amendments to the 2000/2001 budget for the General Fund, Major and Local Road Funds, and Water & Sewer Operating Funds as outlined in the memorandum from the Finance Director dated June 14, 2001.

Roll Call Vote:

Resolution passes unanimously.

COPIES OF THE 2000-2001 VILLAGE BUDGET AMENDMENTS MEMO ARE ON FILE AT THE VILLAGE OFFICES FOR PUBLIC REVIEW.

RESOLUTION ADOPTING THE 2000/2001 FISCAL YEAR DRUG LAW ENFORCEMENT FUND BUDGET

The 2000/2001 fiscal year Drug Law Enforcement Budget is before Council for adoption. The only income received in this fund other than income from investments is drug seizure money and property collected by the Public Safety Department as a result of drug arrests. There is a requirement that this money be spent for law enforcement purposes. Domzal stated that \$10,200 has been received in this fund and \$10,200 was spent. He noted that \$10,000 has been spent for weapons for the public safety officers.

RESOLVED by Domzal, supported by Downey, that the Village of Beverly Hills Council adopt the 2000/2001 Beverly Hills Drug Law Enforcement Fund budget of \$10,200 for revenues and \$10,200 for expenses.

Craig commented that he would like to see a portion of these funds spent on preventative education and training in the future rather than allocating all money collected on enforcement supplies. Director Woodard will explore whether that is an allowable expense under the County guidelines for spending these funds.

Downey expressed the view that this money is being put to good use by purchasing new service arms for public safety officers and keeping them well prepared to keep the Village safe.

Roll Call Vote:

Resolution passes unanimously.

APPROVE FUNDING AND SUPPORT FOR FIREWORKS DISPLAY AT LINCOLN HILLS GOLF COURSE

The City of Birmingham will be conducting a fireworks display at Lincoln Hills Golf Course on Tuesday, July 3. The estimated cost of the fireworks display is approximately \$20,000. Birmingham has requested donations from the Village to offset the cost of this event.

The Village of Beverly Hills, consistent with its past support, is proposing to contribute \$2,000 towards the event from the 2001/02 budget from Account 101-747-893, Community Action: Birmingham Fireworks. In addition, the Village will bear the cost of overtime for public safety officers in the amount of approximately \$868.

RESOLVED by Domzal, supported by Craig, that, in continued support for the City of Birmingham Fireworks Display on July 3, 2001, the Village contribute \$2,000 from

account #101-747-893 and provide Public Safety Department support, which will result in overtime costs of approximately \$868.

Sharon Tischler of 21415 Virmar Court questioned whether the Village's Department of Public Works employees will be involved in blocking off streets. Murphy will look into whether DPW related services are provided for this event.

Roll Call Vote:
Resolution passes unanimously.

SECOND READING AND POSSIBLE ADOPTION OF ORDINANCE #301 AMENDING CHAPTER 4 (CABLE ORDINANCE) OF THE MUNICIPAL CODE.

Pfeifer read the proposed ordinance to amend Chapter 4 of the Village of Beverly Hills Municipal Code relating to the Birmingham Area Cable Board. The amendment would increase the Beverly Hills representation on the Cable Board by one person, increasing the membership of that board from 12 to 13 members. Language is added to state that each of the four communities shall appoint one alternate representative. The alternate representative shall be entitled to cast the vote for an absent representative.

RESOLVED by Pfeifer, supported by Craig, to adopt Ordinance 301, an Ordinance to Amend Chapter 4 of the Village of Beverly Hills Municipal Code relating to Cablecasting Board.

Roll Call Vote:
Resolution passes unanimously.

Pfeifer informed Council that the name of the Birmingham Area Cablecasting Board has been changed to the Birmingham Area Cable Board. She discussed this with Village Attorney Ryan and had hoped that the name change throughout the entire document could be accomplished in conjunction with this ordinance amendment. Ryan will be requested to comment on this at the next meeting.

FIRST ANNOUNCEMENT OF TWO VACANCIES ON THE BIRMINGHAM AREA CABLE BOARD

With the adoption of Ordinance #301 amending the Cable Ordinance, an additional seat is created for a Beverly Hills representative to that body. The Ordinance also provides for each member community to appoint one alternative representative. Pfeifer related her preference to relinquish her seat on the Cable Board and serve as the alternate representative from Beverly Hills.

MOTION by Craig, supported by Walsh, to accept Dorothy Pfeifer's resignation as member of the Birmingham Area Cable Board so she can become the alternate representative to the Cable Board for the Village of Beverly Hills.

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

Pfeifer made the first announcement of two vacancies on the Birmingham Area Cable Board.

FIRST READING OF ORDINANCES TO AMEND THE MUNICIPAL CODE BY REFERENCE WITH MODIFICATIONS

Before Council for adoption are four ordinances that will amend the Beverly Hills Municipal Code to bring the Village's ordinances in compliance with the State Construction Code that will take effect on July 1, 2001. The following Ordinance Chapters will be amended:

- Chapter 24 - Building Code**
- Chapter 25 - Electrical Code**
- Chapter 26 - Plumbing Code**
- Chapter 28 - Mechanical Code**

Walsh summarized the ordinance by section, noting that the language of the four ordinances are similar. Council found the paragraph addressing permits under Section 3.01 to be contradictory. Council requested that Village Attorney Ryan review and reword this paragraph for consideration at the second reading of these ordinances.

FEE ORDINANCE AND COMPARISON STUDY

At Council's request, the building department staff has reviewed the Village's schedule of fees to determine whether the fees charged for various services and permits cover the cost of those services. Building Official Byrwa commented that the Village's fee ordinance has not been revised since January of 1998. A revised fee schedule is proposed for Council's consideration.

Byrwa stated that a study was done comparing fees charged by a number of area communities. The results are included in the material distributed to Council. The revised fee schedule suggested by the building department reflects an adjustment of approximately 25% in most categories. Some fee categories have been deleted because that type of inspection has become obsolete.

Byrwa was asked if the proposed fees take into account the Village's administrative costs to generate a permit and/or perform a service. He indicated that the fees are in line with those charged by other communities, but the study did not include an analysis of the administrative costs involved.

Council does not want to charge excessive fees, because it wants to encourage people to reinvest in their homes. However, Council is concerned with whether the Village is covering its costs through the proposed fees. It was mentioned that alternate ways to cover costs was a topic of discussion at this year's budget sessions.

The Village auditors will be in the office beginning in July to prepare the annual audit report. It was suggested that Plante & Moran be requested to enlarge its scope of services to review the proposed schedule of fees and opine on whether they are reasonable and defensible under State guidelines.

Council members provided input on specific language that will be incorporated into the fee schedule.

Sharon Tischler of 21415 Virmar Court suggested that an effort be made through the Village newsletter and web site to inform residents about permit requirements in order to increase compliance. She expressed the view that fees should be uniform for all residents.

APPROVE BILLS RECAPPED AS OF MONDAY, JUNE 18, 2001

MOTION by Pfeifer, supported by Downey, that the bills from a period of 6/5/01 through 6/18/01 be approved for payment in the following amounts:

\$282,637.22	General Fund
7,527.49	Major Road Fund
10,365.63	Local Road Fund
76,584.72	Water/Sewer Operation Fund
8,788.00	Trust & Agency Fund
<u>\$385,903.06</u>	Total

Questions from Council were addressed by administration.

Motion passes unanimously.

LIAISON'S REPORTS

Pfeifer announced that the Cable Board will be meeting on Wednesday, June 20 at 7:45 a.m. in the Rotary Room of the Baldwin Public Library.

Downey attended the June 13 Planning Board meeting. The board discussed the 14 Mile Road Corridor and future redevelopment considerations. Their work on this important community issue will continue. Downey encouraged everyone who lives along the corridor to attend Planning Board meetings. The Planning Board also addressed Village entryway signs and will be making a recommendation to Council on this topic soon.

Downey stated that the Planning Board will be forwarding its Pathways Plan to Council for its consideration.

Domzal mentioned another topic discussed at the Planning Board meeting. The Planning Board was informed that Council received a request at its last meeting to approve a proposal from the South Georgetown homeowners association to replace Village street signs with decorative street signs in their subdivision. The board was asked if it would be willing, if requested by Council, to review and make recommendations on street identification signs in the right-of-way at the entrance to subdivisions from a standpoint of consistency and uniformity throughout the Village. The Planning Board indicated that they would be happy to take a look at these proposals when they arise.

Walsh reported on the Infrastructure Committee meeting held last Wednesday, June 11. There was discussion on the asphalt resurfacing program for this season. Plans and specifications for a \$500,000 project are being prepared and will go out for bids.

The Infrastructure Committee has recommended that Council as a whole discuss the alternate routes for the Acacia Relief Drain at its July 2 meeting. Consulting engineers Hubbell, Roth &

Clark will make a presentation at this time. It is important that Council select a route in the near future considering that the engineering design phase will begin in early 2002.

Walsh stated that the Village has advertised for bids for the water main replacement project. The deadline for accepting bids is 2:00 p.m. on July 10.

Domzal stated that the Finance Committee will be meeting at 7:00 p.m. tomorrow, June 11. The Parks and Recreation Board will be meeting at 7:30 p.m. in Beverly Park on Thursday, June 19.

Munguia related that a recent case before the Zoning Board of Appeals involving replacement of an existing fence was withdrawn from its consideration and will be coming before Council. It was determined that the existing structure is located in the Village right-of-way. Only the Village Council can approve construction in the Village right-of-way. Council will be provided with background information on this proposal.

Stearn remarked that he attended a Southeast Oakland County Mayors meeting with Manager Murphy last week.

MANAGER'S REPORT

Murphy informed Council that Senate Bill No. 3 relating to the Royal Oak and SOCRRA matter is headed for the Michigan Senate floor. The bill passed through the Natural Resources and Environmental Affairs Committee by a 4-1 vote with our Senator Gary Peters dissenting.

Murphy explained that SB No. 3 would allow Royal Oak to exit from the SOCRRA consortium, which is the waste transfer operation that the Village shares with 11 other member communities. Royal Oak is the second largest producer of waste to that stream, which potentially has a significant economic impact to Beverly Hills. Village staff will keep Council informed.

Murphy commented that approximately 35 citizens and interested people stopped by the open house held for him on June 6. He thanked Sandy Kalman for her work in putting together the event. Murphy thanked everyone who stopped by the open house or who otherwise called or visited for the warm welcome to the community.

Murphy thanked the entire staff for their help and tutelage during his first two weeks on the job. Individual thanks are due to Renzo Spallasso for his hard work and dedication while serving in the interim manager role and for his help in bringing Murphy up to speed on issues.

Council questions were addressed by the Manager.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court stated that she has observed the attractive signs that have been erected in the Village along 13 Mile to identify the Rouge River.

Tischler commented on the increased interest in use and restrictions with respect to road right-of-ways. She questioned whether the Village is going to move forward with an ordinance regarding its road right-of-ways.

Murphy responded that the House Energy and Technology Committee has SB 446 before them, which basically would usurp local authority with regard to road right-of-way issues including allowing public or private utilities to have access to them. The Michigan Municipal League is working with the Michigan Public Service Commission and the Michigan Economic Development Corporation to address the issues and arrive at a state-wide approach and statute that addresses how to appropriately handle right-of-way issues and return them to local control.

Tischler commented on the importance of having a full board in attendance at meetings where individuals pay a fee for review of a case or proposal, such as the Planning Board and the Zoning Board of Appeals. She thinks that consideration should be given to attendance records to assure that a board is viable in terms of having a quorum present.

COUNCIL COMMENTS

Craig commented on the issue of reappointments to Village boards and committees. He feels that the 70% minimum attendance is a benchmark that should be considered by Council. He suggested that Council not be given the names of boards members whose attendance does not meet the minimum requirements. Jim Parks is a valuable asset to the ZBA and is eligible for consideration for this vacancy.

Munguia concurred that Jim Parks has been a fine addition to the Zoning Board of Appeals and should be encouraged to reapply for the vacancy he created. Munguia commented on the signs placed on Village streets identifying the Rouge River with the slogan, "Ours to Protect". These attractive signs promote awareness of this resource.

Domzal stated that there are a couple issues that he would like to further investigate with Council or the appropriate committees. He would like to consider a community foundation for the Village of Beverly Hills. The Village is in need of funding sources for nice things whether they are entryway signs, pathways, etc. Budget constraints will worsen with the commitments being placed upon the Village. Community foundations are able to attract money and are tax deductible. Domzal reported on some of the issues involved in launching a community foundation. He would like further discussion on creative funding sources.

Domzal commented that he lives in the Nottingham area and is receiving many comments from neighbors on the need for sidewalks so that children can walk or ride their bikes safely to Berkshire School. Fourteen Mile Road is a real safety problem. He would like Council to consider a citizen effort to work together to address this problem in the community.

Walsh stated that there are nine members on the Zoning Board of Appeals. An affirmative vote of five members is needed to approve a variance requested from the Zoning Ordinance. If there is less than a full board present at a meeting, an applicant has the opportunity to withdraw the petition until more members are present. This demonstrates the importance of high attendance of ZBA members at monthly meetings.

Downey thanked Spallasso and administration for replacing the dilapidated signs in the cul-de-sacs in South Georgetown Subdivision. He mentioned a new sign on 13 Mile Road identifying the Rouge River contrasted with a nearby speed limit sign in poor condition on 13 Mile Road headed east. He suggested assigning Village department heads with specific areas to look for these types of items on a regular basis.

Downey stated that he appreciated Mr. Parks thoughtful consideration of cases during his service on the ZBA.

Pfeifer commented on the operation of the Zoning Board of Appeals and how it differs from other Village boards and committees. Pfeifer reported that, due to a technicality in the initial bid process, it was necessary to go out for a second set of bids for construction of a control room in the Council chambers. Bids are due on Tuesday, June 26. Council may be able to award a contract for this work at its next meeting.

Stearn thanked Jim Parks on behalf of Council and the community for his years of service to the Village. He commented on the policy of requiring board members to attend a minimum of 70% of meetings scheduled during their tenure. Stearn is willing to give board and committee members some latitude in the future if a good reason is offered for not complying with this requirement.

MOTION by Downey, supported by Walsh, to adjourn the meeting at 9:45 p.m.
Motion passes unanimously.

Todd S. Stearn
Council President

Ellen E. Marshall
Village Clerk