

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

Absent: Downey and Stearn

Also Present: Village Manager, Murphy
Public Services Director, Spallasso
Village Attorney, O'Brien
Director of Public Safety, Woodard

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

Pfeifer asked everyone to stand and observe a moment of silence to remember not only those who were involved in last Tuesday's terrorist attack on New York and Washington but for the many family members, friends, and business associates who have been affected. Those in attendance then faced the flag and said the Pledge of Allegiance. Pfeifer shared some of her thoughts on the tragic events that occurred last week and on this country's time of trouble.

Craig recognized five scouts in the audience from the Roadrunner and Scorpion Patrols of Troop 1024 housed at Beverly School. They are attending a Council meeting in order to earn their citizens badge. The scouts stepped up to the lectern and introduced themselves.

APPROVE MINUTES OF A REGULAR COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 4, 2001

On page 4 under "Consider Plante & Moran Proposal...", paragraph 2, last line, correct figures to read, "\$5,000-\$7,000". On page 5, second paragraph, correct line one to read "...charge of \$50-\$65 per season...".

MOTION by Walsh, supported by Domzal, that the minutes of the regular Council meeting held on Tuesday, September 4, 2001 be approved as amended.

Motion passes unanimously.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court informed everyone that next Tuesday, September 25 is Election Day for the Birmingham School District. Oakland County voters will be considering two millages for schools – an increase in the countywide Special Education charter millage and an increase in the Vocational Education charter millage. Absentee ballots are available from the Birmingham Board of Education offices.

Tischler asked when the Road Commission for Oakland County will be re-timing the traffic signals in the area as planned. Spallasso responded that he has been expecting a notice from the Road Commission about a meeting on this matter.

Tischler observed that the 13 Mile Road resurfacing project has begun. In response to inquiries, Spallasso stated that construction will be ongoing for two and one-half to three weeks. He will remind the contractor to post signs.

PRESENTATION BY PAT GREENING REGARDING THE HALLOWEEN HOOT

Patricia Greening was present to request Council permission to hold the Halloween Hoot in Beverly Park on Sunday, October 28 for the fifth year and to allocate funds to help cover the cost of this community event.

The Halloween Hoot begins at 10 a.m. with the topping and gutting of pumpkins. Additional volunteers are needed to help with this task. Children arrive to carve pumpkins between noon and 2 p.m. The pumpkins are then placed along the trail that runs through the woods. Costumed children return in the evening to trick or treat along the trail at kiosks crafted by 15 neighborhood associations. A haunted forest in the center of the park will be haunted by young adults from the Groves High School Theater Department. There will be cider, donuts, and story telling in the pavilion.

Hoot sweatshirts are available for purchase at \$20 and can be ordered at the Village offices. Greening would appreciate it if Council could add to the amount budgeted for the Halloween Hoot to defray the expense. She looks forward to Council members attending the event.

MOTION by Craig, supported by Walsh, to approve the use of Beverly Park for the Halloween Hoot on Sunday, October 28, 2001 and to waive the pavilion permit fee.

Motion passes unanimously.

MOTION by Domzal, supported by Craig, that funds in the amount of \$2,000 be allocated for the 2001 Halloween Hoot.

Motion passes unanimously.

Craig informed residents that they can make a donation to help defray the cost of this event by contacting Pat Greening through the Village offices.

FIRST READING OF AMENDMENT TO SANITARY SEWER ORDINANCE

The City of Detroit has prepared an amendment to the Wastewater Discharge Ordinance for all users of the Evergreen–Farmington Sewage Disposal System. The Oakland County Drain Commissioner’s office has reviewed the proposed amendment with its attorney John M. Donohue and, based on his review, recommends that all communities adopt the Discharge Ordinance Amendment.

The amendment relates primarily to the Environmental Protection Agency’s rules, which caused changes in definitions relating to industrial users. Walsh explained that there was a consent judgment issued several years ago in the U.S. District Court that required communities within the Detroit Water and Sewer District to pass water and sewer waste ordinances consistent with or at least as stringent as the City of Detroit ordinance. The Village has a very limited industrial discharge, which is basically restaurant and medical office use.

Attorney Dan O'Brien has discussed the proposed ordinance with Village Attorney Ryan, who recommends Council approval of the ordinance on the basis that all parties to the lawsuit are required to pass this ordinance pertaining to industrial sites.

This constitutes the first reading of a proposed amendment to the Village Sanitary Sewer Ordinance. The second reading and possible adoption will be scheduled for the next Council meeting. Spallasso stated that the proposed amendments to the ordinance are available in the Village offices for public review.

Domzal informed Council that his law firm represents the Detroit Water and Sewerage Department, and he will therefore abstain from voting on this ordinance amendment.

Pfeifer commented that household medications are pollutants, and the public should be aware that the Southeast Oakland County Resource Recovery Association (SOCRRA) will accept and dispose of those medications. Residents can contact SOCRRA for an appointment to drop off items for disposal.

CONSIDER COMMITTEE RECOMMENDATION TO FILL VACANCY ON THE CABLE BOARD

Pfeifer reported that a committee consisting of herself as chair, Craig, and Domzal met prior to tonight's Council meeting to review an application to fill a vacancy on the Birmingham Area Cable Board. The committee recommends that Council appoint Jim Delaney of 18129 Riverside as a Beverly Hills representative to the Cable Board. Delaney was a former Council member and member of the Planning Board who moved out of the Village and has now returned.

MOTION by Craig, supported by Domzal, to appoint Jim Delaney of 18129 Riverside to the Birmingham Area Cable Board for a term to expire on 6/30/04.

Motion passes unanimously.

ACCEPT BILL PFEIFER'S RESIGNATION AS LIAISON TO THE BIRMINGHAM AREA SENIORS COORDINATING COUNCIL (BASCC) AND APPOINT NEW LIAISON

Council has received a letter of resignation dated September 11, 2001 from Bill Pfeifer as Beverly Hills representative to the BASCC board. Craig remarked that Bill Pfeifer has served Beverly Hills for many years as a member of the Zoning Board of Appeals as well as other volunteer positions including a seat on the Township of Southfield Board of Review

Craig noted that this has historically been a council liaison position. Dorothy Pfeifer has volunteered to fill this vacancy.

MOTION by Craig, supported by Walsh, to accept Bill Pfeifer's resignation as Village liaison to the Birmingham Area Seniors Coordinating Council.

Dorothy Pfeifer thanked Bill for the service he has tendered to the Village. She knows that the BASCC Board is going to miss him.

Motion passes unanimously.

MOTION by Craig, supported by Domzal, to appoint Dorothy Pfeifer as the Beverly Hills representative to the Birmingham Area Seniors Coordinating Council.

Motion passes unanimously.

APPROVE RIGHT-OF-WAY PERMIT APPLICATION FOR TCG DETROIT

The Village is in receipt of an application from Teleport Communications Group (TCG) Detroit requesting a permit to access the Village's right-of-ways pursuant to the Michigan Telecommunications Act, P.A. 1991. No. 179, MCLA 484.2251. Walsh mentioned that TCG is a wholly owned subsidiary of AT&T.

It is proposed to attach fiber optic lines on existing utility poles owned by Detroit Edison in the Village along 14 Mile Road between Lahser and Evergreen and along 13 Mile Road from Lahser to the west Village boundary. The section on Lahser Road from 13 Mile to 14 Mile Road is within the jurisdiction of the Road Commission of Oakland County.

RESOLVED by Walsh, supported by Craig, to approve the application from TCG Detroit to install fiber optic lines above ground on Detroit Edison utility poles located in the following Village right-of-ways: 1) 14 Mile Road between Lahser and Evergreen Roads, and 2) 13 Mile Road between Lahser and the western boundary of the Village. It is further resolved to authorize the Village Public Services Director to issue a right-of-way permit to TCG Detroit.

Robert LeFevre, counsel for TCG Detroit, addressed questions from Council and the audience on the permit application and the stringing of fiber optic lines on Edison utility poles.

He was asked if there is any financial remuneration to the Village associated with this proposal. LeFevre indicated that TCG Detroit will pay the Village \$2,500 to cover the cost of processing the application. If the Village incurs costs at any time that are due to the TCG Detroit presence in the right-of-way, that cost will be reimbursed by TCG Detroit. There is no continuing yearly fee.

Pfeifer related that a Michigan coalition to protect public right-of-ways will be meeting in Southfield on November 14 to address municipal right-of-ways and telecommunication providers.

Roll Call Vote:

Resolution passes unanimously.

FREQUENTLY ASKED QUESTIONS WORK SESSION

The Village Council will hold a public hearing on the Pathways Plan at its October 1 meeting to be held at Berkshire School. The document has been forwarded to Council by the Planning Board with its recommendation for acceptance of the plan. It is a concept plan for the location of sidewalks and crosswalks in the Village. Council may accept the study as presented, reject

it, or request modifications to the plan. The October 1 public hearing and discussion of the Pathways Plan document is the beginning of what may be a lengthy process of creating an improved pedestrian environment in the Village.

It has been suggested that a question and answer sheet be prepared for distribution at the public hearing that would address some of the fundamental issues that have been raised about the Pathways Plan and sidewalks in general. The purpose of the document is to provide useful information without taking a position for or against sidewalks. Questions would be answered by administration, planning consultant, and Village attorney.

Council reviewed and discussed a list of frequently asked questions drafted by Domzal with some of the answers provided by the Village planning consultant. There was agreement to omit a question relative to funding of sidewalks. It was the sense of Council to direct the Village Manager to finalize the question and answer document with input from administration, the planning consultant, and the Village attorney for distribution at the October 1 Pathways Plan public hearing.

APPROVAL OF BILLS

MOTION by Pfeifer, supported by Domzal, that the bills from a period of 9/05/01 through 9/17/01 be approved for payment in the following amounts:

\$242,039.46	General Fund
16,401.11	Major Road Fund
11,531.16	Local Road Fund
283,892.10	Combined Sewer Overflow Fund
104,130.73	Water/Sewer Operation Fund
<u>360.00</u>	Trust & Agency Fund
<u>\$658,354.56</u>	Total

Questions on the bills were addressed by administration.

Motion passes unanimously.

LIAISON’S REPORTS

Munguia reported on the Zoning Board of Appeals meeting of September 10 and noted that new member Jon Oen joined the board at that meeting.

Domzal stated that a joint Council and Finance Committee meeting is scheduled for tomorrow, September 18 at 7:00 p.m. The Council and Parks and Recreation Board will hold a joint meeting this Thursday, September 20 in Beverly Park at 7:30 p.m. They will review plans for CMI grant related park improvement projects.

Pfeifer attended the Michigan Municipal League meeting in Battle Creek last week and cast Council’s vote on changes to legislative policies at the Annual Conference. Pfeifer and the

Village Manager attended seminars and workshops and brought back helpful materials. Pfeifer presented Domzal with information relating to establishing a foundation for the Village.

The Birmingham Area Cable Board will meet this Wednesday morning, September 19, at 7:45 a.m. at the Baldwin Public Library. Pfeifer noted that the new cameras, sound system, and control room are being used for the first time tonight to broadcast the Council meeting on cable television.

Pfeifer thanked Council for approving her appointment to the BASCC board. She looks forward to representing Beverly Hills and bringing information back to the Village.

MANAGER'S REPORT

Murphy stated that the Village staff has received word from Lansing that the Governor has signed the CMI supplemental appropriations bill. The paperwork to execute that grant has been received by the Village office. It is expected that the contractual agreement will be placed on the October 1 agenda for Council consideration.

Staff is working with Hubbell, Roth & Clark to prepare a project schedule for the CMI grant related projects, marking certain milestones so that the Parks and Recreation Board and Council will have a more complete understanding of the processes involved and likely timelines, subject to Lansing dictates.

The Planning Board has scheduled a public information meeting for September 26 to discuss the 14 Mile Road corridor overlay zoning plan.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court expressed the view that a fact sheet on the Pathways Plan answering frequently asked questions will be beneficial to members of the public who are not familiar with that study.

Murphy stated that a copy of the Planning Board study has been on record at the Village office. There is also a visual exhibit of the plan elements on display in the municipal building lobby.

Domzal suggested that it may be helpful if an executive summary of the Pathways Plan were attached to the question and answer document.

COUNCIL COMMENTS

All members of Council commented on the terrorist attack on New York and Washington last Tuesday and the aftermath of that event. Residents were commended for their patriotism – many houses in the Village have flags waving. Council talked about the need for tolerance with respect to race and religion. Council members offered their support to the President of the United States.

Craig commented that the Observer and Eccentric newspaper does a good job, but noted that he was misquoted in a recent article about Beverly Park improvements. Craig indicated that he did not object to a retention basin for parking lot drainage; he objected to a pipe proposed to

run from the retention basin to the sewer system. He is concerned about adding to the sewer problems.

Walsh referred to a September 6, 2001 Eccentric newspaper article entitled “Delayed Park Upgrades Blamed on Bickering”, which he thinks was misleading. He related facts that demonstrate that it is incorrect to write that Council is delaying improvements to the park.

Pfeifer asked for information about the recreational fire pits that are appearing throughout the neighborhoods.

Director of Public Safety Woodard stated that the Department seldom if ever receives comments regarding the portable fire pits. Complaints are typically received about open burning. Open burning is prohibited in the Village, which does not prevent the use of charcoal fires for preparation of food.

Woodard outlined sections of Village ordinances that cover open burnings and bonfires. The Boca Fire Prevention Code defines a bonfire, open burning, and recreational fire and indicates permit requirements. Although not identified specifically in the Fire Prevention Code, fire pits would fall under the category of recreational fire. Woodard stated that the newer model fire pits that people have in their back yards do not seem to be in violation of current codes if they are being used in accordance with the manufacturers’ recommendations.

Pfeifer commented that it behooves everyone to be considerate of their neighbors when using back yard fire pits. If problems are experienced, residents can call the public safety department.

MOTION by Craig, supported by Walsh, to adjourn the meeting at 9:19 p.m.

Motion passes unanimously.

Dorothy Pfeifer
President Pro-Tem of Council

Ellen E. Marshall
Village Clerk