

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

Absent: None

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

Motion carried.

PUBLIC COMMENTS

None

CONSENT AGENDA

Motion by Domzal, seconded by Schmitt, to approve the consent agenda as follows:

- a. Review and consider minutes of a regular Council meeting held on September 15, 2003.
- b. Review and consider minutes of a joint Parks and Recreation Board/Council meeting held on September 18, 2003.
- c. Review and file bills recapped as of Monday, September 22, 2003.
- d. Review and consider annual request from the National Multiple Sclerosis Society for use of Village sidewalks and Beverly Park during the MS Walk on Sunday, May 2.

Motion carried.

BUSINESS AGENDA

SECOND ANNOUNCEMENT OF VACANCY ON THE ZONING BOARD OF APPEALS

McCleary made the second announcement of a vacancy on the Zoning Board of Appeals with the term expiring on June 30, 2005. The deadline for receiving applications will be Wednesday, October 15, 2003 at 5:00 p.m. Applications are available at the Village offices or on the Village web site (www.villagebeverlyhills.com). A subcommittee of McCleary as chairperson, Schmitt and Woodrow will meet at 7:15 p.m. on Monday, October 20, 2003 to review applications and recommend a candidate for Council consideration.

AUTHORIZE PREPARATION OF COST ESTIMATE FOR PROPOSED STAFFORD SPECIAL ASSESSMENT DISTRICT

Motion by McCleary, seconded by Pfeifer.

Resolved to authorize preparation of engineering plans and specifications and cost estimates for proposed drainage improvements on Stafford Drive.

It was reviewed that the Village received and accepted a petition from property owners on Stafford Drive requesting drainage improvements within the public right-of-way. The petition submitted was conditioned upon the receipt of grant funds to defray the cost of the project. The Village has received formal approval of a \$100,000 grant from the Wayne County Department of Environment for this drainage work.

The next step is for Council to authorize administration to proceed with development plans and cost estimates. Spallasso anticipates that preliminary plans will be completed in approximately 30 days. A public hearing will be scheduled after the plans are received. Council comments and questions were addressed by Spallasso.

Sharon Tischler of 21415 Virmar Court questioned the advisability of proceeding with drainage improvements without paving the gravel road as part of the project. She was concerned that residents would be charged for additional drainage work if the road is paved in the future.

Spallasso responded that improvements that are made now will remain and will not have to be redone if Stafford residents decide to pave the road.

Roll Call Vote:

Motion carried (7 – 0).

SET PUBLIC HEARING DATE FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROPOSAL

A public hearing date was set for Monday, October 20, 2003 at 7:30 p.m. for review of the Community Development Block Grant proposal.

REVIEW AND CONSIDER PURCHASE OF BEACON BAR FOR PUBLIC SAFETY DEPARTMENT

The Public Safety Department purchased a new SUV patrol vehicle last year. The patrol beacon bar from the previous SUV was smaller in size than the bar needed to properly fit the new vehicle. Two vendors responded to invitations to quote on a beacon bar with the low bid being from Winder Police Equipment in the amount of \$2,232.60. The Public Safety Department Drug Forfeiture Account contains funds for this purchase.

Motion by Mooney, seconded by Woodrow.

Resolved that the Village of Beverly Hills Council award the purchase of one new Whelen Liberty LED beacon bar in the amount of \$2,232.60 from Winder Police Equipment. Funds are available for this purchase in Account #265-333-750.00; Enforcement Supplies.

Roll Call Vote:
Motion carried (7 – 0).

REFER REQUEST TO THE PLANNING BOARD FOR A LOT SPLIT AND LOT COMBINATION FOR VACANT LAND ON THE EAST SIDE OF LAHSER SOUTH OF 14 MILE ROAD, TAX ID 24-03-152-029

Before the Village for review and consideration is a request for a lot split and lot combination for vacant land on the east side of Lahser Road south of 14 Mile Road. Domzal explained that two adjacent property owners are proposing to split in half a large, undeveloped parcel abutting Lahser and to combine the parcels with their property.

Motion by Domzal, seconded by Mooney, to refer a request for lot split and lot combination for property on Lahser Road described as Tax ID #24-03-152-029 to the Planning Board for review and recommendation.

It was noted that there is a 45-day statutory requirement for Village review and consideration of a request for land division upon finding that the application is complete. This action will constitute acceptance of the completed application.

Motion carried.

DISCUSSION ITEM

CHARTER AMENDMENTS

Council has discussed the need for updating specific sections of the Village Charter. At the last Council meeting, Pfeifer proposed three Charter amendments for voter approval on the March 2004 ballot. Village Attorney Ryan has provided Council with suggested modifications to the Charter to address these items as well as footnotes that designate where State and Federal Law supercede the Charter. Those changes can be footnoted in the Charter without going before the electorate for approval.

The first Charter amendment proposed by Pfeifer will change the reference to Monday Council meetings in Sections 3.5, 6.1 and 8.5 to reference a regular Council meeting date.

Pfeifer also proposes a Charter amendment that would bring the Village in sync with State Law in terms of its tax collection date and penalties assessed for late taxes (Section 9.16). She related that there has been some confusion with Southfield Township's tax collection due date being September 14th while the Village taxes are due on August 31st. Pfeifer proposes changing the date that Village taxes are due to September 14th and changing the penalty for late taxes to mirror State Law, which stipulates 1% per month cumulative penalty. The Village currently charges a 4% penalty for taxes received past the due date, which Pfeifer considers punitive.

Ryan remarked that it is Council's decision to change the tax collection due date and penalty, but noted that other municipalities apply the local option of an August 31st due date and a 4% penalty for late payment.

The Charter states that all purchases in excess of \$1,000 shall be first approved by the Council and formal sealed bids shall be called for. Pfeifer proposes to change the \$1,000 limitation for Village expenditures without prior approval of the Council and sealed bids to a percentage of the General Fund budget. She suggests using .0015 if the State statute cap is \$20,000 or .0010 if the State cap is less. Ryan will verify the State statute figure. It was noted that .001% applied to the Village's current \$6 million budget would allow an expenditure by department heads of \$6,000 without prior Council approval.

Schmitt proposed additional Charter amendments. Section 4.5, Duties of the Clerk, requires the Clerk to attend all Council meetings. This section also states that the Clerk shall be the general accountant of the Village, audit all accounts, receive money and be in charge of all disbursements. The section should be modified to reflect current practices.

Section 6.1 states, "If any time set for the holding of a regular meeting of the Council shall be a holiday then such regular meeting shall be held on the next secular day which is not a holiday." Schmitt suggests that this wording be changed to indicate that Council shall set the meeting day.

Section 6.7 (c) states that a unanimous consent of Council is required in order for Council members to recuse themselves due to a conflict of interest. Schmitt thinks that a person should be able to recuse him or herself without a vote of Council.

Ryan interjected that it is typical parliamentary procedure under Roberts Rules of Order for the body to excuse the person. He would advise Council not to change this provision. It is the obligation of the person who feels he has a conflict to convince the other members to allow him to recuse himself.

Schmitt agreed with updating the \$1,000 limitation for purchases prior to Council approval, but suggests that the dollar amount be set by Council rather than using a specific percentage.

Domzal suggested that Council decide how many Charter amendments to propose and proceed with the process of placing them on the ballot for the March election. He would favor proceeding with an amendment on the meeting dates and the purchasing limit. Domzal prefers that the Charter amendment establish a percentage of the General Fund budget as a purchase amount that cannot be exceeded without Council approval and the amount calling for sealed bids.

Ryan outlined the process for placing a proposal on the ballot. State Law requires a two-thirds vote of the legislative body of the Village to approve ballot language. If ballot language is approved by a super majority of Council, that language will be published and will sit on the table for a 30 day period. It will come back to Council to be voted on again at a regularly scheduled Council meeting. If two-thirds of the Council members vote to place the language on the ballot, it will go to the Governor for approval. If approved by the Governor, the proposal will be placed on the March 2004 ballot. Ryan suggests that the final language for Charter amendments be approved by Council in November.

Woodrow and McCleary agreed with the proceeding three Charter amendments proposed by Pfeifer. Mooney concurred but would consider a fourth Charter amendment.

Downey suggested not placing more than four Charter amendments on the ballot. He favors amendments dealing with the spending limit, Council meeting day, tax collection and penalty, and possibly a fourth amendment. He agreed that the Charter Section on the Duties of the Clerk is outdated.

Sharon Tischler of 21415 Virmar Court referred to the proposed amendment to change the limitation for expenditures without prior Council approval. She made the point that going out for bids is perceived by residents as Council attempting to obtain the best price for an item. She commented on the pros and cons of the amendment proposed to change the date when taxes are due and the formula for computing penalties for late taxes.

Motion by Pfeifer, seconded by McCleary, to direct the Village Attorney to draft language to amend the following sections of the Village Charter and to footnote the Charter where State and Federal Law supercede.

1. Section 3.5, Section 6.1, and Section 8.5 to reference regular Council meeting dates rather than a specific day.
2. Section 9.16 to reflect State Law in terms of when taxes are due and penalties assessed for late taxes.
3. Section 12.1 to change the \$1,000 limitation for Village expenditures without prior approval of Council and sealed bids to a percentage of the General Fund budget (.0015 if State statute cap is \$20,000 or .0010 if cap is less).

Motion by Schmitt, seconded by Mooney, to amend the motion to direct the Village Attorney to prepare alternate language to Section 12.1 that provides for the spending limitation to be determined by Council.

There was discussion on the motion. This action directs Ryan to prepare two versions of the language amending Section 12.1 while Council determines where its super majority lies.

Roll Call Vote on amendment:

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

Motion carried (5 – 2).

Motion by Schmitt, seconded by Domzal, to amend the motion to request the Village Attorney to draft language for two additional Charter amendments:

1. Update Section 4.5 Duties of the Clerk
2. Change Section 6.1, Regular Meetings, to allow Council to set the date of a meeting when a regular Council meeting date falls on a holiday.

Council discussed the amendment.

Roll Call Vote on amendment:

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

Motion fails (5 – 2).

Ryan indicated that the first portion of Section 12.1 sets a limitation for purchasing without Council approval. The proposed amendment will set this amount as a percentage of the General Fund or a dollar amount to be set by Council. Ryan does not think the Schmitt amendment is necessary because it is already covered in Section 12.1.

The last sentence of Section 12.1 states, “The Council may by ordinance establish detailed purchasing, sale and contract procedures not inconsistent with this Charter.” This wording could be amended to require a resolution rather than an ordinance that would allow Council to establish purchasing procedures and guidelines. Council has had this option, but it has not been exercised.

Roll Call Vote on amended motion:

Motion carried (7 – 0).

PUBLIC COMMENTS

None

REPORTS

MANAGER

Murphy stated that leaf collection season begins on Monday, October 13th. Residents may place leaves in clear plastic bags through December 11th. Residents are asked to consider using brown paper yard waste bags instead of plastic in an effort to help reduce processing costs. Other yard waste must still be placed in garbage cans clearly marked as yard waste or in brown paper bags.

As a reminder, the joint Council/Planning Board meeting is scheduled for Wednesday, October 8th in the Village Council Chambers. The Village offices are closed on Monday, October 13th in observance of Columbus Day.

Schmitt asked for an update on the SOCWA (Southeastern Oakland County Water Authority) challenge to rates charged by the Detroit Water and Sewerage Department. Spallasso responded that a study commissioned by the Oakland County Drain Commissioner addresses overcharges to Oakland County communities for water and sewer services. This report will be a topic of discussion at a SOCWA meeting that he will attend tomorrow. It has been suggested that the Detroit Water and Sewer Department be given an opportunity to respond to the findings of the report.

Mooney recalled that it was the consensus of Council not to proceed with the second reading of a proposed landlord/tenant ordinance. She noted that there seemed to be a consensus to proceed with identifying the rental properties in the Village. Murphy responded that Stan Pasieka will be researching this matter and will report back to Council before the end of the year.

COUNCIL

Mooney stated that she is troubled with trash and sludge coming in from Canada to landfills in Michigan. She posed questions about adequate restrictions on this practice. Mooney would like to know what surrounding communities are doing and if there is anything that can be done to oppose this.

Mooney thanked the Public Safety Department for monitoring the intersection at Groves High School today while over 200 students and community members participated in a 5K run with proceeds benefiting COTS, The Committee on Temporary Shelter.

Pfeifer announced that the Birmingham Area Cable Board will meet in the Council Chambers on Wednesday, October 15 at 7:45 a.m. She advised residents to look for information on channel line-up changes in their cable bills. Pfeifer will represent the Village at the Birmingham Area Seniors Coordinating Council Board meeting to be held on Tuesday, October 21st.

Pfeifer distributed a report to Council summarizing information she received at the Michigan Municipal League annual convention held two weeks ago. She also provided Council members with a handout containing basic parliamentary information. Pfeifer thinks there would be value in having certified parliamentarian Coco Siewart offer a seminar on parliamentary procedure to Council and Village Board members at some point in the future.

Domzal shared several observations after attending the Michigan Municipal League convention. There are very few villages left in the state of Michigan. The Village should consider updating its flag. People in southeastern Michigan like the new Village entrance signs. Beverly Hills has limited recognition out of state. Domzal observed that the problems in the Village are relatively small, and he thinks that it is probably better in this economic climate to be small.

Domzal stated that the Personnel Committee met this evening to discuss the Strategic Planning Development Committee process. The Personnel Committee reviewed 44 outstanding

applications to fill 15-20 positions on the core group. Final decisions were not made. There will be a role for all applicants to participate in the strategic planning process. The Village will be sending a letter to each applicant advising them of an orientation session on October 21 at 7:30 p.m. to talk about the planning process and function of the core team. We look forward to continuing the process.

Downey reported that Oakland County Drain Commissioner John McCullough attended a recent meeting of the Rouge Green Corridor group to discuss the study commissioned to delve into rates charged to sewer and water customers of the Detroit Water and Sewerage Department. Everyone is waiting for a response from Detroit.

A Council study session is tentatively scheduled for Monday, November 10 to discuss Council priorities and strategies.

Downey commented that administration will be talking to Groves High School about communicating with the Village relative to the use of its streets for events such as the recent 5K run to benefit COTS. The Beverly Hills Public Safety Department helped to make this a safe event.

Downey has observed speeding in the area of Groves High School during the lunch hours. He asked the Public Safety Department to monitor this situation.

The October 1, 2003 issue of the Birmingham-Bloomfield Eagle mentioned that the City of Birmingham has won an award for its “green men” program. These are child-size green figures with an orange flag that are placed near the street to warn motorists to drive slowly in these areas. Birmingham residents can request these green men from the police department.

Downey urged people who run at dawn or dusk to please be cautious and wear reflective clothing.

Motion by Pfeifer, seconded by Woodrow, to adjourn the meeting at 9:04 p.m.

Motion carried.

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary