

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
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.

Boy Scouts from Troop 1024 led the audience in reciting the Pledge of Allegiance. The scouts stepped to the lectern and introduced themselves.

APPROVE MINUTES

MOTION by Pfeifer, seconded by Craig, that the minutes of a regular Council Meeting held on February 19, 2002 be approved as submitted.

Motion passed unanimously.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

W. A. Zimmerman of 22191 Camelot Court commended Council member Domzal for proposing a resolution at the last Council meeting to censure Comcast for its unacceptable standards of service with respect to cable television and high speed Internet access.

Zimmerman related that he learned at the last Birmingham Area Cable Board meeting that Comcast representatives met with the Cable Board Chairperson, Executive Director and Attorney for an *ex parte* contact at which time Comcast voiced its position to influential persons on the Board. Zimmerman stated that his request for equal time for a similar *ex parte* audience to present the citizens' point of view was denied by the Board Chairperson. Zimmerman was asked to make his comments at a public meeting.

Norman Rubin of 31020 Rivers Edge Court thanked retiring Council members Craig and Munguia for their years of service to the Village. Their experience will be sorely missed.

Phil Schmitt of 18103 Riverside thanked Andy Craig for his years of dedicated service to the Village. Craig served on the Planning Board and Council, serving as Council President for two years. He served as liaison to the Parks and Recreation Board for two of his years on Council. Preliminary planning for Beverly Park renovations was accomplished under his leadership. He has always been very attuned to the citizens of Beverly Hills. Schmitt welcomed Craig to attend Parks and Recreation Board meetings any time.

Ray Lacroix of 20285 Coryell Drive made follow up comments to remarks made at the last Council meeting by Sharon Tischler, who offered a history of drainage and road conditions in the area of Coryell, Plantation, Embassy and Elwood. Tischler noted that area residents did not want their roads paved a number of years ago.

Lacroix clarified that residents were approached about paving their roads in the late 1960's or early 1970's. Although a majority of residents were opposed to paving the roads at that time, it is important to note that the streets were in very good condition 30 years ago with no drainage problems. The condition of the roads today are deplorable.

Lacroix distributed a copy of a Detroit News/Free Press newspaper article published on June 10, 2001 regarding Beverly Hills storm water drainage. The article appeared shortly after Council allocated \$130,000 for ditching work in the Village. Lacroix referred to wording that indicates that Public Services Director Spallasso did not think that the conditions constituted a dire situation. Lacroix stated that the residents in his section of the Village feel that there is a dire situation with respect to the drainage and road surface.

Spallasso stated that the ditching study is proceeding and will be available in April. The Village is applying for a grant to help with the current drainage conditions. Stearn added that Council allocated \$130,000 this year for a ditching program and is discussing the allocation of an additional \$100,000 in next year's budget for ditching work. Council realizes that there is an issue and is attempting to address it.

Ryan clarified that the article and statements alluded to by Lacroix referred to the Village as a whole and not his particular section of Beverly Hills. The Village as a whole relative to complaints is not in a dire situation. Whether the Coryell Estates area receives immediate attention will be determined by the study.

Lacroix extended his appreciation to Craig and Munguia for their many years of service on the Village Council.

Christine Winans, Executive Director of the Birmingham/Bloomfield Chamber, announced her candidacy for the Republic nomination for the State House of Representatives for the 40th District, which encompasses the Village of Beverly Hills. She will be watching over the issues that are important to Beverly Hills.

Dr. Lance Heilbrun of 30272 Embassy commented on the awful condition of the roads and drainage in the Coryell Estates Subdivision. He asked Council for expediency in dealing with this severe issue.

Stephen Edwards of 30300 Embassy displayed photographs of standing water on his property, noting that most of his site has been under water for a large part of this winter. He maintains that people will not be able to sell their homes in Coryell Estates with the conditions that currently exist. He questioned the cost of ditching and asserted that money should be found in the next year to deal with drainage problems in his area.

Stearn responded that this Council is dedicated to a systematic program of approximately \$100,000 a year towards addressing this problem.

Domzal commented that drainage and road surface have been identified as problems in the Coryell area. He would like to see a holistic approach to these problems.

Ara Alexander Kachadourian introduced himself to Council as a candidate for the 40th State House of Representatives District. He looks forward to being an advocate of the Village for accountability in Lansing.

Patricia Greening of 19289 Riverside Drive thanked Andy Craig for all he has done for the Village and particularly the assistance he has provided her with the Halloween Hoot. She hopes Craig comes back one day noting that there is always room for him on the Parks and Recreation Board.

John Mooney of 19111 Devonshire commented that this community owes both Randy Munguia and Andy Craig a great debt for their public service. Mooney paid a special tribute to Andy Craig who has served as President of the Village in trying times. Craig has been the homeowners association president in his neighborhood. He has served on the Village Planning Board and improved this community in that position. Mooney commented on Craig's admirable personal traits and involvement in community activities. He thanked Craig for everything he has done.

Bill Donnelly, Den Leader, thanked Council for welcoming the scouts and led them from the chambers.

DISCUSSION TO CLARIFY THE JANUARY 22 VILLAGE COUNCIL MOTION REGARDING 14 MILE ROAD CORRIDOR

Domzal reviewed that Council took action at its January 22, 2002 meeting on the 14 Mile Road Corridor Study. The document developed by the Village Planning Board and planning consultant is a proposal for the redevelopment of the Southfield Road Corridor from Southfield to Greenfield Roads. A public hearing on this study was well attended, with the major concern being the inclusion of the area between Pierce and Southfield Road in the plan. Following the discussion, Domzal offered the following motion that was approved by a 4-3 vote.

MOTION by Domzal to refer the 14 Mile Road Corridor Study to the Planning Board for further study with the following four conditions and to ask for a report within 12 months.

1. *The plan will only consider the area between Pierce and Greenfield Roads.*
2. *There will be an effort to create a subcommittee of residents to provide active input into the entire process.*
3. *The study will take into account the road reconstruction and improvements along 14 Mile Road.*
4. *Further study will provide specific recommendations regarding:*
 - a. *Architectural standards*
 - b. *Density*
 - c. *Height limitations*

Domzal stated that there is a need to clarify the direction given to the Planning Board. The purpose of tonight's discussion is for Council to provide a clear indication of how it would like to proceed with the 14 Mile Road Corridor Plan.

Domzal believes that Council wants the Planning Board to move forward in its planning process for a redevelopment plan for 14 Mile Road from Pierce to Greenfield. Concerns were expressed with the need to consider the upcoming roadway improvements on 14 Mile Road. With respect to a subcommittee, Domzal envisions the formation of a group of interested residents who would attend Planning Board meetings and provide active and consistent input during the planning process. He thinks that efforts should be made to contact residents who have expressed an interest in this topic and encourage them to attend Planning Board meetings when the issue

of the 14 Mile Road Corridor Study is discussed. Domzal views the end result of the study as a Planning Board recommendation for an overlay zoning district including architectural standards, height limitations and density.

Planning Board chairperson David Jensen stated that the planning consultant has been asked to prepare a schedule for program content and cost estimate for the 14 Mile Road Corridor Plan. It is understood that the corridor plan will be limited to 14 Mile Road from Pierce to Greenfield.

The board was unclear as to what Council meant by citizen involvement. At its last meeting, the Planning Board discussed the formation of a committee and agreed that a citizen group should include interested people throughout the Village including representatives in the office or commercial area. These citizens would sit in the audience when the Planning Board is discussing the 14 Mile Road Corridor plan and participate in the process by providing their input.

Stearn understands that the issues that need clarification are how to go about forming a citizen committee and a determination of what Council hopes to accomplish by this study.

Council discussed its direction to the Planning Board for work on the 14 Mile Road Corridor Plan. The purpose of the Planning Board study was to identify the options available to Council to address problems in the area. The majority of Council members agreed to authorize the Planning Board to work on suggested standards and ordinance changes for future redevelopment of the area from Greenfield to Pierce along 14 Mile Road. Individual Council members had suggestions as to building height, density, and consistency of development. There was a consensus that there should be resident input to the process of developing standards for a redevelopment district.

Ryan suggested sending a notice to people within 500 feet of the area between Greenfield and Pierce to inform them that the Planning Board is discussing the redevelopment of the 14 Mile Road Corridor on a certain night. The response may lead to establishing a core group of people who will interact with the Planning Board on this issue.

Jensen understands the direction from Council. The Planning Board will not proceed with the work program until it has an approved budget for the 14 Mile Road Corridor Plan. Jensen explained that an Overlay District is one of the alternatives that will be considered to implement plan recommendations along with other options such as a Planned Unit Development or a conventional zoning district. The appropriate implementation tool will become apparent as the study proceeds.

DISCUSSION REGARDING DECORATIVE ENTRANCE SIGNS

The Village Planning Board has been working on a proposal for new entryway signs for the Village. Chairperson Jensen stated that Planning Board members recommend to Council that the 13 Village entryway signs should be pole signs using the oval design with the same colors proposed for the Village municipal building and Public Safety Department identification signs.

Identification signs have been erected at the public safety department building and at the municipal offices. The Township of Southfield has adopted the same concept for the sign used at its facility. The Planning Board recommends that the current identification pole sign in front of the Village offices be replaced with an oval banner sign of the same size and using the same

colors as the public safety building identification sign. The municipal building sign should be illuminated.

The height of the entryway signs will be four or five feet so they can be seen from a passing car. The sign should be high enough not to be covered with snow, yet low enough to discourage the attachment of ancillary signs. Jensen displayed a drawing showing four styles of metal bases to be used on the pole entryway signs.

Council agreed on the same metal base that the Planning Board selected. Jensen will bring back final drawings or a sample sign for Council review.

Motion by Pfeifer, seconded by Walsh, to approve the Planning Board's recommendation for Village entrance signs and request specifications and costs for the signs.

Motion passed unanimously.

DISCUSSION REGARDING WATER AND SEWER RATE INCREASES FROM DETROIT WATER AND SEWERAGE DEPARTMENT

Stearn asked that this item be placed on the agenda. He is opposed to the City of Detroit raising its water and sewer rates without input from its customers and thinks it is worthwhile to inform Detroit and other municipalities of how Beverly Hills feels. Stearn passed the gavel to President Pro-Tem Pfeifer and offered the following resolution.

Motion by Stearn, seconded by Walsh, to adopt the following resolution:

Whereas the City of Detroit Water and Sewer Department has increased the Village of Beverly Hills water and sewer rates by 9.2% and 15% respectively in fiscal year 2001-02; and

Whereas the Department has increased Village of Beverly Hills water rates by 18% and proposes to increase sewer rates by 35% for fiscal year 2002-03; and

Whereas the Department has announced that further, similar increases are expected over the next three years; and

Whereas other cities and villages have recently questioned the efficiency of the Detroit Water and Sewer Department; and

Whereas the City of Warren has gone so far as to threaten a lawsuit against the City of Detroit in light of the recent water and sewer increases;

NOW THEREFORE LET IT BE RESOLVED that the Village of Beverly Hills expresses its dissatisfaction with the continual water and sewer rate increases over the past several years including but not limited to this year's increases;

LET IT FURTHER BE RESOLVED that the Village of Beverly Hills calls for opposition to future increases without any outside review and a dialog between municipal users and the City of Detroit Water and Sewer Department;

LET IT FURTHER BE RESOLVED that the Village Clerk forward a copy of this resolution to all communicates in Oakland, Wayne and Macomb Counties, the Southeast Oakland County Water Authority, and the Village's State Senator and Representative with the hope that, if enough cities, villages, and townships express a similar discontent with the actions of the City of Detroit Water and Sewer Department, it may affect the actions of said Department.

Council discussed the resolution. Pfeifer asked if there is any State oversight of water rates. Ryan responded that there is no State oversight, which is why legislation has been introduced by George Kuhn, former Drain Commissioner of Oakland County, and Drain Commissioner McCullough in an attempt to establish a regional authority.

Ryan added that Judge Fiekens is overseeing the Detroit Water and Sewer Department and is requiring the City of Detroit to replace aging infrastructure and address environmental regulations. There are also security issues that did not exist before 9/11. It would be beneficial to have a regional or dialog approach with the Detroit Water and Sewer Department. Whether that will occur is more of a political issue than a legal or regulation issue, in Ryan's opinion.

There were members of Council who objected to the large increases in costs from the City of Detroit yet understood the problems with improving a system that has been neglected and addressing environmental and security concerns. Council agreed that there is a problem with paying for inefficiencies in a monopolistic system. The suggestion was made to take a more active approach to initiate a dialog with the Detroit Water and Sewer Department.

Spallasso commented that the new Drain Commissioner is pursuing this issue. Spallasso attended a recent Detroit City Council meeting at which time concerns were expressed by the Southeastern Oakland County Water Authority (SOCWA) engineers, Southeastern Michigan Council of Governments (SEMCOG) representatives, and municipal representatives with the hope that Detroit will give its customers clearer explanations in the future on what the charges will cover in terms of capital improvements. Detroit Water and Sewer Department representatives promised to do this.

John Mooney of 19111 Devonshire questioned whether the action being considered by Council is warranted. He suggests that the best course for Council to take may be to work through its elected official McCullough and the SOCWA consortium to bring some pressure on the new mayor of the City of Detroit. Mayor Kilpatrick has removed the head of the Water Department, so there is no one at this time to coordinate with the outlying districts. The Village may want to give the new mayor an opportunity to appoint someone before adopting the proposed resolution.

Roll Call Vote:

Domzal	- abstain
Downey	- no
Mungia	- no
Pfeifer	- yes
Stearn	- yes
Walsh	- yes
Craig	- no

Motion fails (3 yes – 3 no – 1 abstention).

Stearn reclaimed the chair.

SET PUBLIC HEARING DATE OF MARCH 18TH FOR MICHIGAN DEPARTMENT OF NATURAL RESOURCES GRANT APPLICATION

The Village Manager and staff has identified a potential source of funding for further park improvements. Michigan Department of Natural Resources Trust Fund (MNRTF) monies and Land and Water Conservation Fund (LWCF) monies are being sought for continued improvements in Beverly Park, specifically around the pond area.

The proposal is to improve the water discharge quality and water controls so that Beverly Hills does not have surcharges into its sewer system. There are accompanying aesthetic improvements including a water fountain that allows for aeration and landscaping. Murphy commented that the total cost of the project is \$125,000-\$150,000. There is a 25 percent matching grant requirement on the MNRTF grant and a 50% requirement on the LWCF grant.

Council set a public hearing date of March 18, 2002 for the furtherance of the application for the MNRTF and LWCF grant applications.

DISCUSSION REGARDING SOCRRA'S PROPOSED GOLF COURSE AT ROCHESTER HILLS LANDFILL

Since 1962, the Southeastern Oakland County Resource Recovery Authority (SOCRRA) has owned and operated a landfill facility in what is now the City of Rochester Hills. Composting operations were added to the site during the 1980's.

In 1990, the City of Rochester Hills sued SOCRRA after years of complaining about how SOCRRA was operating the Authority's Rochester Hills-based landfill. In 1994, the parties entered in to a consent judgment requiring the Authority to shut down the operation with the exception of composting on the site.

From 1995 to 1998 SOCRRA sought a few legal opinions as to whether it could develop a golf course as its end use for the land fill property. In October of 1998 SOCRRA sold 57 acres of adjoining property to a developer for approximately \$4,760,000 with the proceeds from the sale to be utilized to develop a 9-hole golf course south of Avon Road on landfill property. Since 1998 there has been a number of discussions between SOCRRA and its members regarding the golf course proposal.

The City of Troy is planning on presenting a motion at the March 13, 2002 SOCRRA Board meeting calling for the return of a portion (\$3,500,000) of the proceeds from the sale of the property to the member communities. The goal is to effectively stop the development of the golf course on the site with SOCRRA funds. The City Councils of Ferndale, Hazel Park, Pleasant Ridge, and Royal Oak have agreed to support the motion. The five cities make up 62% of the voting population on the SOCRRA Board. Walsh proposes that the Village of Beverly Hills join in that motion.

Murphy added that there are still obligations with respect to closing the site and making capital improvements to that facility. There is an obligation for oversight of the landfill for the next 30 years. The difference between the \$3.5 million and \$4.7 million plus interest earned should cover that long term obligation.

The question that will come up on March 13 will be how to disburse the \$3,500,000. Lathrup Village proposes to return the money through reducing the tonnage rate by a certain percentage and return the funds over a five-year period. They would prefer to return the money to current members. Murphy remarked that Madison Heights and Royal Oak Township were members of the Authority in 1962 when the revenue bonds were issued and continued their membership through the mid 1990's. He takes the position that, if former members had to pay for their portion of the costs, they should be eligible to receive the proceeds from the sale of the assets.

Walsh indicated that the Village would receive approximately \$110,000 from the return of proceeds if paid in a lump sum.

Motion by Walsh, seconded by Downey, to resolve that Beverly Hills representatives vote to return \$3,500,000 of the proceeds from the SOCRRA sale of 57 acres of land in Rochester Hills in October of 1998 in a lump sum payment to the members of SOCRRA. The distribution of the lump sum payments should use a formula based on historical tonnage that includes the former and current members.

Domzal stated that he works with SOCRRA. He has consulted with Village legal counsel, who confirmed that there is no conflict of interest with respect to his voting on this resolution.

Council members discussed the resolution.

Roll Call Vote:

Resolution passed unanimously.

APPROVAL OF BILLS

MOTION by Pfeifer, seconded by Walsh, to approve bills for payment in the following amounts from a period of 2/20/02 through 3/04/02:

\$287,270.58	General Fund
13,158.71	Major Road Fund
29,073.17	Local Road Fund
119,508.67	Water/Sewer Operation Fund
14,303.35	Capital Project Fund
11,010.44	Dedicated Millage
<u>48.48</u>	Trust & Agency Fund
<u>\$474,373.40</u>	Total

Questions on the bills were addressed by administration.

Motion passed unanimously

LIAISON'S REPORTS

Pfeifer announced that the Birmingham Area Seniors Coordinating Council will hold its regularly scheduled board meeting on Tuesday, March 19 at 1:30 p.m. at the BASCC headquarters. At its February 20 meeting, the Birmingham Area Cable Board took action to assess fines against Comcast for uncured defaults in the amount of \$11,800 in accordance with the Franchise Agreement and Consumer Protection Ordinance. The next Cable Board meeting is scheduled for Wednesday, March 20 at 7:45 a.m. in the Village municipal building.

Walsh reported on the Retirement Board meeting held on Tuesday, February 26. The balance of the fund as of December 31, 2001 is approximately \$14,000,000.

Murphy stated that the March Finance Committee meeting was rescheduled to Tuesday, March 26.

MANAGER'S REPORT

The League of Women Voters is hosting a Meet the Candidates Night tomorrow at the Village Hall starting at 7:30 p.m. The event will be broadcast live on Cable Channel 15 and replayed daily from March 6th through March 10th. Election day is Monday, March 11th. The Village has issued 24 absentee ballots to date, and 18 have been returned.

The first day Village residents may schedule to rent the pavilion is Wednesday, March 6th. Reservations for pavilion rental will not be accepted until after the park construction work is complete. June 15th has been tentatively set as the first open date for reservations.

The Jaycees are hosting their annual Easter Egg Hunt on Saturday, March 30 at Beverly Park in the ball diamond area. Parking will be available at Beverly School.

In answer to an inquiry, Murphy stated that the Park Clean Up scheduled for Saturday, May 11 will go on as planned. The park construction will encompass about one-fifth of the total area of the park.

PUBLIC COMMENTS

Janet Mooney of 19111 Devonshire thanked Randy Munguia and Andy Craig for their years of service to the Village. She stated that Craig's heartfelt, dedicated service to the community will be sorely missed. Mooney asked Craig to seriously consider joining the Parks and Recreation Board.

COUNCIL COMMENTS

Craig stated that he thoroughly enjoyed his six years of service to the Village, two on the Planning Board and four on Council. He feels that he has gained more from the experience than he has given. Craig said that he learned a lot over the years and acquired a greater sense of community. He met a lot of people whom he now considers his friends.

Tomorrow night is Meet the Candidates Night sponsored by the League of Women Voters. It is an opportunity to become more informed about the five candidates running for four open seats at the Council table. This event along with the Villager newsletter and the article that the Eccentric will run this weekend endorsing candidates are primary sources of information on the candidates. Craig asked residents to take the time to use one of these tools to become an informed voter.

Craig believes that it is everybody's duty to participate in their government; the minimum participation level is voting. Please vote on March 11.

Munguia commented that he has been on the Council for six years and a member of the Zoning Board of Appeals for five years. He will still be here in the Village and active in the Lion's Club and other organizations.

Domzal proposed adding an item to a future agenda to review the Village's tree ordinance and consider the requirements for becoming a "tree community". He asked Murphy to provide a report to Council on the ordinance requirements for becoming certified as a tree community.

Domzal stated that he has enjoyed working with Craig and Munguia, two fine people of integrity. One of their common attributes is that their contributions to the community are not limited to Council but encompass a broader sense of service. Munguia has been involved in the Lions Club. Craig has been involved with the Boy Scouts and his neighborhood homeowner association. Domzal admires their broad level of commitment.

Domzal acknowledged the Council candidates in the audience and looks forward to an interesting and informative debate tomorrow at Meet the Candidates Night. Domzal thanked Pfeifer for providing Council with a comprehensive report on the Village's library service.

Walsh reflected on the contributions of Craig and Munguia and said that they will be missed.

Downey commended Village administration for initiating grant applications and for making improvements to the financial statements. He also appreciates having the Council meeting agenda posted on the Beverly Hills web site. Downey thanked David Jensen for attending the Council meeting and for his fine job as Planning Board Chairperson.

Downey expressed his pleasure at having served with Craig and Munguia. He encouraged all residents to vote in the March 11th Election and to consider participation on Village boards and committees.

Pfeifer referred to the latest copy of the Michigan Municipal Review where it refers to changes in the law requiring the number of signatures required for a nominating petition. In answer to an inquiry, Ryan stated that, effective March 20, 2000, the State Election Laws were modified to require a specific number of signatures based on population of the community and the nature of the election for those communities *where the Charter does not specify the number of signatures*. Since the Beverly Hills Charter does provide a number, Ryan believes that the Charter prevails. He will check into this.

Ryan suggested that the new Council form a Charter Review Committee and proceed with a systematic update of the Village Charter.

Pfeifer thanked Craig and Munguia for their service to the Village. She expressed the view that this current Council has worked well together and has been very productive. It has been a privilege working as a unit. She thanked all members of Council and Todd Stearn for his leadership.

Stearn thanked Council and stated that it has been an honor and privilege to serve as president for the past year. He listed a number of Council's accomplishments this year.

Stearn thanked all the volunteers for their hard work and enthusiasm – the Parks and Recreation Board for its vision, creativity, and dedication; the Planning Board for its vision and for encouraging Council to take on important planning issues; the Zoning Board of Appeals for its independence and fairness; the Finance Committee for its long-term planning. Stearn thanked public safety officers Eric Ottney and Dan Gosselin for their long-time participation on the Retirement Board. This Village would not be what it is without its volunteers.

Stearn thanked Munguia and Craig for their contributions to the Village. He thanked Pfeifer and Walsh for their time and commitment over the past year. Stearn looks forward to another great year with the new Council. He presented Craig and Munguia with a Certificate of Appreciation from the Village.

Motion by Craig, seconded by Pfeifer, to adjourn the meeting at 9:45 p.m.

Motion passed unanimously.

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary