

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, Pasieka
Village Clerk, Marshall
Village Attorney, Ryan
Director of Public Safety, Woodard

President Stearn called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

APPROVE MINUTES OF A REGULAR COUNCIL MEETING HELD ON MONDAY, AUGUST 20, 2001

On page 6, third paragraph, add the following to the last sentence: “of a public safety officer”.

MOTION by Pfeifer, supported by Walsh, that the minutes of a regular Council meeting held on Monday, August 20, 2001 be approved as amended.

Motion passes unanimously.

APPROVE MINUTES OF A SPECIAL COUNCIL MEETING HELD ON MONDAY, AUGUST 27, 2001

MOTION by Domzal, supported by Pfeifer, that the minutes of a special Council meeting held on Monday, August 27, 2001 be approved as submitted.

Motion passes unanimously.

PUBLIC COMMENTS

Norman Rubin of 31020 Rivers Edge Court commended the Public Safety Department for being in command of the situation during the Our Lady of Albanians church festival this past weekend. He thinks that it went as well as could be expected. Director Woodard and Deputy Director Smith deserve a commendation for the planning and execution of the job they did.

Rubin commented that he is bothered by the fact that the August 27 Special Council meeting was held at the offices of consulting engineering firm Hubbell, Roth & Clark Inc. in Pontiac. He feels that this presents the appearance of impropriety considering that the Village recently awarded a contract to HRC to manage work that will be done at Beverly Park. Further, meeting in a location other than the Village municipal building may have presented a problem for people who wanted to attend the study session but had a problem traveling to that location.

Bob Golden of 30625 Stellamar attended the last regular Council meeting to voice concerns about the Albanian church festival planned for Labor Day weekend. He commended the public safety department for the way it controlled the situation for the most part. The traffic problems were improved from previous years. However, the problems he had in the past remained to a lesser degree because his property abuts the church parking lot. Golden stated that he and his wife did not see the four officers that they were told would be patrolling the area. They had to call the public safety department on one occasion. People were trespassing and basically showed little respect to the Golden's and their property.

Stearn stated that Council will take Mr. Golden's comments into consideration when planning for monitoring next year's event.

Sharon Tischler of 21415 Virmar Court questioned why there was a need to move the August 27 Special Council meeting from the council chambers to the Hubbell, Roth & Clark offices when the agenda did not focus on ongoing engineering projects.

Tischler remarked that she shares some of the same concerns about the Our Lady of Albanians church festival as the resident on Stellamar. She related that she observed a police presence in the area on Sunday evening. Officers were patrolling the area and monitoring the parking situation. She does not know whether there were officers present at the church site. Tischler reported that some of her neighbors on Vernon commented on Sunday night that the event was a little quieter this year.

AMEND AGENDA

Domzal stated that there was discussion at the August 27 special Council meeting about having a short study session at the end of tonight's meeting for the purpose of talking about preparation of a fact sheet for distribution prior to the public hearing on the Pathway Plan.

MOTION by Domzal, supported by Craig, to add agenda item #17, Study session regarding questions and answers on the Pathway Plan.

Walsh remarked that this is a controversial issue and that this agenda item should not be added without being posted. There is a public hearing on the Pathway Plan scheduled for the October 1 Council meeting.

The specific reason for the study session was clarified. Domzal reviewed that Council talked about drafting a proactive question and answer document for public distribution that would take a non-adversarial approach to the sidewalk issue. The sheet would address frequently asked questions on the topic. Domzal has prepared a list of questions for discussion. The purpose of the session is to decide whether to move forward on a fact sheet.

Downey understood that Council was going to discuss this issue following the regular agenda items with no intent to make policy decisions. He thinks it is important that Council be prepared for the October 1 public hearing.

Ryan stated that a unanimous vote of Council is required to amend the agenda.

Craig asked if there is enough time to add this item to the next Council meeting agenda and have the questions and answers properly prepared and published for the October 1 meeting. Murphy responded that it could be done.

Roll Call Vote:

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

Motion fails (5 – 2).

SET PUBLIC HEARING DATE OF OCTOBER 1, 2001 FOR CHARRINGTON ASSOCIATES' REQUEST FOR A LOT SPLIT, REZONING AND SITE PLAN AMENDMENT

Downey stated that the Village is in receipt of a request for rezoning and lot split as part of approval of a revised site plan for the Charrington Crossing development located on Greenfield Road just north of 13 Mile Road. The developer is proposing to incorporate additional land into the condominium development for the purpose of adding two building sites that were intended to be a part of the original proposal.

State law requires that a governing body review and rule on a lot split within 45 days. Village Ordinance requires a minimum of 15 days advance notice for advertising a public hearing for rezoning. Council has referred this proposal to the Planning Board for review and recommendation. The Planning Board will hold a public hearing on this matter on Wednesday, September 26. Council will schedule a public hearing for its October 1 meeting in order to meet the 45-day time limit for making a determination on a lot split request. It was noted that the completed application for lot split was received by the Village on August 27, 2001.

MOTION by Downey, supported by Walsh, that the Village of Beverly Hills Council set a public hearing date of October 1, 2001 at 7:30 p.m. at Berkshire Middle School on a request for rezoning, lot split, and revised site plan approval for Charrington Crossing condominium development.

Motion passes unanimously.

RESOLUTION APPROVING THE BIRMINGHAM AREA SENIORS COORDINATING COUNCIL FUNDING REQUEST

Domzal stated that Village has received a funding request for fiscal year 2001/2002 from the Birmingham Area Seniors Coordinating Council in the amount of \$11,500 for administrative and program costs. This item was discussed in detail at a Council budget session, and the requested funds were included in the adopted budget.

RESOLVED by Domzal, supported by Pfeifer, that the Birmingham Area Seniors Coordinating Council request in the amount of \$11,500 for fiscal year 2001-2002 be funded by this Council.

The Village will be receiving a contract from BASCC incorporating the agreement.

Roll Call Vote:
Resolution passes unanimously.

CONSIDER PLANTE & MORAN PROPOSAL REGARDING BUILDING DEPARTMENT FEE SCHEDULE

Downey reviewed that, as part of this year's budget deliberations, Council questioned whether building department fees cover the Village's administrative costs of generating a permit and/or performing a service. A study prepared by staff included a comparison of Beverly Hills fees with those charged by surrounding communities, and a revised fee schedule was proposed for Council's consideration. Council reviewed the comparative data at its June 18, 2001 Council meeting and directed staff to request a proposal from Plante & Moran to evaluate whether the proposed building department permit fees are in compliance with the State Construction Code Act.

The proposal from Plante & Moran before Council includes preparation of a market range summary and an analysis of the results against the limitations of the Construction Code Act. The estimated cost of the study is \$5,000-\$7,000.

Staff discussion on the proposal suggests that the analysis can be completed in-house before budget deliberations begin next year. Murphy assured Council that the intent of the study will be not only to perform a market analysis but to evaluate the cost of providing building department services and recovering costs as provided by State law.

MOTION by Downey, supported by Craig, that the Beverly Hills Village Council direct administration to prepare a study evaluating a proposed building department fee schedule taking into account market conditions and costs to render services with a reply by the end of year 2001.

Motion passes unanimously.

CONSIDER REVISION OF PAVILION RENTAL FEES

Domzal related that the Parks and Recreation Board at its August 16 meeting reviewed various fees associated with the rental of park facilities including the pavilion and ball

diamonds. He summarized a memo dated August 31, 2001 from Pasioka outlining fees proposed to be charged to residents and non-residents for use of park facilities.

Ball Diamond Use – There is a nominal charge of \$50 - \$65 per season for use of the ball diamonds for each organized baseball league or group using the baseball fields. The board recommends continuing the present rate schedule for ball diamond use for 2002. Domzal suggests that the fee be uniformly charged to each group.

Pavilion Rental Rates – The recommendation is to maintain the rates in place with the exception of the weekend pavilion rental charge. It is recommended that there be an additional charge of \$20 per event for weekend use to better cover the additional cost that the Village incurs with respect to refuse collection from the events.

Domzal stated that he agrees with the recommendations of the Parks and Recreation Board to continue with the rates in place while making sure fees are uniformly collected and to increase the weekend pavilion rental fee by \$20 per event. As future park improvements are made, he thinks a more detailed study of the fee schedule should be undertaken.

RESOLUTION by Domzal, supported by Pfeifer, that the Beverly Park ball diamond fee schedule be retained at \$50 per season, and the pavilion rental rates remain the same with the exception of weekend use, which will be increased by \$20 per event.

There was a difference of opinion among members of Council as to whether there should be a charge to leagues for the use of baseball diamonds. Craig noted that the fee has not been consistently applied nor collected, and it is not based on usage. He added that the Birmingham School District does not charge for use of its ball fields. There is no charge for use of the tennis, volleyball, or basketball courts.

Domzal commented on the scheduling issues involved. Issuance of a permit with a fee guarantees a group access to a ball diamond on a regular basis. It was mentioned that there are added maintenance costs with respect to mowing the ball diamonds during the baseball season.

Stearn expressed the view that the proposed fees for ball diamond and pavilion rental do not cover the cost of use of those facilities. He does not think the proposed fee schedule reflects an appropriate increase.

Sharon Tischler of 21415 Virmar Court questioned whether comparative data on charges levied by other communities for park facility use has been reviewed.

Domzal responded that he raised this question at the August 16 Parks and Recreation meeting and was answered that the Village's fees are probably below those of other communities. He suggests continuing with the recommended fees until such time a more detailed study is prepared.

John Mooney of 19111 Devonshire, President of the Beverly Hills Little League, strongly recommended that Council not charge the BHLL for use of the ball diamonds based on the Village's obligation to provide parks and recreation for its youth. Secondly, he implored Council to spend between \$10,000-\$15,000 to upgrade those fields.

Stearn remarked that the Village has \$800,000 to spend on the park through fund raising, grant money, and 0.25 mill for park improvements approved by the voters at the March 2001 election. Some of that money has been earmarked for upgrades to the two ball diamonds.

Roll Call Vote:

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

Motion passes (4 – 3).

CONSIDER APPROVAL OF EXPENDITURE FOR PRINTING 2002 VILLAGE CALENDAR

Four bids have been received for publishing the 2002 Village information calendar ranging from a high bid of \$16,027.00 to a low bid of \$6,941.00. Munguia indicated that two of the four bid proposals were disqualified. One was received by fax and was not a sealed bid; another bid was received after the bid opening. Administration recommends that Council award the contract to Spectrum 3 in the amount of \$7,800.00.

Questions on the calendar project and bid proposals were addressed by Marshall. She stated that Spectrum 3 has printed the Village calendar for the last five years and has done excellent work.

RESOLVED by Munguia, supported by Walsh, that the Beverly Hills Village Council award a contract to Spectrum 3 of Livonia, Michigan in the amount of \$7,800.00 to publish the 2002 Village calendar with funds from account #101-248-881.

Roll Call Vote:

Resolution passes unanimously.

At Downey's suggestion and with the consensus of Council, administration will look into the feasibility of inserting absentee voter applications and a resident survey card to be stapled in the center of the calendar and mailed to each household.

ANNOUNCE VACANCY ON THE CABLE BOARD

Pfeifer made an announcement of a vacancy for a Beverly Hills representative on the Birmingham Area Cable Board. The Cable Board meets monthly on the third Wednesday of the month at the Baldwin Public Library at 7:45 a.m. Interested residents are encouraged to submit an application. The last day to receive applications will be on Wednesday, September 12 at 5:00 p.m. at the Village offices. A committee composed of Pfeifer as chair, Craig and Domzal will meet at 7:15 p.m. on September 15 prior to the regular Council meeting to review applications and recommend a candidate to Council for appointment.

CONSIDER RETIREMENT BOARD RECOMMENDATION TO UPDATE ACTUARIAL STUDY

Walsh stated that there was discussion at the August 28, 2001 Retirement Board meeting relative to updating the actuarial assumptions for the Village of Beverly Hills Public Safety Officers' Retirement System. The basic financial objective of the retirement system is to establish and receive contributions which will remain approximately level as a percent of active member payroll. In pursuing this objective, assumptions are made about future experience. From time to time it becomes appropriate to modify one or more of the assumptions to reflect experience trends. This was last done after the June 30, 1990 valuation.

The Retirement Board recommends that Council engage Gabriel, Roeder, Smith & Company to perform an actuarial review of valuation assumptions and funding policies for the Public Safety Officers' Retirement System at a cost of \$6,000.

RESOLVED by Walsh, supported by Downey, to accept the proposal from Gabriel, Roeder, Smith and Company dated August 20, 2001 to perform an actuarial review of valuation assumptions and funding policies for the Village of Beverly Hills Public Safety Officers' Retirement System at a cost not to exceed \$6,000.

Council inquiries on the proposed study were addressed by administration. Stearn questioned whether it would be more appropriate for the cost of the study to be funded through the pension fund itself rather than from the general fund. Current Village Ordinance requires a study to be paid from the expense fund of the general operating budget. Stearn suggests that it would be more appropriate for the pension fund to pay these costs considering that the Retirement System is presently over funded. He asked if there was interest on Council to modify the ordinance.

Other members of Council were amenable to considering an ordinance amendment that would allow the pension fund to pay for administrative expenses. Walsh suggested deferring consideration of an ordinance amendment until the study is completed and a determination made as to the extent the Retirement System is over funded.

Roll Call Vote:

Downey - yes

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

Resolution passes (5 – 2).

APPROVE BILLS

MOTION by Pfeifer, supported by Walsh, that the bills from a period of 8/21/01 through 9/04/01 be approved for payment in the following amounts:

\$138,295.95	General Fund
10,134.63	Major Road Fund
18,344.00	Local Road Fund
7,931.22	Capital Projects
33,031.74	Dedicated Millage
21,309.42	Water/Sewer Operation Fund
3,199.11	Water/Sewer Improvement Fund
<u>408.48</u>	Trust & Agency Fund
<u>\$232,654.55</u>	Total

Questions on the bills were addressed by administration.

Motion passes unanimously.

LIAISON’S REPORTS

Munguia stated that the Zoning Board of Appeals will meet on September 10.

Walsh noted that the Retirement Board met on August 28. The market value of the Beverly Hills Public Safety Officers’ Retirement System as of June 30, 2001 is \$14,600,000.

Pfeifer will be attending the Michigan Municipal League Annual Conference in Battle Creek this month. As the Village Council’s legislative representative, she will be voting on changes being made in legislative policies at the general assembly, which will take place on Wednesday, September 12.

Included in Council’s information is a memo updating them on the progress of the control room construction, council table, and equipment status. The new system for cable television broadcast of Council meetings may be operational at the next meeting. Pfeifer thanked Pasiaka for coordinating this project.

The Birmingham Area Cable Board will meet on September 19 at Baldwin Library at 7:45 a.m.

Pfeifer stated that the Birmingham Area Seniors Coordinating Council (BASCC) has historically requested representation from all of the municipal governing bodies that are incorporated in its area of service. This is generally an appointed position. However, when former Council member Hassberger resigned the position, Bill Pfeifer volunteered to serve as Beverly Hills liaison to BASCC. Bill is no longer able to serve in this capacity for health reasons and will be resigning the position. Pfeifer offered to serve as the BASCC board representative from the Village Council.

Council will act on this appointment upon receipt of resignation of the position from Bill Pfeifer.

Domzal stated that the Parks and Recreation Board met on August 30 to review Hubbell, Roth & Clark plans for CMI grant related park improvements. At the Finance Committee meeting of August 21 there was substantial discussion regarding the Village's investment policies and the retiree health care fund. These topics will be the subject of further discussion. Lastly, a joint meeting of the Council and Finance Committee is scheduled for September 18 at 7:30 p.m. in this meeting room.

Downey stated the Planning Board will meet on September 12 and September 26. two important agenda items for the September 26 meeting are public discussion on the 14 Mile Road corridor plan and a public hearing on the revised site plan, lot split and rezoning request from Charrington Associates.

MANAGER'S REPORT

Murphy reminded everyone that the October 1 Council meeting will be held at Berkshire Middle School to accommodate a public hearing on the Pathway Master Plan. The meeting will not be broadcast live.

Murphy reported that the Parks and Recreation Board met on August 30 to review design considerations regarding the park entrance, the parking lot, and the playground equipment. Council received the most recent plans for their review.

The Parks and Recreation Board has directed its playground subcommittee to meet on September 17 to continue the process of further defining ideas. Once further information and drawings are received, they will be forwarded to Council. Murphy indicated that the Village is waiting for official word from Lansing regarding the availability of CMI grant money.

Murphy addressed questions from Council on the design of the Beverly Park parking lot with respect to storm water runoff. There was some concern with the drainage plan recommended by the Parks and Recreation Board. It was suggested that Council review the Parks and Recreation Board recommendations on CMI related projects at a joint

meeting before plans proceed further. A joint meeting of Council and the Parks and Recreation Board was proposed for October 18.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court questioned if Council will be looking at whether the Public Safety Officers' Retirement System should be used to fund health care insurance costs for public safety officers. Stearn responded that the topic will not be discussed further until completion of an actuarial review of valuation assumptions for the Pension Fund.

Tischler referred to the Our Lady of Albanians Church Festival held over Labor Day weekend. She thinks that the church is sorely lacking in that it sponsors a large festivity, encourages participation, and then does not provide the necessary space and conveniences for the people who attend the event. In answer to an inquiry, she was informed that the Director of Public Safety will be preparing a summary of occurrences for Council review including suggestions for next year's event.

COUNCIL COMMENTS

Downey informed Council and administration that, due to an extended business trip, he will miss the September 12 Planning Board meeting, September 17 Council meeting, and joint meeting with the Finance Committee on September 18.

Downey noted that resident Bob Simons has donated a flag to Southfield Township honoring his father, a WWI veteran. The flag is currently flying on the Township flagpole.

Downey commented on interesting articles in the recent SEMCOG update. He summarized an article from a different source relative to protection needed for elderly drivers. Downey commented favorably on the new street signs installed in Georgetown South Subdivision.

Downey provided administration with photographs of areas in the Village where signs need replacement and where there are instances of graffiti.

Domzal complimented Spallasso on road repair work done in Nottingham Subdivision. Domzal thinks that this community returns a lot of dollars to the county, state and federal governments. He suggests a more formal delegation of responsibility to someone on staff who would aggressively pursue grant opportunities.

Craig thanked Norm Rubin for his comments about holding a Council meeting at the offices of Hubbell, Roth & Clark, Village consulting engineers. He understands the rationale of conducting a work/retreat session away from the usual meeting site to promote freer thinking. However, Craig agrees that an off-site meeting should probably not take place at a vendor's location.

Pfeifer mentioned that the September issue of the Villager newsletter was mailed today. Pfeifer commented that the handling of the Albanian Church festival has improved each year. The Village cannot tell the church not to have the event; it can only make suggestions and monitor the affair. She mentioned that Beverly Hills can deny a liquor license to the church.

Pfeifer reported that she received a phone call from a resident who expressed concern about the portable fire places that people are placing on their patios. She was interested in whether there have been complaints received because they create noxious fumes from burning wood. Communities have banned the use of these chimineas.

Munguia thanked the public for their comments tonight. He expressed concern that there will not be live cable television coverage of the October 1 Council meeting.

Stearn expressed the view that the Albanian Church festival is larger than its host site. He commended the Public Safety Department on how it handled the event this year.

MOTION by Pfeifer, supported by Walsh, to adjourn the meeting at 9:42 p.m.

Motion passes unanimously.

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk