

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

Absent: None

Also Present: Village Manager, Murphy
Public Services Director, Spallasso
Village Attorney, Ryan
Director of Public Safety, Woodard

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

The agenda was approved as published.

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

There were no comments from the public.

CONSENT AGENDA

Motion by Stearn, seconded by Schmitt, to approve the Consent Agenda as follows:

- a. Review and consider approval of minutes of a regular Council meeting held on August 19, 2002.
- b. Review and file bills recapped as of Monday, August 26, 2002.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER ADMINISTRATION RECOMMENDATION REGARDING PATHWAYS PLAN

At the July 15, 2002 meeting, Village administration was asked to take a look at several issues related to the Pathways Plan and provide recommendations to Council.

Administration explored whether the proposed pathway along 13 Mile Road between Lahser and Evergreen Roads should be located on the north or south side of the road considering cost and safety issues. Spallasso has provided information for Council review along with a recommendation that the new pathway be installed on the south side of 13 Mile Road from Lasher to Embassy Drive with a pedestrian crossing to the north side at Embassy in order to utilize a portion of the existing walk in front of Groves High School.

Village Attorney Ryan provided information on whether the Village is liable for any injuries that might occur on public sidewalks. Administration considered a sidewalk maintenance program. There has been discussion relative to how the Village will maintain new sidewalks as well as initiate a program to maintain existing sidewalks in the community. Spallasso has provided information on this topic including a color-coded map indicating areas where there are sidewalks

in need of repair. A report has been submitted to Council from Village staff outlining options for a continuing pathway along Evergreen Road between 13 and 14 Mile Road and 14 Mile Road between Evergreen and Old Post.

Domzal suggested that Council consider the issues and materials presented to make sure that all of their questions have been addressed by Administration. The Pathways Committee is scheduled to meet on Monday, September 9 to consider ballot language and any other items Council refers back to their group. The plan was to bring these issues to a vote at the October 7 Council meeting after holding a public hearing on proposed changes to the Pathways Plan.

Council discussed the material provided by Administration. It was suggested that recommendations on specific pathway issues be a topic for a more thorough discussion at a Council study session set for September 23. It is important that Council has the necessary information to decide on these matters at its October 7 meeting and move forward with implementation of the plan.

In response to an inquiry, Spallasso estimated the cost of a sidewalk maintenance program at approximately \$200,000 based on data collected during the past year. He will provide Council with documentation on this cost estimate.

Motion by Domzal, seconded by Woodrow.

Resolved that the Pathways Committee receive and review material that has been provided to Council by Administration and provide recommendations to Council prior to its September 23, 2002 Council meeting including specific recommendations regarding the additional pathways on 14 Mile and Evergreen Roads as well as the portion between Beverly and Riverside.

Dennis Page of 30470 Lincolnshire East expressed the view that it is entirely appropriate for the Pathways Committee or Council to consider adding items to the Pathways Plan. His suggestion is not to link any new suggestions to the work that Council has already agreed to perform.

Sharon Tischler of 21415 Virmar Court referred to Ryan's recommendations with respect to liability and maintenance of sidewalks. She asked whether the homeowner is liable in terms of sidewalks that are constructed on their front or side yards.

Ryan answered that the Village bears the responsibility for any sidewalk maintenance or liability issues. Sidewalk repair is a policy decision that Council will make. Council has been provided with recommendations for its consideration. With respect to snow removal, it is Administration's suggestion that sidewalks in the Village be designated as "seasonal" pathways, which means that they would not be cleaned when snow falls. Therefore, the Village will not be sued successfully for any accumulation of ice and snow that may occur during a Michigan winter.

Domzal added that it is recommended that Council modify its existing ordinance relative to snow removal in residential districts but require snow removal on sidewalks in the business district along Southfield Road.

Tischler voiced her concern with the proposed policy, noting that the residents at the east end of the Village have always cleared their sidewalks.

Downey reiterated that the recommendation before Council from Administration is that all pedestrian pathways with the exclusion of the business district on Southfield Road be treated as seasonal paths. Ryan added that citizens who want to shovel the sidewalk on the front or side of their homes are free to do so.

Pfeifer suggested that Council should be clear about the Pathways Plan in place for the reason that voters want to know how and where their money is going to be spent.

Roll Call Vote:

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

Motion passed (6 – 1).

REVIEW AND CONSIDER SUBCOMMITTEE'S RECOMMENDATION TO FILL VACANCY ON PATHWAY COMMITTEE

Council has made two announcements soliciting residents to participate on the Pathways Committee. There is one at-large position and one Finance Committee opening. The Village has received no applications from residents who want to serve on the Pathways Committee. It was the consensus of Council to extend the period for receiving applications for another two-week period.

Motion by Domzal, seconded by Mooney, that the deadline for accepting applications for a position on the Pathways Committee be extended to Thursday, September 12, 2002. Applications submitted by that date will be considered for appointment at the subsequent Council meeting.

Motion passed (7 – 0).

REVIEW AND CONSIDER REAPPOINTMENTS OF PATHWAY COMMITTEE MEMBERS

Motion by Domzal, seconded by Pfeifer, to reappoint Michael Freedman, Dennis Page, Michele Tillman, Paul Kleppert and Dave Domzal to serve on the Pathways Committee for a term to expire on March 10, 2003 and to continue efforts in accordance with what has been decided upon by the Village Council at this meeting.

Motion passed (7 – 0).

REVIEW AND CONSIDER 2003 CALENDAR BID RESULTS

Pfeifer commented that the Village informational calendar is the most significant means of communication that Beverly Hills has with its residents. She commented on the coordinated effort required to assemble the material and produce the calendar. The vendor must meet deadlines in order to mail the calendar to residents in the first part of December.

Three bids were received for typesetting and printing the 2003 Village Calendar.

Dearborn Lithograph, Inc.	\$8,950.00
Select Graphics	\$6,553.00
Spectrum 3	\$7,850.00

Pfeifer spoke with Village Clerk Ellen Marshall about the proposals received. The Village has had favorable experience working with Spectrum 3 on the calendar since 1997. Marshall has checked the references of the low bidder, Select Graphics. Based on problems reported with timeliness and cost overruns and considering that company's lack of experience with municipal calendars, Marshall recommends awarding the project to Spectrum 3.

Pfeifer proposes that Council award the contract to Spectrum 3. She noted that \$11,000 was allocated in the fiscal year 2002/03 budget for this expense.

Motion by Pfeifer, seconded by Mooney.

Resolved that the Village of Beverly Hills Council award the contract for typesetting and printing the Village of Beverly Hills 2003 Calendar Project to Spectrum 3 in the amount of \$7,850 to be budgeted to account #101-747-881.

Stearn mentioned that printing the calendar on glossy paper rather than the requested matte paper last year was the printer's error. He questioned accepting this proposal considering that mistake and the fact that Spectrum 3 did not offer a refund for the error.

Dennis Page of 30470 Lincolnshire East asked how this year's bid compares with what the Village has paid for this work in prior years.

Murphy responded that the bid from Spectrum 3 is \$50 higher this year than last year's quote. He would have to research previous years' quotes. Pfeifer commented that the increase is probably due to increased costs of materials.

Roll Call Vote:

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

Motion passed (6 – 1).

REVIEW AND CONSIDER RESOLUTION REGARDING THE 9.11 ANNIVERSARY

Motion by Domzal, seconded by Stearn, to adopt the following resolution.

RESOLUTION

WHEREAS, September 11, 2002 marks the first anniversary of the tragic events which took place in New York, Pennsylvania and Washington D.C.;

WHEREAS, this Village wishes to commemorate the victims, living and deceased, of September 11, 2001, including families, rescue workers, and police and fire officers, all of whose lives were so deeply touched by the events of that date;

WHEREAS, this Village wishes to re-dedicate itself to the American spirit of freedom and self-determination;

WHEREAS, this Village wishes to support the principle of peaceful resolution of conflict throughout the many peoples and nations of this world;

BE IT THEREFORE RESOLVED, that the Beverly Hills Village Council hereby declares September 11, 2002 to be a Day of Remembrance to honor the victims of September 11, 2001;

BE IT FURTHER RESOLVED, that the flags at Beverly Hills Village Office and Beverly Hills Park shall be flown at half staff on September 11, 2002;

BE IT FURTHER RESOLVED, that the Beverly Hills Village Council, this third day of September, 2002, hereby observes a moment of silence in memory of the events which took place nearly one year ago in hope that future generations will never again experience the evils of terrorism.

Roll Call Vote:

Motion passed (7 – 0).

Council and audience members observed a moment of silence.

REVIEW AND CONSIDER RESOLUTION APPOINTING DELEGATES TO THE MICHIGAN EMPLOYEES' RETIREMENT SYSTEM ANNUAL MEETING

Motion by Schmitt, seconded by Pfeifer.

Resolved that the Village of Beverly Hills Council appoint Ellen Marshall as the officer delegate representing Beverly Hills and Peggy Baniszewski as the employee delegate with Theresa Hanson as the alternate employee delegate to attend the Annual Meeting of the Michigan Employees' Retirement System to be held September 18-20, 2002 in Grand Rapids.

Roll Call Vote:

Resolution passed (7 – 0).

DISCUSSION ITEMS

DISCUSSION REGARDING SUGGESTED CHARTER REVIEW

Council is in receipt of a report from the Village Manager outlining findings and presenting recommendations for proceeding with Village Charter issues. Individual Council members were asked to review the Village Charter and provide input on which chapters they feel need discussion or revision. After compiling submissions from Council, Administration and the Village Attorney reviewed the results along with the Charter for completeness and convergence on the issues and considered how to proceed. Village administration suggests placing three issues on the 2003 ballot: purchasing authority, number of meetings, and Council member remuneration.

Pfeifer suggested that Charter review issues need further deliberation at a Council work session. She offered to compile a more detailed presentation of Council's comments on proposed Charter amendments for distribution at the next Council meeting and discussion at the September 23 study session. Pfeifer recommended that Council work as a committee of the whole on Charter review rather than as a subcommittee.

Pfeifer requested information on the Open Meetings Act and Freedom of Information Act (FOIA) and a recommendation on whether there is a need for a policy, ordinance, or Charter revision to address those matters.

Ryan replied that Council should be aware of FOIA policy, but it is an issue handled by Administration. He suggested that the Freedom of Information Act and the Open Meetings Act can be covered in a memo to Council.

Domzal expressed the view that Council is better served by having a subcommittee go through the material and provide recommendations to Council on Charter amendments. Schmitt suggested that the procedure be discussed at the September 23 Council study session.

Downey recommends that Pfeifer with the support of Murphy draft a summary of individual members' comments on Charter revisions to be distributed prior to the September 23 Council meeting.

PUBLIC COMMENTS

Jim Osmer of 18301 Riverside Drive shared a concern with Council about the 14 Mile Road reconstruction project. He stated that he is not present because he is inconvenienced by having to travel a different route or because his front yard has been torn up. He understands from watching the last Council meeting that the project is five to seven weeks behind schedule. Osmer's concern is related to the plight of the business owners along 14 Mile Road due to the lack of access by the public and lack of ability to have supplies delivered. He and others think that the project is not moving with the speed that it should.

Osmer urged Council to put themselves in the place of those business owners and residents who are faced with another month of delay in the project being completed and to do something in terms

of expressing concern in the form of a resolution. He questioned whether pressure could be placed on the contractor to tend to the business on 14 Mile in a more expeditious manner.

Spallasso related that he received an update today that the contractor is now only behind about three weeks, and it is anticipated that the road may reopen by the end of November.

Sharon Tischler of 21415 Virmar Court asked if Council has received a report from the Public Safety Department relative to the Festival held over the Labor Day weekend at Our Lady of Albanian Church property. Tischler suggested that Council consider an ordinance or policy to regulate festivals in the community.

Public Safety Director Woodard reported that calls to the dispatch area complaining about issues related to the Albanian Festival were markedly down from previous years. The Department wrote fewer parking tickets this year than in past years, and only one vehicle was impounded for blocking a fire hydrant.

REPORTS

MANAGER

Murphy reminded everyone that the next regular Council meeting will be held on Tuesday, September 17. There is a joint Village Council/Parks and Recreation Board meeting scheduled for Thursday, September 19, 2002. The meeting will be held in the Village Council chambers at 7:30 p.m.

The last Concert in the Park brought approximately 300 youth and family to Beverly Park to watch area teen bands show off their talent. There may be a suggestion from the Parks and Recreation Board to amend the concert calendar next year to hold concerts on a weekday.

The next Village Council work session is tentatively scheduled for Monday, September 23, 2002 at 6:00 p.m. at the Public Safety Building.

Stearn commented that \$200,000 had been allocated for Village-wide re-ditching work. He questioned how that money will be spent now that Coryell Estates and Hummell Court improvement issues have been settled.

Spallasso responded that the \$200,000 is being spent entirely on Hummell Court and Coryell Estates Subdivision as matching grant funds for drainage work.

Stearn asked if the lawsuit with Birmingham Public Schools is still pending. Ryan answered that the Village is waiting for oral arguments in the Court of Appeals. Stearn questioned whether there has been any contact with Birmingham Schools regarding a settlement agreement. Murphy indicated that a possible settlement with the Schools was discussed earlier this year, but nothing developed.

COUNCIL

Pfeifer reported that the Birmingham Area Cable Board met on Wednesday, August 21 at which time Executive Director Hagan presented the Annual Report. The Board accepted the report and will present it to the four member municipalities. Pfeifer remarked that both officers of the Cable Board from Beverly Hills and Hagan have offered to be in attendance at a Council meeting to make a presentation of the Annual Report and entertain any questions from Council.

Pfeifer noted that the September meeting of the Cable Board has been rescheduled from September 18 to September 25.

Pfeifer referred to the coupons for special offers mailed to cable subscribers as part of a settlement agreement that the Cable Board reached with Comcast in lieu of pursuing liquidated damages for defaults. She clarified that subscribers without a cable box cannot receive pay-per-view channels. If a customer without a cable box wants to receive a premium channel, they can receive HBO as part of this offer by calling Comcast and having a truck rolled out to remove the trap from the line. The company will waive the installation cost for HBO. All premium channels other than HBO require a box.

Customers can also call Mike DiMaria, Comcast representative to the Cable Board, if they are not able to use the coupons and would like to discuss receiving credit in another area. The number is 734-420-4751.

Pfeifer announced that the ten digit dialing system goes into effect this Saturday, September 7.

Pfeifer informed the public that Council received information confirming that a rumor being circulated that Birmingham is creating different school districts is unfounded. She referred to a letter written by Dr. John Hoeffler, Superintendent of Birmingham Schools, in response to an inquiry from a concerned resident who questioned the rumor.

Stearn reported that the Retirement Board met today. He commented on the decreased value of the Public Safety Officers' Retirement System due to stock market losses.

Schmitt stated that he and others who attended the concert in Beverly Park on Sunday, August 25 enjoyed the event. He thanked Stan Pasiaka and Pat Greening for the effort they put into the concerts this year.

Schmitt commented that recycling in the Village is down. Not only is recycling an environmentally responsible thing to do, but it saves the taxpayers money. The Village pays trash disposal bills based on tonnage that goes to the landfill. He encouraged residents to recycle.

Mooney reported that crime in the Village is down according to a recent Crime Statistics Report. She noticed that false fire alarms are up almost 90% for the last year. Murphy responded that Council will be in receipt of a proposed ordinance addressing this issue in the near future.

Domzal commented that he was pleased with the research done by the Michigan Municipal League in response to his request for information on a topic.

Domzal expressed concern about the Village's water main financing program. There is an approximate \$2.8 million shortfall to accomplish the water main replacement needs that have been identified. Options have been proposed in terms of bonding, and interest rates are low at this time. Domzal thinks that an internal deadline for tackling this issue should be established.

Murphy responded that his original plan was to recommend bonding for water main improvements due to favorable market rates. However, money available through the State Drinking Water Revolving Fund (DWRF) is more favorable. Preliminary feedback suggests that the Village has a potentially successful application for these funds. Administration is collecting data and working on reports that are due in December. The State will review our application and give the Village an answer in May. Council will be asked to act on items related to securing these funds next spring while waiting for a decision. Murphy feels confident in the Village's ability to get the 2.5% interest rate from the State through the DWRF. If the Village is not successful in receiving this funding, we will be prepared to go out for a bond issue. If Council chooses to proceed in another direction, the Village could easily go out for a bond issue.

Domzal stated that he would like to discuss funding options for water main improvements further at a study session or a subsequent regular Council meeting.

Downey reviewed that Council took action at its last meeting to establish a special assessment district for both Coryell Estates and Hummell Court for drainage and road improvements. He understands that administration will have bid responses shortly. It is possible that Council will be considering acceptance of a bid in September.

Downey asked that a notice of the October 7, 2002 Public Hearing on the Pathways Plan be posted on the Village's web site. He also suggested that a link be created to easily access the current Pathways Plan.

Downey noted that there have been sidewalk repairs made in the Georgetown South subdivision using the new scarifier equipment. This is a machine that levels steps in the sidewalks. Downey observed that a sidewalk in Bingham Farms was re-routed immediately adjacent to Bingham Farms Elementary to provide more distance from the roadway and safety for children.

Motion by Pfeifer, seconded by Domzal, to adjourn the meeting at 9:08 p.m.

Motion passed (7 – 0).

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary