

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

Absent: None

Also Present: Village Manager, Murphy
Public Services Director, Spallasso
Assistant to the Manager, Pasieka
Village Attorney, O'Brien
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 JOINT COUNCIL AND FINANCE COMMITTEE MEETING HELD ON TUESDAY, SEPTEMBER 18, 2001

MOTION by Pfeifer, seconded by Craig, that the minutes of a Joint Council and Finance Committee meeting held on Tuesday, September 18, 2001 be approved as submitted.

Motion passes unanimously.

APPROVE MINUTES OF A REGULAR COUNCIL MEETING HELD ON MONDAY, OCTOBER 1, 2001

Public Services Director Spallasso should be included in the list of those present. On page 8, paragraph 5, the name of the young man should be noted as Simon Kaufmann.

MOTION by Pfeifer, seconded by Domzal, that the minutes of a regular Council meeting held on Monday, October 1, 2001 be approved as amended.

Motion passes unanimously.

PUBLIC COMMENTS

W.A. Zimmerman of 22191 Camelot Court commented on problems experienced with his cable television bill and complained that Comcast Cablevision has no local office that can responsibly deal with a subscriber. He would like an address where a subscriber can order services and pay for them by mail. Zimmerman also asked for an explanation of why Comcast can levy a franchise fee on the Internet portion of its cable offering.

Zimmerman was advised to direct his inquiries to the Birmingham Area Cable Board. They will be meeting this Wednesday, October 17 at 7:45 a.m. at the Baldwin Public Library.

Sharon Tischler of 21415 Virmar Court asked for an update on the lawsuit regarding cell towers erected on school property. Stearn responded that it is his understanding that this matter is awaiting oral arguments at the Court of Appeals.

REVIEW AND CONSIDER BEVERLY PARK CMI BID PLANS

Domzal reviewed that, at its last meeting, Council approved the Clean Michigan Initiative (CMI) Recreation Bond Program Development Project Agreement that provides for the State portion of the funding for Beverly Park improvements. Council met jointly with the Parks and Recreation Board on September 20 to review preliminary plans for the CMI grant related park projects prepared by Hubbell, Roth & Clark (HRC). Council supported the plans and authorized detailed drawings to be prepared.

The Parks and Recreation Board met on October 11 to review the detailed drawings and to confirm that they conform to the plans approved by Council at the joint meeting. The board approved the plans with minor modifications. After Council's endorsement of the detailed plans, they will proceed to the Michigan Department of Natural Resources (MDNR) for approval. Following MDNR approval, the Village will be in a position to go out for bids on park improvements. Bids will be reviewed by administration, and Council will award the contract.

Domzal commented on the timing for this work. Considering the requirements of the State approval process and the fact that it is late in the construction season, it is suggested that the bid packages be prepared and sent out early in the year to take advantage of more favorable early season prices.

Council members have received copies of detailed CMI grant related park improvement plans. Larry Ancypa from HRC has been working closely with Council and the Parks and Recreation Board in preparation of the plans. He provided a brief summary of the drawings and answered questions. Ancypa indicated that the plans will be refined and approval secured from the Village engineering department before the drawings are submitted to the State for approval.

RESOLVED by Domzal, seconded by Downey, that the drawings prepared by Hubbell, Roth & Clark, Inc. for CMI grant related park improvements be approved subject to the following: 1) the engineering aspects of the plan will be approved by Renzo Spallasso; and 2) a full set of drawings reflecting the final changes as presented to the State Department of Natural Resources will be provided to Council.

Roll Call Vote:
Motion passes unanimously.

DISCUSSION ON PATHWAYS PLAN IMPLEMENTATION

Downey stated that the Council adopted the Pathways Plan for Beverly Hills with modifications at its October 1, 2001 meeting. There was discussion at that meeting about implementation of the plan with respect to how the Village would proceed, costs, funding, and priorities. The first step was to determine whether there is a need for an expanded pathway system. With the approval of the plan, there is now direction from Council indicating that there should be consideration for future implementation of portions of the Pathways Plan.

There are three items that need to be addressed as part of the implementation process:

- 1) prioritize the pathways as identified in the Pathways Plan.
- 2) Estimate the cost of constructing the pathways.
- 3) Evaluate funding alternatives.

To that end, Downey suggests establishing a committee that includes four members of the community from different areas of the Village and with differing opinions. Because the community has been heavily involved in the formulation of the Pathways Plan, it is important that residents should be involved in the future development of pathways. The committee would include one member each of the Council, Planning Board, and Finance Committee. Downey thinks that the committee could function without cost to the Village. He asked for input from Council on this proposal.

Council members expressed their views on the proposal to create a committee to assist with implementation of the Pathways Plan.

Dennis Page of 30470 Lincolnshire commented that he thinks it is appropriate to establish a committee to work on implementation of the Pathways Plan as a next step in this process.

Sharon Tischler of 21415 Virmar Court questioned the function of the committee, which was addressed by Council. She views sidewalks similarly to other infrastructure in the Village and is puzzled by the suggestion that a committee should review the plan. Tischler thinks that Council can look at the plan and decide which steps to implement.

Tischler commented that she does not believe that the Village's intersections are unsafe. She expressed her dismay with a decision made by Council a couple of years ago to replace the bridge on 13 Mile Road without sidewalks when there was money available to include sidewalks. Residents at the time were opposed to sidewalks on the bridge on the basis that it would encourage a four lane highway.

Stearn responded that there was a different Council seated two and one-half years ago when that action was taken.

Stearn commended Downey on his initiative in preparing this proposal for implementation of the Pathways Plan.

Downey commented that the proposed resolution is a product of the collective ideas of members of Council and administration. In response to a concern, he clarified that it is intended that administration participate in a support function without being a voting member of the committee.

RESOLUTION by Domzal, seconded by Downey.

Whereas the Village Council of Beverly Hills adopted a Pathways Plan on October 1, 2001, and that Pathways Plan does not provide for prioritization of pathways nor for funding for the construction of pathways.

Therefore be it resolved that the Village Council form a Pathways Advisory Committee consisting of seven members: Doyle Downey as Council representative, one member of the Planning Board selected by that body, one member of the Finance Committee selected by that body, four residents at-large selected by Council, and an ex-officio member of administration selected by the Village Manager. This committee will have a life of six months from the date of when the members are seated.

It is further resolved that Council will make two announcements at consecutive Council meetings that it is accepting applications for four resident positions on the committee. Council will consider the applications and appoint the resident at-large committee members at the second Council meeting in November.

It is further resolved that the advisory committee is directed to focus its activities in three specific areas:

- Prioritize the pathways identified in the Pathways Plan
- Estimate the cost of constructing the pathways
- Evaluate funding alternatives

MOTION by Domzal, seconded by Pfeifer, to amend the resolution to indicate that one member of Council will be appointed to the committee and not a specific member of Council.

Vote on amendment:
Motion passes unanimously.

Roll Call Vote on amended resolution:
Resolution passes unanimously.

MOTION by Craig, seconded by Pfeifer, to appoint Doyle Downey as the Council representative and chairperson of the Pathways Advisory Committee.

Motion passes unanimously.

Downey made the first announcement of four positions open to residents who wish to serve on the Pathways Advisory Committee. Applications are available at the Village offices or online at www.villagebeverlyhills.com. The second announcement of the open positions and last day to submit applications will be made at the next Council meeting.

RATIFY COLLECTIVE BARGAINING AGREEMENT BETWEEN THE VILLAGE AND THE MICHIGAN ASSOCIATION OF POLICE

Craig stated that, at a meeting held on October 11, 2001, members of the Public Safety Lieutenants and Sergeants Association ratified the tentative agreement reached by the parties in a mediation session held on October 5, 2001.

RESOLVED by Craig, seconded by Walsh, to ratify the collective bargaining agreement that was ratified by the Lieutenants and Sergeants Association on October 11, 2001.

In answer to a question from Council, Director Woodard stated that the two-year contract will expire on December 31, 2001.

Roll Call Vote:
Resolution passes unanimously.

CONSIDER COUNCIL MEETING DATES FOR 2002

Before Council for consideration is a proposed schedule of regular Council meeting dates for 2002 as well as dates of joint meetings with various boards and committees. The approved Council meeting dates will be published in the 2002 Village calendar.

Pfeifer suggested that Council consider changing its meeting day to Tuesday due to the number of meetings that are rescheduled from Monday to Tuesday because of conflicts with federal holidays. Council discussed this recommendation. The majority of members preferred meeting on Monday with Tuesday being an alternate meeting day.

Stearn requested that Council reschedule Council meeting dates that conflict with high Jewish holidays. He asked that the proposed schedule be modified to change the Monday, September 16, 2002 date, which is Yom Kippur, to Tuesday, September 17. There was some discussion on changing Council meeting dates that fall on religious holidays.

MOTION by Craig, seconded by Domzal, to approve the following Council meeting dates for 2002.

2002 REGULAR COUNCIL MEETING DATES

January 7 Tuesday , January 22	July 1 July 15
February 4 Tuesday , February 19	August 5 August 19
March 4 March 18	Tuesday , September 3 Tuesday , September 17
April 1 April 15	October 7 October 21
May 6 May 20	November 4 November 18
June 3 June 17	December 2 December 16

All regular Council meetings are held on Monday evenings at 7:30 p.m. unless otherwise noted.

2002 JOINT COUNCIL MEETING DATES

Tuesday, April 9 at 7:00 p.m. with Finance Committee

Thursday, September 19 at 7:30 p.m. with Parks and Recreation Board
Wednesday, October 9 at 7:30 p.m. with Planning Board

Tuesday, November 12 at 7:00 p.m. with Finance Committee

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

CONSIDER AWARD OF CONTRACT FOR ROAD SALT 2001/2002 SEASON

Bids were solicited from three vendors and received from two vendors for the Village's seasonal salt needs. The low bid is from Morton Salt at \$29.51 per ton delivered to the Village DPW yard. Questions from Council were addressed by Spallasso.

RESOLVED by Walsh, seconded by Domzal, to accept the low bid of Morton Salt of \$29.51 per ton delivered to the Village DPW yard for the Village's 2001/02 seasonal needs.

Craig pointed out that Detroit Salt is the only one of the three vendors asked to bid that is a local company that employs local people. He will support the resolution but suggests that Council be cognizant of local enterprises. **Walsh questioned whether the low bidder's offer from Morton Salt is still valid after the 30-day time frame that expired on 10-5-01. Spallasso was to resolve the question.**

Roll Call Vote:
Resolution passes unanimously.

SET PUBLIC HEARING DATE OF NOVEMBER 5, 2001 FOR CDBG PROPOSAL

MOTION by Domzal, supported by Craig, to set Monday, November 5, 2001 as the public hearing date on use of Community Development Block Grant Funds.

Motion passes unanimously.

CONSIDER APPLICATION FOR SMART FISCAL YEAR 2002 MUNICIPAL AND COMMUNITY CREDIT AGREEMENTS

The Village of Beverly Hills contracts with the Suburban Mobility Authority for Regional Transportation (SMART) for financial assistance to support public transportation through a Municipal and Community Credit Program. Municipal Credits are used to fund the Birmingham Area Seniors Coordinating Council (BASCC) Van program and the SMART Dial-A-Ride program. The Village uses its community credits to fund a Beverly Hills charter bus program. Murphy pointed out that this is likely to be the last year that the Village funds charter bus services due changes at the federal level that will affect the use of these funds.

Council questions on the program were answered by Murphy. He referred to a policy adopted by Council last year on the use of the charter bus program. It was noted that funds are available and the Village is still taking reservations for charter bus service for this fiscal year.

Domzal stated that he will abstain from voting because his law firm represents SMART on various matters.

RESOLVED by Walsh, seconded by Pfeifer, that the Village of Beverly Hills approve the contract with Suburban Mobility Authority for Regional Transportation (SMART) for financial assistance to support public transportation through the Municipal and Community Credit Programs for the period of July 1, 2001 through June 30, 2002 and agree that the Municipal Credit/Community Credit Master Contract incorporated by reference will form part of this Agreement.

Beverly Hills agrees to use \$9,833.00 in **Municipal Credit** funds as follows:

BASCC Van Program	\$6,166.00
SMART Dial-A-Ride	\$3,667.00

Beverly Agrees to use \$8,149.00 in **Community Credit** funds as follows:

Beverly Hills Charter Bus Program \$8,149.00

Roll Call Vote:

Munguia	- yes
Pfeifer	- yes
Stearn	- yes
Walsh	- yes
Craig	- yes
Domzal	- abstain
Downey	- yes

Resolution passes (6 yes – 0 no – 1 abstention).

APPROVAL OF BILLS

MOTION by Pfeifer, supported by Walsh, that the bills from a period of 10/02/01 through 10/15/01 be approved for payment in the following amounts:

\$427,306.79	General Fund
5,434.06	Major Road Fund
108,072.08	Local Road Fund
8,590.39	Capital Projects Fund
10,732.11	Dedicated Millage
73,586.26	Water/Sewer Operation Fund
149,208.38	Water/Sewer Improvement Fund
<u>8,435.19</u>	Trust & Agency Fund

\$791,365.26 Total

Questions on the bills were addressed by administration.

Motion passes unanimously

LIAISON'S REPORTS

Munguia reported that the October 8 Zoning Board of Appeals meeting was cancelled. Pfeifer stated that the Birmingham Area Cable Board will meet this Wednesday, October 17 at 7:45 a.m. at the Baldwin Public Library.

Downey commented that Council referred the Evergreen Road portion of the Pathways Plan back to the Planning Board for consideration of alternate strategies. At its October 10 meeting, the Planning Board decided to invite property owners who abut Evergreen Road and those who have access to Evergreen Road between Riverside and Beverly Roads to its October 24 meeting to participate in a discussion of pathway alternatives for Evergreen Road.

Domzal stated that the Finance Committee will be meeting on October 23 and will receive a presentation of the audit report from Plante & Moran for the fiscal year ending June 31, 2001.

The Halloween Hoot is coming up on Sunday, October 28 in Beverly Park. Domzal highlighted the events that will occur and the times. He commented on the amount of planning that goes into this day and the fact that many neighborhood homeowner associations are involved.

The Village Woman's Club of Beverly Hills is selling posters and cards as a fund raiser for improvements to Beverly Park. The posters and cards feature a photograph of Beverly Park taken by local artist Chuck Krause. Eight cards may be purchased for \$10.00. The posters cost \$20.00 unframed and \$75.00 framed.

Craig reported that the Personnel Committee met this evening before the Council meeting. The committee worked on the assignment referred by Council at its August study session and will report back to Council at an upcoming meeting. The Personnel Committee also initiated an evaluation of the manager's goals and objectives for the first year review which will be coming up in the spring of next year.

MANAGER'S REPORT

As a follow up to the October 4th Council/Planning Board joint session, Village staff has scheduled a meeting with Birchler Arroyo and Traffic Improvement Association representatives to discuss different alternatives for Evergreen Road. Village staff will provide the Planning Board and Council with more information as it develops.

A second joint meeting with the Finance Committee is scheduled for November 13. The purpose of that meeting is to review the proposed budget narratives and possibly the goals and objective statements as prepared by staff.

OakNet, which is the Oakland County computer network, has made its connection to the Village offices. Over the next few months, the Village will begin connecting directly to the Oakland County system. The connections will help coordinate our services with the County where applicable. The first modes start with the building and tax departments.

Weather permitting, the 13 Mile Road work could be substantially completed by month's end. The rain has slowed the project to some degree. The paving should be done within the next two weeks if the weather holds. The Village's other major road paving work on Pierce, Beverly and Riverside are likewise affected by the weather. The local road work has been rescheduled for Spring 2002.

PUBLIC COMMENTS

Irene McAdams of 16124 Thirteen Mile Road mentioned that Council members have a tendency to use letter abbreviations that the audience does not always understand. Council thanked her for pointing this out.

COUNCIL COMMENTS

Pfeifer commented that she appreciates the Planning Board's intent, but thinks that the public meeting set for next week with residents who live along Evergreen Road may be premature considering that Village staff is meeting with the planning consultant, Village engineer, and a representative of the Traffic Improvement Association of Oakland County this week to discuss the Evergreen Road situation. She thinks it would be beneficial to receive an analysis by this group before the Planning Board meets with area residents.

There followed comments and questions by members of Council relative to the public discussion scheduled by the Planning Board for October 24. It was reviewed that Council passed a motion at a joint meeting on October 4 referring the Pathways Plan back to the Planning Board to look at alternate strategies along Evergreen Road and report back to Council in 120 days. Stearn concluded that the motions approved by Council at its October 1 meeting and at the joint meeting with the Planning Board on October 4 stand and that the Planning Board should do whatever it feels is appropriate based on those two motions.

It was suggested that Manager Murphy contact the Planning Board chair and inform him of the meeting scheduled later this week to discuss alternatives for Evergreen Road and of the Pathways Advisory Committee established by Council this evening to assist with implementation of the plan.

Munguia asked administration to reiterate the rules on bagging of leaves. Between October 15 and December 13 leaves may be put in clear plastic bags for pick up. Residents should not use plastic bags for grass clippings or other compostable yard waste as they will not be picked up.

Munguia suggested that consideration be given to replacing the Council chairs which are well worn.

Stearn advised residents to check their furnaces this fall and check the batteries in their smoke detectors and carbon monoxide detectors.

MOTION by Pfeifer, seconded by Craig, to adjourn the meeting at 9:22 p.m.

Motion passes unanimously.

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk