

Present: Council President Downey; President Pro-Tem Domzal; Members: Mooney, Pfeifer, Stearn and Woodrow

Absent: None

Also Present: Village Manager, Murphy
Director of Public Services, Spallasso
Assistant to the Manager, Pasioka
Village Clerk, Marshall
Finance Director, Wiszowaty
Director of Public Safety, Woodard
Village Attorney, Ryan

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

ADDITIONS TO AGENDA/APPROVE AGENDA

MOTION by Domzal, seconded by Pfeifer, to add item “I” to the business agenda, “Consider waiver of sales restrictions for Beverly Hills Garden Club plant sale”

Motion passed (6-0).

PUBLIC COMMENTS – CONSENT AGENDA AND ITEMS NOT ON THE BUSINESS AGENDA

Ray Lacroix of 20285 Coryell stated that residents of his subdivision have been working with the Village on road drainage and paving issues in Coryell Estates. He is present to submit a petition requesting that the Village establish a special assessment district to pave streets and improve drainage within Coryell Estates. The signatures on the petition represent 39 of the 64 residences in Coryell Estates, or 61 percent of the subdivision. Lacroix presented the petition to the Village with the intent of getting the project underway.

Jeff Pynnonen of 31724 Allerton Drive addressed Council about its decision at the April 15 Council meeting to permit parking on the east side of Allerton as a short term solution to providing parking while the Beverly Park parking lot is not usable. He maintains that this is creating a problem for most of the residents on Allerton. Pynnonen stated that Allerton Drive does not have sidewalks, which makes walking or riding bicycles in the street a problem in view of increased traffic and parking on Allerton.

There is parking available at Beverly School for those using the park. Pynnonen remarked that the additional distance that people would have to walk from the school parking lot is minimal. He asked Council to reconsider its decision and have the bags removed over the “no parking” signs on Allerton. Pynnonen would also like a sign erected that would inform park users to park in the Beverly School lot and not on Allerton Drive.

Downey stated that reconsideration of Council’s decision to allow parking on Allerton is not on the agenda this evening. The parking lot paving is expected to be completed before Memorial Day, weather permitting.

Eileen Michalak of 31788 Allerton related her objections to parking on Allerton. She presented Council with a document that designates that the right-of-way in front of homes on Allerton is not a public easement, and people do not have the right to trespass on that property. Michalak also submitted a memo dated June 10, 1986 from former public safety director and Village manager Thomas Good regarding the parking situation on Allerton. She recommended that the status of parking on Allerton be changed to allow no parking, standing, or stopping by park visitors with violators ticketed.

Michalak also asked about the grade of a drainage ditch in the area of Beverly Park across the road from Allerton.

Downey stated that engineering plans for this bio-retention area were approved by Council, and it is under construction. He invited Michalak to address specific engineering questions to Public Services Director Spallasso during office hours.

Francis Pynnonen of 31724 Allerton questioned how the parking on Allerton will be handled during the Memorial Day parade and carnival in Beverly Park. She was informed that this topic will be addressed during a later agenda item by a member of the Village Woman's Club.

Denise Martin of 31804 Allerton expressed objections to people parking on Allerton Drive and using the park. She will be requesting clarification from Spallasso on the swale in Beverly Park, which is visible from her property.

Kevin Good of 20760 Kennoway Circle commented on drainage problems in his neighborhood. He stated that area residents are not ready to petition for a special assessment district for paving. Residents would like to know the Village's plans to improve drainage in their area if property owners do not opt for paving. People are reluctant to proceed with any improvements without specific dollar figures. They would like to know if there are engineering standards that relate to non-paved residential roads. There is specific information that the residents need before they can make a decision on paving the road.

Downey stated that Spallasso can provide Good the requirements and procedures for area residents pursuing improvements.

Eric Lerman of 20719 Kennoway asked if there will be an opportunity for public discussion during the agenda item addressing the Roadside Drainage Plan. Downey answered that citizen participation is invited during discussion of all agenda items.

PUBLIC HEARING ON PROPOSED 2002/2003 GENERAL FUND, MAJOR & LOCAL ROADS, DRUG LAW ENFORCEMENT AND WATER & SEWER OPERATING FUND BUDGETS

Village Manager Murphy presented the proposed Fiscal Year 2002/2003 budget for Council's review and consideration. The budget balances expenditures with available revenue as required by the Uniform Budgeting Act. Developed with the Village Council's policy goals as direction, the 2002/03 budget addresses current and future community needs and balances service demands with conservative financial management.

The budget as presented is the second consecutive budget using the General Operating Fund Balance to fund proposed Capital Improvement projects. The effort is to reduce the Fund Balance towards the level set by Council policy of 20% of General Fund operating expenditures

as a recommended and generally accepted practice. The budget assumes transferring \$250,000 from the Fund Balance, reducing the balance to approximately 24% of expenditures.

The proposed budget represents an operating millage of 8.9914 mills, a capital improvement millage of 1.0 mil, and the combined dedicated millage of 2.1074 mills. The operating and capital millage is at the Charter maximum of 11 mills, as reduced by the Headlee Amendment and Proposal A. The Headlee Amendment does not affect the CSO Debt millage of 0.8553 mills, as an outstanding debt is associated with that millage.

Further controlling the budget are the proposed decreases in State Shared Revenue and increases in water and sewer operation costs passed on by the City of Detroit's Water and Sewerage Department.

The proposed general fund budget, not including the fund balance allocation, represents a 1.3% increase over the previous fiscal year's budget. Property tax revenues are expected to increase by 4.2%, mainly as a result of uncapped properties. The Village millage rate is actually decreasing as a result of being at the Headlee maximum. Because of increases in uncapped properties, which increases total taxable value by 6%, the net impact is a 4.2% increase in revenues from property taxes. However, the improvement in property tax revenue is neutralized against the combined 12% loss in constitutional and statutory state shared revenue. Murphy referred to charts on display to highlight major General Fund revenues and expenditures.

The Village experienced an 18.6% increase in water consumption rates from the City of Detroit. Sewer rates have been announced to increase by 20.7% this year. The Village needs to pass on the increased operating costs directly to its users. The proposed 19% increase covers the actual increased cost of providing services. Murphy noted that the sewer charges to the water and sewer fund is actually greater than water charges.

Murphy highlighted a few of the projects that the Village will be undertaking this year that will improve the quality of life in the community. Beverly Park improvements will continue as a result of a 0.25 dedicated millage approved in 2001 and a successful CMI grant application. The Village has developed a five year capital improvement plan for Beverly Park. Construction of the grant related improvements began in March of 2002 and include the installation of a paved parking lot, new decorative fencing along Beverly Road, landscape and sidewalk improvements, and play equipment. The project cost approximately \$475,000 and does require funding from the FY 2002/03 dedicated millage to complete. Proposed for this year are improvements to the sledding hill.

Major and Local Street repairs are continuing with the five-year capital improvement plan. The Village expects that over \$400,000 worth of capital improvements will be made to local and major asphalt streets in FY 2002/03. Further, the Village has provided an additional \$200,000 for repairs to local concrete streets. The Fourteen Mile Road reconstruction project between Southfield and Greenfield Roads and the resulting advance work on the Acacia Drain project is also scheduled for this fiscal year. Murphy referred to charts showing major sources of revenue and major expenditures in the Major and Local Street Funds.

With regard to water main replacement, Village staff completed a study in 2000 on the condition and age of Village water mains. It was determined that the Village has four miles of water main pipe in need of repair. The estimated cost to address the proposed capital needs in 2000 was approximately \$2.8 million. The Village replaced approximately 3,700 lineal feet of water main

in fiscal year 2001/02, and it is proposed to replace over 4,000 lineal feet in this fiscal year. With this year's budget allocation of \$500,000, the Village has made a total investment of almost \$1 million in the local water system in the last two years.

The Village Council authorized a condition survey and study of the Village's ditch and swale system in FY 2001/02. The report has been received. The proposed budget provides for an additional \$100,000 for improvements to the ditch/swale system, which when coupled with encumbered funds from the previous fiscal year provides \$200,000 for repairs to the system. Village staff has also submitted a grant application with the Rouge Project Office to request matching funds for a pilot project in the Coryell Estates area. If successful, the grant and local funds will provide approximately \$400,000 to address the neighborhood's ditching requirements.

Murphy believes that the residents want a community and a government that is responsive to their needs. Our most important objective for the year ahead is to continue to enrich and improve the lives of our residents and corporate citizens, who will in turn provide a great benefit to the community as a whole. The budget is presented to Council as a planning tool to insure that the will of the residents is carried out. On behalf of the Village staff, Murphy thanked the President and the Village Council, Advisory Board and committee members, volunteers and citizens of Beverly Hills for their time, effort, encouragement and support during the past year.

Downey opened the public hearing on the proposed FY 2002/03 budget at 8:07 p.m.

Norm Downey of 23042 Nottingham Drive asked if the Village was going to tax to the maximum permitted by the Headlee Amendment. He was answered in the affirmative, and expressed his approval. Downey commended everyone involved on a good budget.

Downey expressed concern about under spending the local street budget where there is a genuine need for repairs. He cited figures from revenue and expense reports relative to allocation and expenditures for gravel, grading and joint sealing. Downey asked and received assurances from administration that, within reason and if council approves, local street funds will be spent as budgeted.

Kevin Good of 20760 Kennoway Circle asked who makes the decisions on spending budgeted money for public services. He was informed that Public Service Director Spallasso insures that the appropriate expenditures are made.

There were no further comments; the public hearing was closed at 8:11 p.m.

PUBLIC HEARING ON INCREASING TAXES (TRUTH IN TAXATION)

The Truth in Taxation Act of the State of Michigan requires that a public hearing be held if a local government intends to levy a millage rate that will generate more property tax revenue than it received in the previous year. Although the Village millage rate is decreasing, a public hearing will be held to inform residents that the Village is going to collect more property taxes than it did in the previous year as a result of the 4.2% increase in the taxable value, which is greater than the rate of inflation.

Downey opened the public hearing at 8:12 p.m. for consideration of increasing property taxes. No one wished to be heard; therefore, the public hearing was closed at 8:12 p.m.

CONSENT AGENDA

Domzal requested that item f. be removed from the consent agenda, “Review and consider agreement with Road Commission of Oakland County regarding 14 Mile Road construction”. Pfeifer asked that item c., “Review and consider minutes of a regular Council meeting of April 15, 2002”, be removed from the consent agenda.

MOTION by Stearn, seconded by Pfeifer, to approve the consent agenda as follows:

- Review and consider minutes of a special Council meeting held on Monday, April 9, 2002.
- Review and consider minutes of a joint Council/Finance Committee meeting held on April 9, 2002.
- Review and consider minutes of a special Council meeting held on April 22, 2002.
- Review and file bills recapped as of Monday, May 6, 2002.
- Review and consider grant application for Department of Public Safety in-car videos.

Motion passed (6 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER REQUESTS FROM THE BEVERLY HILLS LIONS CLUB AND VILLAGE WOMAN’S CLUB OF BEVERLY HILLS FOR USE OF VILLAGE STREETS AND BEVERLY PARK ON MAY 27, 2002 FOR ANNUAL MEMORIAL DAY FUN RUN, PARADE AND CARNIVAL, PETTING FARM AND PONY RIDES, AND WAIVE RESTRICTIONS ON SALES

MOTION by Woodrow, seconded by Stearn, to approve the request from the Beverly Hills Lions Club and Village Woman’s Club of Beverly Hills for use of Village Streets and Beverly Park on May 27, 2002 for Annual Memorial Day Fun Run, Parade and Carnival, Petting Farm and Pony Rides, and waive restrictions on sales.

It was noted that Certificate of Insurance from the Woman’s Club is forthcoming.

Alicia Roberts, member of the Village Woman’s Club and chairperson of this year’s carnival, commented that the Woman’s Club has organized this event held in Beverly Park for over 20 years. Ongoing construction and parking lot paving has been discussed with Village administration and the Public Safety Department. It is anticipated that the parking lot will be completed by May 27. There was discussion of closing off Allerton so that there will be no parking by vendors, volunteers, or people attending the carnival. There will be access for vendor’s equipment through the park entrance. Allerton residents will have access in and out of the street.

Roberts stated that people will be allowed to park in the Beverly School parking lot. Public safety officers will be directing people to side streets in the area where they can park. The Woman’s Club will ask the Beverly Hills Athletic Club to allow people to park in their lot on that day, and they will contact the owner of the office building on the corner of Beverly and Southfield Roads. The Woman’s Club is requesting that people who live close to the park walk to the carnival. Downey thanked the Woman’s Club for organizing this fine event.

Roll Call Vote:

Motion passed (6 – 0).

ACCEPT PAUL LISON'S RESIGNATION AND DISCUSSION REGARDING VACANCY ON COUNCIL

The Village is in receipt of letter from Paul Lison resigning from his position as Beverly Hills Council member effective immediately. Lison has accepted a position out of state. Downey commented that Council has appreciated his support.

MOTION by Domzal, seconded by Pfeifer, to regretfully accept the resignation of Paul Lison from the Village of Beverly Hills Council.

Motion passed unanimously.

Council discussed how it will proceed with filling the vacant term of Paul Lison. The Village Clerk has provided information on how this was handled six times in the past when a vacancy on Council occurred. Ryan furnished Council with an opinion relative to Charter requirements.

Motion by Mooney, seconded by Domzal.

RESOLVED that the Village of Beverly Hills accept applications for the position of Council member to complete Paul Lison's term expiring March, 2004 and that there be two announcements of the vacancy, the first being this evening and the second announcement on May 20, 2002. The last day to submit applications will be Thursday, May 23. Council will interview applicants as a committee of the whole on Saturday, June 1, 2002 with the final decision made at the next regularly scheduled Council meeting of June 3, 2002.

Mooney indicated that an appointment to fill a vacant Council seat was successfully handled this way in the past. Council discussed the proposal. The standard application form for board and commission positions will be used. Applicants were encouraged to submit a resume as part of their application.

Jeff Pynnonen of 31724 Allerton Drive suggested that applicants be asked to submit an electronic copy of their resume to be posted on the Village web site for residents' information. Downey commented that submitting a resume is optional and not a requirement. Applications will be a matter of public record. The names of the applicants could be posted on the Village web site.

Randy Munguia of 31736 S. Verona commented that the Village had a close election in March at which time an incumbent who served the Village well was defeated. He asked that this be kept in mind during the selection process.

Norman Rubin of 31020 Rivers Edge Court observed that the Village does not require resumes for candidates who run for office, yet we are asking people who are going to be appointed to submit a resume.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER ADOPTION OF THE 2002/2003 FISCALYEAR VILLAGE OF BEVERLY HILLS BUDGET

MOTION by Woodrow, seconded by Mooney.

Resolved to adopt the 2002/2003 Fiscal Year Village of Beverly Hills Budget.

The Village Council of Beverly Hills conducted a public hearing on the proposed 2002/2 003 Fiscal Year Budget on May 6, 2002, and

Public comments have been heard and considered.

THEREFORE, BE IT RESOLVED THAT the 2002/2003 Fiscal Year Budget for the General Fund, Major Road Fund, Local Road Fund, Drug Law Enforcement Fund, and Water and Sewer Operating Fund in the following amounts be hereby adopted:

FUND NAME	REVENUES	APPROPRIATIONS
General Fund	\$6,123,674.00	\$6,123,674.00
Major Road Fund	719,178.00	719,178.00
Local Road Fund	1,025,364.00	1,025,364.00
Drug Law Enforcement Fund	1,100.00	1,100.00
Water & Sewer Operating Fund	3,253,243.65	3,253,243.65

Stearn stated that the current Council and prior Council worked hard on this budget. He supports the current trend of spending to improve the infrastructure. The Village is addressing concerns that have not been addressed for many years. However, Stearn questions whether Council is spending the fund balance down too low. He is concerned that, if a special project arose and the fund balance is spent down, the Village may drop below the 20% reserve level set by Council.

Domzal commented that Council has debated over the budget during the past few meetings. It is proposed to spend down reserve funds and provide infrastructure improvements to the Village. Council has set a policy of maintaining its fund balance at 20% of the operating budget. The percentage has been as high as 25-26 percent. Domzal maintains that the Council could be subject to criticism if it did not spend down the fund balance to address pressing needs in the Village with respect to water mains and local and major roads. The Village's fund balance is well within a safe range.

Domzal added that we are reaching a point where the Village will be at the 20% fund balance level in a year or two. At that point, Council will have communicated to the voters why an increase in the millage might be needed.

Domzal commended the staff for working together on the budget document and described the narrative budget as a major step forward. He commented that trends in the Village will be increased privatization and shared services. Beverly Hills will have to continue to look for creative ways to share services with other communities.

Council members commented on the proposed budget. The majority of Council concurred that spending the fund balance down on necessary capital improvements is appropriate at this time. It was noted that the general fund balance reserves will be at 24% of expenditures after the proposed budget is adopted.

Norman Rubin of 31020 Rivers Edge Court expressed the view that the fund balance should be viewed in terms of risk assessment and not percentages.

Roll Call Vote:

Woodrow - yes
Domzal - yes
Downey - yes
Mooney - yes
Pfeifer - yes
Stearn - no

Motion passed (5 – 1).

REVIEW AND CONSIDER APPROPRIATING FUNDS FOR THE 2002/2003 FISCAL YEAR VILLAGE OF BEVERLY HILLS BUDGET

Motion by Woodrow, seconded by Pfeifer.

RESOLVED to appropriate funds for the 2002/2003 Beverly Hills Budget.

The Village Council of Beverly Hills has adopted its annual budget for its fiscal year beginning July 1, 2002 in accordance with State law and the Charter, and

The Village Council is also required to adopt an appropriations act to provide the authority to incur obligations and expend public funds.

THEREFORE, BE IT RESOLVED THAT the adopted budget for the fiscal year beginning July 1, 2002 and ending June 30, 2003 shall establish the approved appropriation levels for the said fiscal year.

BE IT FURTHER RESOLVED THAT the Village Council does hereby authorize the Village Manager to execute transfers between appropriations provided that each transfer be approved by the Village Council prior to its execution.

BE IT FURTHER RESOLVED THAT the Village Council retains authority to amend the Village budget and this appropriations act at such times when deviations from the projected revenues and authorized expenditure levels become necessary and the amount of the deviations becomes known.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER ADOPTION OF THE 2002 VILLAGE OF BEVERLY HILLS MILLAGE RATE

Motion by Woodrow, seconded by Pfeifer.

RESOLVED to adopt the 2002 Village of Beverly Hills Base Tax Rate Plus Additional Millage to Retire Debt.

The Village Council on May 6, 2002 adopted the 2002/2003 Village Budget, and

The Village Council must adopt a millage rate to be spread on the Village tax roll for 2002, and

Public Act 5 of 1982 does not apply to levying for Debt Service, and

The proposed 9.9914 mills for operating purposes for the General Fund and the Local Road Fund do not exceed the 11.00 mills maximum approved by the voters at the March 13, 1995 election.

THEREFORE, BE IT RESOLVED THAT the Village Council does hereby approve the total 2002 millage rate for the Village at 12.9252 mills and the 12.9252 millage rate is to be spread as follows:

General Fund.....	8.9914 mills
Road Fund.....	1.0000 mills
CSO Debt.....	0.8634 mills
Dedicated Millage.....	1.8304 mills
Park Dedicated Millage.....	0.2400 mills
Total Millage Rate	12.9252 mills

Domzal stated that the Charter authorizes the Village operating millage to a maximum of 11 mills. We are approving a budget tonight of 8.99 mills due to the Headlee rollback. He compared the Village millage with the school millage to place it in context with the total millage on the tax bills.

Roll Call Vote:
Motion passed (6 – 0).

REVIEW AND CONSIDER RESOLUTIONS TO ADOPT 2002/2003 RATE SCHEDULE FOR WATER CONSUMPTION AND SEWER

Woodrow related that the water and sewer rates proposed for the 2002/03 fiscal year represent a 19% increase, which is directly related to the increase in charges that the Village of Beverly Hills receives from the City of Detroit Water and Sewerage Department. The schedule establishing the water and sewer rates provides for a phased increase with the first increase becoming effective with all bills mailed after August 1. The second phase will apply to bills mailed after September 1, and the third phase of the increase will apply to bills mailed after October 1, 2001. The reason for this is to assure that the rates charged coincide with the time the water is used.

Pfeifer suggested that, at some point, Council reconsider the minimum charge on a meter that is not being used. She understands that this might result in an increase in water rates.

Murphy explained that the readiness-to-serve charge represents the cost of the capital and maintenance to provide the line to that home. A system is built based on the type of uses in the community, and it has to be available to customers at all times without consideration to when they actually use the service. The design is for 100% capacity at all times. Murphy noted that there have also been requests that the Village provide meters for irrigation purposes only. The Village’s water and sewer purchases are metered through one master meter, which means that others would have to subsidize the cost of water used for irrigation purposes. Council has decided not to consider this further.

Motion by Woodrow, seconded by Mooney, to adopt the following resolutions:

RESOLUTION
ESTABLISHING WATER & SEWER RATES

Each premises within the Village connected to the water and/or sanitary sewer system shall pay a consumption charge based upon the amount of water used as shown by the water meter installed in each premises as follows:

Water Consumption	\$ 12.73 per 1000 cu ft
Sanitary Sewer O.M. & R	24.31 per 1000 cu ft
Sanitary Sewer Debt Service	<u>2.39</u> per 1000 cu ft
Total	\$ 39.43

Sanitary Industrial Waste Control Charge

<u>Meter Size</u>	<u>Monthly S.O.C.S.D.S.</u>	<u>Quarterly Evergreen/Farmington</u>
5/8"	\$ 5.01	\$ 15.03
3/4"	7.51	22.53
1"	12.52	37.56
1-1/2"	27.54	82.62
2"	40.06	120.18
3"	72.62	217.86
4"	100.16	300.48
6"	150.24	450.72
8"	250.40	751.20
10"	350.56	1051.68
12"	400.64	1201.92

Residential Meter Charge

Quarterly meter charge (up to one inch)	\$ 6.00
Quarterly meter charge 2"	9.00
Quarterly meter charge 3"	12.00
Quarterly meter charge 4"	15.00

Minimum Charge

Minimum charge per 1000 cu ft per quarter for water, sewer OMR, sewer debt and meter charge is:

One inch meter or less	\$ 45.43
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Sewer Only

All sewer-only customers per quarter	\$ 87.03 OMR
	<u>8.55</u> Debt Service
	\$ 95.58

Effective with all bills mailed after August 1, 2002 and thereafter until changed.

RESOLUTION
ESTABLISHING WATER & SEWER RATES

Each premises within the Village connected to the water and/or sanitary sewer system shall pay a consumption charge based upon the amount of water used as shown by the water meter installed in each premises as follows:

Water Consumption	\$ 13.49 per 1000 cu ft
Sanitary Sewer O.M. & R	25.77 per 1000 cu ft
Sanitary Sewer Debt Service	<u>2.51</u> per 1000 cu ft
Total	\$ 41.77

Sanitary Industrial Waste Control Charge

<u>Meter Size</u>	<u>Monthly</u> <u>S.O.C.S.D.S.</u>	<u>Quarterly</u> <u>Evergreen/Farmington</u>
5/8"	\$ 5.01	\$ 15.03
3/4"	7.51	22.53
1"	12.52	37.56
1-1/2"	27.54	82.62
2"	40.06	120.18
3"	72.62	217.86
4"	100.16	300.48
6"	150.24	450.72
8"	250.40	751.20
10"	350.56	1051.68
12"	400.64	1201.92

Residential Meter Charge

Quarterly meter charge (up to one inch)	\$ 6.00
Quarterly meter charge 2"	9.00
Quarterly meter charge 3"	12.00
Quarterly meter charge 4"	15.00

Minimum Charge

Minimum charge per 1000 cu ft per quarter for water, sewer OMR, sewer debt and meter charge is:

One inch meter or less	\$ 47.77
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Sewer Only

All sewer-only customers per quarter	\$ 92.26 OMR
	<u>8.98</u> Debt Service
	\$ 101.24

Effective with all bills mailed after September 1, 2002 and thereafter until changed.

RESOLUTION
ESTABLISHING WATER & SEWER RATES

Each premises within the Village connected to the water and/or sanitary sewer system shall pay a consumption charge based upon the amount of water used as shown by the water meter installed in each premises as follows:

Water Consumption	\$	14.25 per 1000 cu ft
Sanitary Sewer O.M. & R		27.24 per 1000 cu ft
Sanitary Sewer Debt Service		<u>2.64</u> per 1000 cu ft
Total	\$	44.13

Sanitary Industrial Waste Control Charge

<u>Meter Size</u>	<u>Monthly</u> <u>S.O.C.S.D.S.</u>	<u>Quarterly</u> <u>Evergreen/Farmington</u>
5/8"	\$ 5.01	\$ 15.03
3/4"	7.51	22.53
1"	12.52	37.56
1-1/2"	27.54	82.62
2"	40.06	120.18
3"	72.62	217.86
4"	100.16	300.48
6"	150.24	450.72
8"	250.40	751.20
10"	350.56	1051.68
12"	400.64	1201.92

Residential Meter Charge

Quarterly meter charge (up to one inch)	\$	6.00
Quarterly meter charge 2"		9.00
Quarterly meter charge 3"		12.00
Quarterly meter charge 4"		15.00

Minimum Charge

Minimum charge per 1000 cu ft per quarter for water, sewer OMR, sewer debt and meter charge is:

One inch meter or less	\$	50.13
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Sewer Only

All sewer-only customers per quarter	\$	97.53 OMR
		<u>9.45</u> Debt Service
	\$	106.98

Effective with all bills mailed after October 1, 2002 and thereafter until changed.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER ROADSIDE DRAINAGE IMPLEMENTATION PLAN

Stearn reviewed that Council requested administration to prepare a priority plan for the roadside drainage needs of the Village based on a drainage study prepared by consulting engineering firm Hubbell, Roth & Clark. Public Services Director Spallasso submitted a report that prioritizes ditching needs by area indicating high, medium, and low priorities along with estimated construction costs.

Stearn noted that Embassy, Coryell, Plantation and Elwood are the highest priority areas in the Village. The estimated construction costs in that area range from \$309,000 to \$680,000. The Village has allocated funds to date of \$200,000 to begin addressing drainage problems and has applied for a matching grant that could increase the amount available. Stearn referred to the petition submitted by Coryell Estates residents this evening requesting a special assessment district (SAD) for paving the streets in that subdivision. If a special assessment district is created, it will be a good start to addressing these ditching problems.

Stearn proposes that Council accept this report as an informational item. Council commented on the priority report and associated construction cost estimates and discussed how to proceed based on the information received. It was clarified that this is not an implementation plan because there are no established funding sources for the program. Council will consider the priority plan as part of its five year capital improvement plan.

Eric Lerman of 20719 Kennoway Circle related drainage problems on his street and the matter of water ponding on his property after a heavy rain. His concern is that he will be threatened with damage to his home. Lerman observed that the Village maintains the unpaved road by laying down gravel, which raises the level of the road. He asked that drainage improvements on Kennoway receive a high priority.

Downey noted that Kennoway is listed as the second priority problem area in the report prepared by administration. The Roadside Drainage Study from Hubbell, Roth & Clark, which addresses several mechanisms for addressing drainage, is available for public review at the Village office.

Domzal stated that there are about three miles of unimproved roads in the Village. Village staff has met with a group of Coryell Estates residents, who have organized to improve their streets. Council has adopted a policy for addressing road drainage and paving. Domzal suggested that the Village can enter into a similar dialog with representatives of Kennoway to determine how the property owners wish to proceed.

Leslie Wilson of 30155 Marlin Court stated that there are severe drainage problems in her backyard.

Wilson was informed that the Roadside Drainage Study addresses drainage in the public rights-of-way. Spallasso commented that the proposed drainage projects involving the installation of swales and under drains along the road will provide some degree of relief to drainage problems on private property. Wilson will contact Spallasso to consult with him about drainage problems on her property.

Mike Beallo of 20305 Plantation thanked Ray Lacroix for bringing Coryell Estates neighborhood problems relative to drainage and road issues to the attention of the Village. He believes that the

drainage and road issues are two distinct issues with their own solutions to address the needs of the homeowners. The drainage issue has been studied with the conclusion that improvements are necessary. Beallo commented that the study indicates that the cause of the problems are due to lack of maintenance by the Village.

Beallo commented that the study indicates a specific recommendation to solve the drainage problems in Coryell Estates, which is a swale and under drain system. However, the Village has only agreed to maintain the existing open cut ditch by re-ditching if area residents do not agree to pave their roads. He questioned how that decision was reached and whether re-ditching will solve the drainage problems. Beallo asked if funding will be allocated every year for maintenance of the ditches.

Beallo thinks that it is important for Council and residents to have a more comprehensive cost estimate before making a decision on the best way to solve the drainage and funding issues. Residents need to understand how the Village calculates its contribution at 20% of the project versus the residents' 80% share. He suggests delaying final decisions or assessments until proper costs are determined so that the residents know what they are paying for if they have to be assessed in addition to their normal taxes.

Road paving is addressed in the study. Beallo thinks that gravel roads need improvement in terms of proper crowning or sloping for normal water runoff and elimination of edge build up caused by improper draining.

Kevin Good of 20760 Kennoway Circle questioned the validity of a comment made earlier by a member of the audience about lack of application of designated funds for local road maintenance.

Spallasso responded that there was never a substantial amount allocated towards re-ditching or improving ditches. All the Village has done in the past is maintain ditches by keeping the culverts clear. There were never any budgeted amounts that were not used for that purpose.

Murphy reiterated that the plan before Council this evening is a priority plan and not an implementation plan. There is no indication as to the schedule for this Village-wide drainage system presented to address the priorities throughout Beverly Hills. When Council gets into the specifics of a special assessment district for Coryell Estates or another area, those issues will be addressed thoroughly at that time. There will be a number of public hearings required as we go forward with a special assessment district. Information will be provided at that time and questions answered.

REVIEW AND CONSIDER PROPOSALS FOR DEPARTMENT OF PUBLIC SAFETY CARPET REPLACEMENT

The 2001/02 budget contains funding for replacement of carpeting in high traffic areas of the Public Safety Building. The existing carpeting is original with the building construction in 1989 and shows excess wear and staining in certain areas. Three bids were requested and two received with the low bid from Wayne B. Curr Co. at \$13.23/square yard.

Motion by Mooney, seconded by Domzal.

RESOLVED to award the project for carpet replacement in targeted areas of the Public Safety Building to Wayne B. Curr of Harrison Township at the average rate of

\$13.23/square yard. The anticipated cost of the project is \$3,000 with funds available for this purchase in Account #101-345-934, Repair and Maintenance-Building & Grounds.

Stearn stated that he supports this improvement to the Public Safety Building but requests that additional bids be secured for future projects in order to make a proper cost comparison. He does not think that Council has enough information with two bids.

Pfeifer questioned the procedure of advertising for bids versus contacting vendors to solicit proposals. Murphy responded that the bidding procedure used depends on the size of the project.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER PROPOSALS FOR COMPUTER SYSTEM UPGRADE

Woodrow explained that the Village is continuing with a phased computer system upgrade for the public safety department and municipal offices.

Motion by Woodrow, seconded by Pfeifer.

RESOLVED that the Village of Beverly Hills approve the purchase of computer equipment and maintenance from Enterprise Computer Solutions in the amount of \$10,925.00 and that the Village of Beverly Hills approve the purchase from Oakland County for the Tax Receivables System in the amount of \$2,151.75 plus the cost of Attachmate software and the purchase of a Cash Receipt, Scanning Gun, Decoder and software from Fund Balance in the amount of \$1,950.00. The total purchase of \$15,026.75 would be charged to account 101-900-976 Capital-Office Equipment.

Stearn commented that he will vote against the motion due to the lack of competitive bids for cost comparisons.

Bob Belaustegui of 32300 Lahser Road volunteers as a technical consultant to the Village on computer matters. He explained that other companies did not bid on the computer equipment and maintenance indicated in the motion because this is a small project consisting of one server and four computers, and it involves prescriptive pricing of Microsoft software with low profit margins. Belaustegui doubts whether the Village would receive a better quote on this proposal than the price submitted by Enterprise Computer.

Domzal questioned where the Village stands overall on this program of implementing a Plante & Moran study to upgrade its entire computer system.

Belaustegui responded that, with the proposal for purchasing bar code reader hardware/software and joining with Oakland County, the Village is well into phase four of a five phase plan. Once the building department is on the system, the project will be complete. A remaining item is the cost of connecting the DPW building to this network, which has yet to be studied.

Pfeifer commented that the Village is well along with the computer update process due to the volunteer work of Bob Belaustegui. He saved the Village a large amount of money through his time and expertise.

Downey is pleased that the Village is moving forward with the computer proposal and implementing systems that help the efficiency of our staff. He thanked Belaustegui for his contributions.

Roll Call Vote:

Stearn - no
Woodrow - yes
Domzal - yes
Downey - yes
Mooney - yes
Pfeifer - yes

Motion passed (5 – 1).

SECOND READING AND CONSIDERATION OF ORDINANCE #308 AMENDING CHAPTER 41 OF THE MUNICIPAL CODE

Mooney conducted a second reading of an ordinance to amend Chapter 41 of the Village of Beverly Hills Municipal Code by adding Section 41.09, an Ordinance to adopt by reference the Michigan Vehicle Code. The ordinance amendment allows the Village to enhance its traffic control capabilities by adopting a vehicle code, which is periodically amended by the Legislature. The Village will not have to amend the Ordinance each time a new law is passed.

Motion by Mooney, seconded by Pfeifer.

RESOLVED to adopt Ordinance No. 308, An Ordinance to Amend Chapter 41 of the Village of Beverly Hills Municipal Code by Adding Section 41.09, An Ordinance to Adopt by Reference the Michigan Vehicle Code.

Roll Call Vote:

Motion passed (6 – 0).

FIRST READING OF AN ORDINANCE TO AMEND CHAPTER 42 – DOMESTIC VIOLENCE

Mooney conducted the first reading of a proposed ordinance to amend Chapter 42 of the Municipal Code for the Village of Beverly Hills by amending, in part, Chapter 42, Section 16 (b), Assault and Battery, to include a definition of assault, a definition of assault and battery, and a definition of assault and assault and battery in domestic matters, and to provide a penalty for the violation thereof. This is basically a reporting ordinance that will keep the Village in line with newly enacted State Law.

CONSIDER WAIVER OF SALES RESTRICTIONS FOR BEVERLY HILLS GARDEN CLUB PLANT SALE

MOTION by Domzal, seconded by Stearn, that the Beverly Hills Garden Club be granted a waiver for sales in the Village municipal building parking lot for its Annual Plant Sale on Saturday, May 18, 2002 from 8 a.m. to 1 p.m. A proper Certificate of Insurance has been provided by the Garden Club.

Motion passed (6 – 0).

REVIEW AND CONSIDER MINUTES OF A REGULAR COUNCIL MEETING HELD ON APRIL 15, 2002

The following changes were made to the minutes. On page 3, under “Review and Consider Proposals for Painting DPW Building”, line 4, add the following after ‘costs’: “of \$2,895.03, which raises the total for the project to \$34,915.03...”. Page 4, correct ‘Woodside Athletic Club’ to read ‘Beverly Hills Athletic Club’. On page 9, first paragraph, last line, add “and commercial properties” after ‘homeowners’.

MOTION by Pfeifer, seconded by Mooney, that the minutes of a Regular Council meeting held on April 15, 2002 be approved as amended.

Motion passed (6 – 0).

REVIEW AND CONSIDER AGREEMENT WITH THE ROAD COMMISSION OF OAKLAND COUNTY REGARDING 14 MILE ROAD CONSTRUCTION

Council is in receipt of a cost participation agreement prepared by the Road Commission of Oakland County between the RCOC, Beverly Hills, and Birmingham. Domzal outlined the projects and costs involved with the reconstruction of 14 Mile Road between Southfield and Greenfield Roads. The road reconstruction will be funded through Federal Funds (80%) with Birmingham and Beverly Hills responsible for the local match (20%).

The Village’s share of the road improvement is \$171,000. Beverly Hills’ cost of water main and sewer construction associated with the road improvements is \$82,806.00. The Village’s share of the advance work on storm sewer construction for the Acacia Park Drainage District is \$295,684.00. Beverly Hills will utilize the Tri-Party allocation to offset its share of road reconstruction costs. The Village also budgeted for this expense out of the Major Road Fund. Other costs will be charged to the dedicated sewer millage fund. Beverly Hills’ total cost of the improvements will be \$531,514.00 after the contribution from the Tri-Party Program. Questions from Council were addressed by Spallasso.

Motion by Domzal, seconded by Pfeifer.

RESOLUTION to approve the Cost Participation Agreement between the Road Commission for Oakland County, the City of Birmingham, and the Village of Beverly Hills based on the cost breakdown set forth in the document that has been presented and to authorize the Council President to sign such agreement.

Roll Call Vote:

Motion passed (6 – 0).

PUBLIC COMMENTS

Andy Craig of 31239 Sunset Drive congratulated Janet Mooney, Hugh Woodrow, and Dorothy Pfeifer on their election to the Village Council. He commented favorably on the FY budget for 2002/03.

Craig referred to Council's decision to allow parking on the east side of Allerton during the Beverly Park parking lot construction. He questioned the lack of progress on the parking lot paving in the last few weeks, noting that there are alternate points of entry for heavy equipment. People thought that the parking lot would be completed sooner.

Craig expected discussion of an implementation plan for roadside drainage needs in the Village this evening. What was presented tonight was a priority report, but people's perception was different because the item was published as review of a Roadside Implementation Plan. He thinks that Council needs to take the next step to implement the drainage plan.

Downey presented former Council member Craig with a plaque in honor of his dedicated service to the Village. His leadership in the community is appreciated.

Ray Lacroix of 20285 Coryell Drive commented that the drainage plan has been released and acknowledged. Coryell Estates residents have asked the Village for relief for about five years and are looking for progress towards the solution of their drainage and road problems. Homeowners have met the requirements for creating a special assessment district and will find a way to pay for the amount identified as their share of the improvements. They want action.

Julie Abear of 20305 Plantation stated that not everybody in Coryell Estates wants to spend money out of their own pockets to pave the subdivision. She would like the drainage issues addressed by the Village with the funds available before the residents get assessed.

Jeff Pynnonen asked Council if it would reconsider its decision to allow parking on the east side of Allerton during the park construction period.

As a point of order, Stearn stated that a vote to reconsider the April 15 motion must be offered by someone who voted in favor of the motion no later than at the meeting following the passage of that motion. He cannot do this because he voted against the motion to allow parking on Allerton.

Council discussed its April 15 motion. The issue of improvements to the fence along Allerton was raised. There was agreement of Council to discuss the fence at the next regular Council meeting.

MANAGER'S REPORT

The annual Beverly Park Clean Up takes place this Saturday, May 11 at 10:00 a.m.

The annual Beverly Hills Garden Club Plant Sale is scheduled to take place on Saturday, May 18 at the Village Hall parking lot from 8:00 a.m. until 1:00 p.m.

The Parks and Recreation Advisory Board is hosting a Beverly Park Grand Reopening celebration in unison with the first Concert in the Park scheduled for Sunday, June 23rd.

Work on the Evergreen Bridge project appears to be on schedule. Culverts have been installed in two of the three chambers. The contractor will begin work in the third chamber once the water flow can be diverted from the first two chambers. Traffic is still restricted to one lane during construction.

The installation of the playground equipment at Beverly Park is underway. While the weather has caused some delays, the contractor appears to be on schedule. It is likely that the project may see substantial completion by Memorial Day.

COUNCIL COMMENTS

Woodrow invited residents to participate in the Annual Park Clean Up on Saturday, May 11 from 10:00 a.m. to 12:00 p.m. Refreshments will be furnished by the Lions Club. Residents are asked to bring their rakes and gloves to the park.

Pfeifer stated that the Birmingham Area Cable Board will meet on May 15 at 7:45 a.m. in the Village municipal building. The Board spent time at the April meeting reviewing subscriber complaints. They are in the process of negotiating with Comcast with respect to the liquidated damages assessed against the cable company for uncured defaults. The Cable Board is also reviewing information relative to FCC Form 394, which is the consent form for a proposed merger between AT&T Broadband and Comcast. The Board will make a recommendation to its member communities by resolution no later than its May meeting on the consent for transfer.

Pfeifer attended the “BASCC in the Glow” fund raiser and reported a good turnout. The next BASCC board meeting will be held on Tuesday, May 21.

Pfeifer visited the new Bingham Farms Village offices located in an office building on the south side of 13 Mile Road just east of Telegraph. She commented on the nice facilities.

Pfeifer reported on new area codes that will be assigned to this area beginning June 8. People will be dialing 10 numbers for local calls.

Pfeifer noted with sadness the passing of Dr. Freeman Wilner on April 24 and extended her sympathies to the family on behalf of the Village. Freeman Wilner was the father in law of former Council member Andy Craig.

Stearn stated that the Planning Board discussed the work program for a Southfield Road corridor study at its April 24 meeting. He would like Council to think about the scope of work for this study for discussion at a future Council meeting. Stearn also asked that Council consider whether to continue with the planning services of Birchler Arroyo upon expiration of the contract.

The Retirement Board will meet on Tuesday, May 14 at 7:30 p.m. in the Public Safety Building conference room.

Stearn thanked Murphy for putting together the budget in its new form and thanked Wiszowaty for his assistance. He wished Paul Lison the best in Arizona.

Domzal would like to improve communications with the Planning Board and suggested holding joint meetings periodically to communicate expectations.

Domzal thanked Pasioka for his summary memo on tree ordinances in other communities. Domzal suggested that this be an agenda item at the earliest opportunity.

The Pathways Advisory Committee will meet on Tuesday, May 14 in the Village municipal building. Estimated costs for individual segments of pathways have been submitted by Spallasso. The group will report its recommendations to Council in July or August.

Mooney stated that the Little League Opening Day festivities were held two Saturdays ago at Beverly School. President Downey threw out the first pitch.

Mooney commented on the passing of long-time resident Bob Nichols, Village election worker and former member of the Village Parks and Recreation Board. She extended her condolences to the family of Bob Nichols.

Downey revisited the issue of parking on Allerton Drive and apologized to the residents who feel slighted. Council took this issue seriously and acted in the best interest of the Village.

Downey mentioned that Council supports the Department of Public Safety in its efforts to secure grant funding to assist in the purchase of in-car video cameras for department patrol vehicles. He thinks it is important that administration actively pursue grants.

MOTION by Pfeifer, seconded by Domzal, to adjourn the meeting at 10:55 p.m.
Motion passed (6 – 0).

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary