

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

Absent: None

Also Present: Village Manager, Murphy
Director of Public Services, Spallasso
Assistant to the Manager, Pasieka
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 Mooney, seconded by Pfeifer, to approve the agenda as published.

Motion passed unanimously.

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

Bob Walsh, 20655 Smallwood Ct., commented on an article in the April 27, 2003 *Detroit News* regarding home builders and developers who have developed a proposal to be presented in Lansing that allows eight single family homes per acre with sewer and water accessibility. Looking at this type of development with respect to the Village, our density could triple. He is hoping the Village will take a closer look at this proposed legislation.

Walsh also reported that the Birmingham School District will be holding an election on September 26, 2003.

Tim Holton, 32400 Sheridan, is from Troop 1029, Berkshire Middle School, and is working on his Citizenship in the Community badge. As a requirement, he must attend a Village Council meeting and report to his counselor what was discussed at the meeting.

PUBLIC HEARING ON PROPOSED 2003/2004 GENERAL FUND, MAJOR & LOCAL ROADS, DRUG LAW ENFORCEMENT AND WATER & SEWER OPERATING FUND BUDGETS

Village Manager Murphy presented the proposed Fiscal Year 2003/2004 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 2003/04 budget addresses current and future community needs and balances service demands with conservative financial management.

The budget, as presented, is the third consecutive budget using the General Operating Fund Balance to fund proposed Capital Improvement projects. The Village has a stated and adopted policy maintaining a minimum Fund Balance of 20% of General Fund operating expenditures, as

a recommended and generally accepted accounting practice. The budget, as presented, assumes \$49,797 from the Fund Balance, reducing the balance to approximately 24% of expenditures.

The proposed budget represents an operating millage of 8.8075 mills, a capital improvement millage of 1.0 mil, and the combined dedicated millage of 2.0322 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 0.8191 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 .95% increase over the previous fiscal year's budget. Property tax revenues are expected to increase by 1.8%. The improvement in property tax revenues is neutralized against the 13% loss in statutory State Shared Revenue, and the reduction in expected interest earnings.

Several slides were shown indicating how the Village has allocated its funds in the proposed budget.

The Village experienced a 13% increase in water consumption rates from the City of Detroit. Sewer rates have been announced to increase by 8.5% this year. The Village will need to pass on the increased operating costs directly to its users – in the form of a 9.75% increase in rates. The rate increase will go into effect on August 1, 2003, and will first appear on the September billings.

Murphy explained where the Village's large expenses exist.

Notwithstanding, the capped millage and the negative influences of State Shared Revenue on the General Fund, the Village continues to deliver efficient and effective services thanks to the Council's strong and responsible leadership. With your stewardship, residents can expect village services to improve as we continue to enhance the culture of our organization to focus on customer service, and embrace the ideas and ideals embodied in our long-term focus.

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.

Murphy and the Village staff take this opportunity to thank the President and the Village Council, Advisory Board and Committee members, volunteers and the citizens of Beverly Hills for their time, effort, encouragement and support during the past year.

Downey opened the public hearing on the proposed FY 2003/04 budget at 7:52 p.m.

Sharon Tischler, 21415 Virmar Court, asked for clarification on the breakdown of the proposed millage rate.

There were no further comments; the public hearing was closed at 7:54 p.m.

REGULAR COUNCIL MEETING MINUTES – MAY 5, 2003 – PAGE 3
CONSENT AGENDA

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

- Review and consider minutes of a regular Council meeting held on Monday, April 21, 2003.
- Review and consider minutes of a special Council meeting held on April 28, 2003.
- Review and file bills recapped as of Monday, May 5, 2003.

Motion passed unanimously.

BUSINESS AGENDA

SECOND ANNOUNCEMENT OF A VACANCY ON THE CABLE BOARD

Pfeifer made the second announcement of a vacancy on the Cable Board created by the resignation of Ray Lacroix. The subcommittee, made up of Pfeifer, Mooney and Schmitt will meet at 7:15 p.m. on Monday, May 19, 2003 to review the applications. Deadline for applications to be submitted is 5:00 p.m., Thursday, May 15, 2003. Applications are available at the Village website and at the Village Office.

ACCEPT NANCI FREEDMAN'S RESIGNATION AND MAKE FIRST ANNOUNCEMENT OF A VACANCY ON THE ZONING BOARD OF APPEALS

The Village is in receipt of a letter from Nanci Freedman resigning from her position as a member of the Zoning Board of Appeals since being appointed to the Planning Board on April 21, 2003.

MOTION by McCleary, seconded by Woodrow, to accept the resignation of Nanci Freedman from the Village Zoning Board of Appeals.

Motion passed unanimously.

Deadline for applications to be submitted is 5:00 p.m., May 29, 2003

REVIEW AND CONSIDER ADOPTION OF THE 2003/2004 FISCAL YEAR VILLAGE OF BEVERLY HILLS BUDGET

MOTION by Pfeifer, seconded by Mooney.

Resolved to adopt the 2003/2004 Fiscal Year Village of Beverly Hills Budget.

The Village Council of Beverly Hills conducted a public hearing on the proposed 2003/2004 Fiscal Year Budget on May 5, 2003, and

Public comments have been heard and considered.

THEREFORE, BE IT RESOLVED THAT the 2003/2004 Fiscal Year Budget for the General Fund, Major Road Fund, Local Streets Fund, Drug Law Enforcement, Retiree Health Care, Vacation Reserve, Sick Leave and Water and Operating Fund in the following amounts be hereby adopted:

FUND NAME	REVENUES	APPROPRIATIONS
General Fund	\$ 5,979,649.00	\$ 5,979,649.00
Major Road Fund	\$ 546,257.00	\$ 546,257.00
Local Streets Fund	\$885,267.00	\$885,267.00
Drug Law Enforcement	\$5,700.00	\$5,700.00
Retiree Health Care	\$353,378.00	\$323,486.00
Vacation Reserve	\$1,200.00	\$00.00
Sick Leave Reserve	\$1,200.00	\$00.00
Water & Sewer Operating	\$3,167,122.00	\$3,167,122.00

Domzal commended Village Manager Murphy and his staff for a fine job on this year's budget especially during such difficult financial times.

It was suggested that the budget be available on the website.

Roll Call Vote:

Motion passed unanimously.

REVIEW AND CONSIDER APPROPRIATING FUNDS FOR THE 2003/2004 FISCAL YEAR VILLAGE OF BEVERLY HILLS BUDGET

Motion by Pfeifer, seconded by Domzal.

RESOLVED to appropriate funds for the 2003/2004 Beverly Hills Budget.

The Village Council of Beverly Hills has adopted its annual budget for its fiscal year beginning July 1, 2003 in accordance with State law and the Village 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, 2003 and ending June 30, 2004 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 unanimously.

REVIEW AND CONSIDER ADOPTION OF THE 2003 VILLAGE OF BEVERLY HILLS MILLAGE RATE

Motion by Pfeifer, seconded by Schmitt.

RESOLVED to adopt the 2003 Village of Beverly Hills Base Tax Rate Plus Additional Millage to Retire Debt.

The Village Council on May 5, 2003 adopted the 2003/2004 Village Budget, and

The Village Council must adopt a millage rate to be spread on the Village tax roll for 2003, and

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

The proposed 9.8075 mills for operating purposes for the General Fund and the Local Streets 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 2003 millage rate for the Village at 12.6588 mills and the 12.6588 millage rate is to be spread as follows:

General Fund.....	8.8075 mills
Road Fund.....	1.0000 mills
CSO Debt.....	0.8191 mills
Dedicated Millage.....	1.7967 mills
Park Dedicated Millage.....	0.2355 mills
Total Millage Rate	12.6588 mills

Roll Call Vote:
Motion passed unanimously.

REVIEW AND CONSIDER RESOLUTIONS TO ADOPT 2003/2004 RATE SCHEDULE FOR WATER CONSUMPTION AND SEWER

Pfeifer related that the water and sewer rates proposed for the 2003/04 fiscal year represent a 9.75% 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 September 1. The second phase will apply to bills mailed after October 1, and the third phase of the increase will apply to bills mailed after November 1, 2003. The reason for this is to assure that the rates charged coincide with the time the water is used.

Motion by Pfeifer, seconded by McCleary, 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	\$ 14.85 per 1000 cu ft
Sanitary Sewer O.M. & R	28.02 per 1000 cu ft
Sanitary Sewer Debt Service	<u>2.71</u> per 1000 cu ft
Total	\$ 45.58

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"	\$ 5.96	\$ 17.88
3/4"	8.95	26.85
1"	14.91	44.73
1-1/2"	32.80	98.40
2"	47.70	143.10
3"	86.46	259.38
4"	119.25	357.75
6"	178.88	536.64
8"	298.14	894.42
10"	407.39	1222.17
12"	477.02	1431.06

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	\$ 51.58
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Sewer Only

All sewer-only customers per quarter	\$ 105.86OMR
	<u>10.14</u> Debt Service
	\$ 116.00

Effective with all bills mailed after September 1, 2003 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	\$ 15.45 per 1000 cu ft
Sanitary Sewer O.M. & R	28.80 per 1000 cu ft
Sanitary Sewer Debt Service	<u>2.77</u> per 1000 cu ft
Total	\$ 47.02

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"	\$ 5.96	\$ 17.88
3/4"	8.95	26.85
1"	14.91	44.73
1-1/2"	32.80	98.40
2"	47.70	143.10
3"	86.46	259.38
4"	119.25	357.75
6"	178.88	536.64
8"	298.14	894.42
10"	407.39	1222.17
12"	477.02	1431.06

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	\$ 53.02
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Sewer Only

All sewer-only customers per quarter	\$ 105.86OMR
	<u>10.14</u> Debt Service
	\$ 116.00

Effective with all bills mailed after October 1, 2003 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	\$	16.04 per 1000 cu ft
Sanitary Sewer O.M. & R		29.57 per 1000 cu ft
Sanitary Sewer Debt Service		<u>2.83</u> per 1000 cu ft
Total	\$	48.44

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"	\$ 5.96	\$ 17.88
3/4"	8.95	26.85
1"	14.91	44.73
1-1/2"	32.80	98.40
2"	47.70	143.10
3"	86.46	259.38
4"	119.25	357.75
6"	178.88	536.64
8"	298.14	894.42
10"	407.39	1222.17
12"	477.02	1431.06

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	\$	54.44
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Sewer Only

All sewer-only customers per quarter	\$	105.86OMR
		<u>10.14</u> Debt Service
	\$	116.00

Effective with all bills mailed after November 1, 2003 and thereafter until changed.

Domzal commented that because water bills are getting so large, he would like to see a short presentation during a future Council meeting explaining the incoming and outgoing charges.

Roll Call Vote:

Motion passed unanimously.

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 41 OF THE MUNICIPAL CODE UNIFORM TRAFFIC CODE

Mooney conducted the first reading of a proposed ordinance to amend Chapter 41 of the Municipal Code for the Village of Beverly Hills by amending, in part, Chapter 41, Uniform Traffic Code. Village Attorney Ryan reported that the last time the Uniform Traffic Code (UTC) was adopted by the State of Michigan was 1982. Since that time, whenever changes have occurred to the Traffic Code, the Village has been required to pass a local ordinance updating the UTC. Now that the state has updated the entire Uniform Traffic Code, when future changes occur, the Village will be required to keep a copy of the change on file, but will not be required to pass a local ordinance. A complete copy of the proposed ordinance is available in the Village Clerk's office.

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 1 OF THE MUNICIPAL CODE COST RECOVERY/OPERATING UNDER THE INFLUENCE

Mooney conducted the first reading of a proposed ordinance to amend Chapter 1, Section 1.06 Penalties of the Municipal Code for the Village of Beverly Hills. Cost recovery is now allowed by state law to defray some costs of prosecution, police time, vehicle time, and testing (toxicology). This new state law allows cities, villages and townships to treat these expenses as reimbursable. The Village currently has a penalty clause that will be expanded by this ordinance. A complete copy of the proposed ordinance is available in the Village Clerk's office.

Sharon Tischler asked how these costs are going to be collected. Ryan responded that costs will be collected in the same manner as those costs that the Village is currently collecting.

REVIEW AND CONSIDER RESOLUTION REGARDING THE METROPOLITAN EXTENSION TELECOMMUNICATIONS RIGHTS-OF-WAY OVERSIGHT ACT

Pfeifer reported that this is a recently enacted law by the State of Michigan that allows the Village to recover costs for telecommunication installers. The former governor believed that the telecommunication industry should be given preferential treatment to provide freeflowing information and new technologies. The City of Birmingham recently had to pay a \$5,000 fine because they were allegedly too slow in responding to an application. The State felt it was not in the best interest to make telecommunication operators be subject to different regulations from different communities. This is the state's way of getting everybody to do the same thing. The state will collect the money from all the providers or the people doing business in the state and they will divide it up pro-rata. The purpose is to have the state do the regulating, not the local jurisdiction.

Motion by Pfeifer, seconded by Schmitt.

RESOLVED that the Village Council adopt the following resolution:

RIGHT-OF-WAY REGULATION

WHEREAS, the State of Michigan recently enacted the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002 (the “Act”); and

WHEREAS, the Act, among other things, provides for a uniform permit and permit fee for access to and use of the public rights-of-way by telecommunications providers; and

WHEREAS, the Act further provides, among other things, for a distribution of funds from the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority (the “Authority”), established pursuant to Section 3 of the Act, *provided* the Village takes certain action in compliance with the Act; and

WHEREAS, the Village has adopted this resolution for purposes of complying with the requirements of the Act, so as to ensure the Village qualifies for distributions from the Authority under the Act; and

WHEREAS, the Village desires to give additional instruction and direction to the Village Clerk and other Village personnel charged with implementing this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the Village Clerk is hereby authorized and directed to identify all telecommunications providers holding permits or authorizations issued by the Village (and, as part of that process, to compile a list of all telecommunication providers who have paid fees to the Village since 1990, all telecommunication providers identified in the Village’s engineering or construction permit files and all regulated inter-exchange carriers and competitive access providers listed on the web site of the Michigan Public Service Commission and all regulated local telephone companies licensed in Michigan listed on such web site);

FURTHER BE IT RESOLVED, that the Village Clerk is hereby authorized and directed to provide a copy of this resolution to the cable company(ies) providing service in the Village and to all telecommunications providers identified above, in satisfaction of the requirements of Section 13(4) of the Act; and

FURTHER BE IT RESOLVED, that the finance department of the Village is hereby directed to return to telecommunications providers, any checks or portion of checks received by the Village after November 1, 2002 (other than the \$500 application fee allowed under the Act and any fees or funds received from the Authority).

Roll call vote:
Motion passed unanimously.

PUBLIC COMMENTS

None

MANAGER’S REPORT

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

The annual Beverly Hills Garden Club Plant Sale is scheduled to take place on Saturday, May 17 at Beverly Park from 8:00 a.m. until 1:00 p.m.

Mooney asked about a lot of plastic garbage bags that are not being picked up on trash day. She asked for clarification of acceptable yard waste containers for this time of year. Murphy replied that from April to December, paper yard waste bags and cans with a “Beverly Hills Yard Waste” label can be used for disposing of compostable yard waste. Clear plastic bags can only be used during leaf season, which is October 13 – December 11 this year, for leaves only. Residents are encouraged to use paper bags and cans and eliminate the use of plastic bags due to the large expense of debagging at the transfer station. Beverly Hills is the only community that continues to use plastic bags for leaf disposal for the entire community in the fall.

Downey remarked that he read in the paper today that U.S. District Judge Feikens issued a formal order relative to a southeast Michigan consortium for water quality. He asked if this is an unexpected change in the management of the Rouge basin. Public Services Director Spallasso responded that it is primarily for the NPDES permit. Spallasso will be preparing a report for Council for the next meeting.

COUNCIL COMMENTS

In response to an inquiry from McCleary, Spallasso stated that the Coryell Estates under drains are complete and as soon as the weather stabilizes, the pavement work will be done. McCleary also stated that the next Zoning Board meeting is scheduled for Monday, May 12, 2003.

Mooney commented that the Beverly Hills Little League Opening Day went very well and thanked all of the volunteers for their participation.

Pfeifer said that the next Cable Board meeting will be held on Wednesday, May 21, 2003 at 7:45 a.m. in the Village Office. The next Birmingham Areas Seniors Coordinating Council will be held on Tuesday, May 20, 2003 at 1:30 p.m. at the BASCC office on Midvale in Birmingham.

Schmitt stated that last Friday, May 2, 2003, Vicky Pascaretti’s Beverly Elementary school 5th grade class planted a lot of native plants in Riverside Park. This was done through the leadership of Lillian Dean, Coordinator Southeastern Oakland County Water Authority Health Lawns and Gardens. A lot of buckthorn was also removed. Over \$2,000 in funding came from the West Beverly Homeowners Association for the planting.

For people who are coming to help clean up Beverly Park on Saturday, please bring a rake and gloves. The Lions Club will provide refreshments.

The Southfield Township Board of Trustees meeting will be held next Tuesday, May 13, 2003 at the Township Office beginning at 8:00 p.m.

Domzal remarked that the next Planning Board meeting will be held on Wednesday, May 14, 2003 joint with Council. The Southfield Road Corridor and 14 Mile Road Corridor will be on the agenda. The current planner, Birchler Arroyo, has been issued a letter terminating their contract as of May 31, 2003. He also commented that the Personnel Committee met last week to discuss personnel matters and conduct a job review with Brian Murphy. The Personnel Committee reports that they are very satisfied with Murphy’s performance and approved a 3% merit increase.

Woodrow commented, as did other council members, that the budget process went very well this year and complimented Murphy and Finance Director Wiszowaty on their hard work and effort.

Downey reported that the Lions Club performed cleanup along Lahser Road between 12 and 14 Mile Roads. He stated that the new Village signs are being installed and all should be installed by Memorial Day. The water tower on 14 Mile Road is going to be painted soon. A report from SEMCOG regarding Options for Local Government funding for Water Initiatives has been received and is very good.

MOTION by Mooney, seconded by Schmitt, to adjourn the meeting at 8:56 p.m.
Motion passed unanimously.

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk