

Present: Council President Domzal; President Pro-Tem Woodrow; Members: Koss, McCleary, Pfeifer and Taylor

Absent: Downey

Also Present: Village Manager, Spallasso
Assistant to the Manager, Pasieka
Village Clerk, Marshall
Village Attorney, Ryan
Finance Director, Wiszowaty

President Domzal called the meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Pfeifer, second by McCleary, to approve the agenda as published.

Motion passed (6 – 0).

CONSENT AGENDA

Motion by Pfeifer, second by McCleary, to approve the consent agenda as follows:

- a. Review and consider minutes of a special Council meeting held on October 26, 2004
- b. Review and consider minutes of a regular Council meeting held on November 1, 2004.
- c. Review and file bills recapped as of Monday, November 15, 2004.

Motion passed (6 - 0).

BUSINESS AGENDA

PRESENTATION OF THE 2004 BEAUTIFICATION AWARDS

The Beautification Committee of the Village recognizes and honors property owners for their contribution in making Beverly Hills a more beautiful place in which to live. The Beautification Committee had the difficult job of selecting 10 winners from the 35 entries received this year. Council member Taylor presented the 2004 Beautification Award Certificates and a gift of a Pewabic pottery tile to the following:

Chris and Mary Henige
21769 Hampton

James and Dorothy Marble
17816 Locherbie

Medical Village (Pat Timlin)
31815 Southfield

Mark and Debra Hammel
32430 Evergreen

Calvin and Robina Hall
32031 Sheridan

Dr. Maureen Kelly
18555 Devonshire

John and Liz Kemp
21200 Smallwood

Mike and Claudia Cenko
31905 Eastlady

The Kassab Family
20600 Smallwood

Michael and Molly Henneghan
18321 Riverside

Audience members applauded the recipients. Domzal remarked that he joins Council in recognizing all of the individuals who take such outstanding care of their homes.

PUBLIC HEARING – SCHEDULING THE VILLAGE REGULAR ELECTION DATE FOR SEPTEMBER OF ODD YEARS

The Village has been impacted by the new State of Michigan Election Consolidation legislation in that it will no longer be able to hold elections in March. State law requires that a public hearing be held on the issue of scheduling a regular Village election date.

Pfeifer explained that the Village has two options in terms of scheduling elections. Council could pass a resolution to hold its own elections in September of odd number years. If that resolution fails or Council takes no action, Village elections will be held in November of even years and will be conducted by the Township.

Pfeifer remarked that the Village could initially opt for the September election date but adopt a resolution after December 31, 2004 to change to a November even-year election with the Township running the election. Once the legislative body adopts a resolution to hold elections in November, it cannot select the September date according to the election law.

Pfeifer explained that the election legislation requires that no term of office may be shortened; terms can only be extended past their original expiration date until the next regularly scheduled election. The next odd-year regularly scheduled election would be in September of 2005; the next regularly scheduled election in November of even years would be in 2006.

There are cost savings to be realized if the Township conducts the Village election in November. Beverly Hills will also save money by conducting elections in September of odd years because the Village will be limited to biennial elections.

Council may set its election date by adopting a resolution before December 31, 2004.

Ryan informed Council that the Michigan Election Law allows Council to set the terms of office in its resolution. Council terms are currently two years with staggered terms so that three seats expire in one election and four seats expire in the following election. The new law requires that the terms not be longer than four years. Rather than having seven Council members running for election in the same year, Council can take action to have staggered four year terms.

Domzal declared the public hearing open at 7:42 p.m. on the Village Election date.

Sharon Tischler of 21415 Virmar Court, Southfield Township Clerk, related that there would be no cost to the Village if its regular elections were held in November with the Township running the election. The only expense that could be incurred is a County canvass of the results of the election to certify a Village issue or candidates.

Tischler understands that there was some concern that Village candidates and ballot questions would be located on the back or bottom of the ballot in a national election. She remarked that Township candidates and ballot questions were located on the back of the recent presidential election ballot, and there was substantial participation in voting on those particular issues. Tischler believes that people participate no matter where the issues are located on the ballot when they are interested in voting on a particular topic. She reminded Council that it has talked about cost sharing of services with other municipalities.

The following residents spoke in favor of having the Township hold Village elections in November in conjunction with gubernatorial and presidential elections. Reasons cited were cost savings and the likelihood of a greater voter turnout.

Art Liberty	20850 W. Thirteen Mile Road
Ralph Lohrengal	18346 Beverly Road
Randy Munguia	31736 South Verona
Rose McLennan	19977 Sunnyslope

In response to a question from Pam Rijnovean of 32420 Evergreen, it was noted that the cost of the Village election is approximately \$3,000.

No one else wished to be heard; therefore, the public hearing was closed at 7:56 p.m.

Koss explained that she supports the resolution to hold Village elections in September of even years. Her rationale was that the people elected her for two years, and a November election date would extend her term of office until 2008. Choosing a September election would allow Council members who would have been up for re-election in March of 2005 to have their terms extended until September of 2005 instead of November of 2006. After the September election, Council has the option to change Village elections to the November date and hold an election in November of 2006. Council terms would be closer to their intended tenure.

Woodrow commented that he is more concerned with term length than a September or November election date. He would prefer four-year staggered terms to having two-year terms with the potential of having all freshman council members every two years.

Taylor commented on the issues of local control and cost savings and related that he is compelled to support November elections.

McCleary commented on the high turnout of voters in Southfield Township for the recent November election. He thinks that Council should pass the resolution to hold Village Elections

in September of 2005 in order to adjust the terms of Council and then move the election date to November in 2006.

Domzal stated that this is a difficult decision in that there is the issue of self-determination versus cost savings. The Legislature was attempting to consolidate elections to reduce costs and make them less demanding on the voters. Domzal is prepared to vote for September elections with a proviso that Council will take a look at the issue of going to November elections in 2006. Suggestions on how to stagger a four-year term will be a topic of discussion at a later time.

Pfeifer commented that she is passionate about preserving the Village's self-determination and autonomy. If Council decides on September odd-year elections, the Village has the option of changing to November elections at a later date.

REVIEW AND CONSIDER RESOLUTION TO SCHEDULE THE VILLAGE'S REGULAR ELECTION ON THE FIRST TUESDAY AFTER THE SECOND MONDAY IN SEPTEMBER OF ODD NUMBER YEARS

Motion by Pfeifer, second by McCleary, to adopt the following Resolution.

**RESOLUTION
VILLAGE OF BEVERLY HILLS**

WHEREAS:

1. Public Acts 286-300 of 2004 have made comprehensive changes to Michigan Election Law.
2. The Acts provide that all elections shall be held on four regular election dates which occur in February, May, August and November except for a special election called by the Governor or the Legislature.
3. The Acts provide that the election for village offices shall be held at the even-year November election date to be conducted by the township.
4. The Acts further provide, however, that a village may make a one-time choice for an alternate date for village regular elections to be held at the September primary election held in odd years. If the alternate date is chosen by the village, the village clerk shall conduct the election. 2004 PA 292 (MCL 168.642) prescribes the method for passage of the resolution including the requirement of holding a public hearing.
5. The Village of Beverly Hills desires to hold its regular election for village offices at the September primary election held in odd years, such election to be conducted by the village clerk.

THEREFORE:

The Village of Beverly Hills resolves to hold its regular election for village offices at the September primary election held in odd years.

The Village of Beverly Hills further resolves that the village clerk shall conduct the election.

Hildreth Buterbaugh of 18171 Dunblaine stated that the fact that Beverly Hills conducts its own elections might have some bearing on whether people feel the Village is qualified to become a city if that is a future consideration. It seems that the Village already does pretty much everything that a city does with the exception of collecting school taxes.

Ryan commented that it is his understanding that the villages of Bingham Farms and Franklin have also opted to go with September elections and conduct their own elections at least initially. The scenario being considered by Council provides the most options.

It was the consensus of Council that it will discuss the topic of Village Elections and terms of office in the first quarter of 2005.

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

Domzal thanked Council member Pfeifer and Village Clerk Marshall for their assistance in compiling and preparing information on this topic.

SECOND ANNOUNCEMENT OF VACANCY ON THE CABLE BOARD

Pfeifer made the second announcement of a vacancy on the Birmingham Area Cable Board created by the resignation of Grant Pinkos. Interested residents are encouraged to submit an application for a position that has a term that will expire on June 30, 2006. Pfeifer noted that the Cable Board currently meets on the third Wednesday of each month at 7:45 a.m., but the meeting time is under review.

The deadline for accepting applications will be Wednesday, November 24, 2004 at 5:00 p.m. A subcommittee of Pfeifer as chair, Downey and Koss will meet prior to the next Council meeting at 6:45 p.m. on Tuesday, December 7 to review applications and consider its recommendation for an appointment.

SECOND READING AND ADOPTION OF ORDINANCE 319 TO AMEND CHAPTER 7 WATER SERVICES OF THE VILLAGE MUNICIPAL CODE

A first reading of the proposed ordinance was held at the November 1, 2004 Council meeting with a second reading and adoption scheduled for this meeting. Sections of Chapter 7 of the Municipal Code regarding Water Service refer to specific dollar amounts for fees to be charged for various services or permits that the Village offers or requires. It is being recommended that reference to dollar amounts for services or permits be removed and replaced with “as determined from time to time by Council Resolution” and that such fees be placed on the

Village Schedule of Fees. Updating these fees will result in more efficient operation by the water department and also help to cover costs incurred for providing various services.

Section 7.05(e) Water Meters – Remove \$4 charge and change to “as determined from time to time by Council Resolution”. Subsection (n) – Remove \$1.00 charge to set a meter and replace with “as determined from time to time by Council Resolution”.

In Section 7.06(e) Water Service Connections – Remove \$30 to install a new water service, and replace with “as determined from time to time by Council resolution”.

Section 7.07(d) Water Rates and Payment – Remove \$1.00 cost to have water shut off or turned back on in the event a customer has failed to pay their water bill and replace with “as determined from time to time by Council Resolution”.

Section 7.15(a) Air Conditioning Use – Remove fee of \$5 and replace with “as determined from time to time by Council Resolution”.

Motion by McCleary, second by Woodrow, to adopt Ordinance No. 319 amending Chapter 7 Water Services of the Municipal Code.

A copy of Ordinance No. 319 is on file for public review at the Village offices and will be published in the Eccentric newspaper.

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

REVIEW AND CONSIDER AMENDMENT TO VILLAGE SCHEDULE OF FEES

With the passage of Ordinance No. 319, several fees charged by the Village for services or permits were removed from Chapter 7 and will be placed on the Village Schedule of Fees. Since the fee schedule was adopted in July of 2004, two other items have been identified as needing updating. It is recommended that the fee charged for a copy of the Zoning Ordinance be changed to \$15 to more accurately reflect costs and that a fee for producing Village addresses on mailing labels be established at two cents per label. Pfeifer reviewed the entire Schedule of Fees.

Motion by Pfeifer, second by McCleary, to amend the Schedule of Fees for the Village of Beverly Hills to add printing mailing labels (\$0.02), set water meter (\$45), water meter test (pass through cost from SLC), no show fee for scheduled appointment (\$45), turn off/turn on water for unpaid account balance (\$45) and amend Zoning Ordinance fee (revise from \$7 to \$15).

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

REVIEW AND CONSIDER RENEWAL/EXTENSION OF CONTRACT WITH ENTERPRISE COMPUTER

The Village of Beverly Hills is in receipt of a proposal from Enterprise Computer Solutions, Inc. in the amount of \$2,400.00 to renew the Village's contract for pre-paid computer services. This proposal provides for continuation of computer support services with no increase in the hourly rate. The firm has performed to the Village's expectations. Robert Ferkel from Enterprise Computer Solutions has been working closely with Village staff on the creation of the new Village web site and has not charged staff for online support or telephone support.

Motion by Pfeifer, second by McCleary, that the Village of Beverly Hills Council awards the purchase of a pre-paid service contract from Enterprise Computer Solutions, Inc. in the amount of \$2,400.00. Funds are available for this purchase in Account 100-900-976.00.

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

REVIEW AND CONSIDER TRAFFIC LIGHT AT DUNBLAINE AND SOUTHFIELD ROADS

The removal of the traffic signal at Dunblaine and Southfield Road during the Acacia relief sewer construction has generated a large response from residents. The signal was not reinstalled at the recommendation of the Road Commission for Oakland County because there was a question about whether the intersection met the warrants for a traffic signal at that location. Residents have signed petitions asking for the reinstatement of the traffic light and school crossing at the intersection of Southfield Road and Dunblaine on the basis that this traffic controlled intersection has provided for increased mobility and safety for the children and adults of Beverly Hills and for Oakland County residents at large.

The Road Commission has undertaken a review and issued a report on the reinstallation of the traffic signal, the timing and progression of the signals on this section of Southfield Road, and the appropriateness of the existing 45 MPH speed limit. In summary, the Road Commission will install the traffic signal if the Village is willing to pay for the cost of reinstalling the signal; the signal timing including progression is appropriate; and, based on a radar speed study, the existing 45 MPH speed limit is appropriate.

If it is Council's decision to reinstall the signal, the cost will be charged to the Acacia Park Sewer Relief Project since the removal was necessary due to the construction. The cost to the Village will be 70.21% of the total costs or \$35,526.55. The City of Birmingham has verbally agreed to participate in this project at 29.79% of the total cost or \$15,073.87. The Road Commission has agreed to 50% participation in the operation and maintenance costs of the signal.

Motion by McCleary, second by Koss.

Be it resolved that the Village in conjunction with Oakland County Road Commission reinstall a traffic signal at the intersection of Southfield and Dunblaine with the necessary funds to be allocated from the Acacia Drain project;

Be it further resolved that the Village will complete the necessary improvements at the crosswalk at the Southfield/Dunblaine intersection to increase the safety of pedestrian traffic on the north and south for a complete crosswalk;

Be it further resolved that the Village will continue to enforce traffic codes along Southfield Road, particularly in regard to posted speed limits;

Be it further resolved that the Road Commission is hereby requested to monitor and to take appropriate steps as needed to improve the timing of traffic signals along Southfield Road to further increase pedestrian and vehicle safety;

Be it further resolved that a copy of this Resolution be forwarded to the Road Commission for Oakland County;

Be it further resolved to authorize the Village Manager to sign the cost agreement with the Road Commission for Oakland County.

Domzal opened the floor for comments from the public. Ralph Lohrengal of 18346 Beverly Road suggested that people cross Southfield Road at Beverly and not at Dunblaine. McCleary responded with an explanation of the Birmingham school bus route.

Koss voiced her support of reinstalling the Dunblaine light.

Pfeifer commented that the Traffic Improvement Association of Oakland County is staffed by professionals who are concerned about moving traffic and traffic safety and who are acting in our best interests. The TIA maintains that the Dunblaine intersection does not meet warrants for a traffic signal. Pfeifer has reviewed the petitions and has talked to people in that area.

As a representative of the people, Pfeifer feels an obligation to meet the desire of those area residents. However, she is concerned with safety issues at this intersection. There are people who run that light. She will support reinstallation of the traffic signal but urges the Public Safety Department to monitor the speed along that portion of Southfield Road. She asked residents in the area to use that signal with great caution.

Woodrow expressed disappointment that the Village has not received a proper study from the Road Commission to determine whether the signal at Dunblaine is necessary. Another problem is the cost of reinstalling the signal plus other improvements connected with the project. The motion says that the Village will undertake necessary improvements to the crosswalk at Southfield and Dunblaine intersection to increase safety of pedestrian traffic. Woodrow stated that he cannot support something without a proper plan and projected costs for intersection improvements.

Spallasso stated that the necessary improvements for that intersection will include providing pedestrian access to the intersection when the signal is operating for pedestrian crossing. The cost will be approximately \$4,000.

Taylor understands that there is a safety issue and the pulse in the Village is strong for reinstalling the Dunblaine traffic signal. He is struggling with the cost issue, but will support the resolution to install the signal.

Domzal stated that this is a difficult issue for Council. It is being asked to authorize the expenditure of approximately \$40,000 for this project when the Road Commission is saying that it is really not a necessary expenditure. There are two issues here – reinstallation of the signal and what is fair in terms of funding the project. Domzal noted that the traffic crossing guard in that location for many years contends that the signal would increase safety for children. He will vote for this on the basis that it is a unique situation.

Roll Call Vote:

Pfeifer	- yes
Taylor	- yes
Woodrow	- no
Domzal	- yes
Koss	- yes
McCleary	- yes

Motion passed (5 – 1).

PUBLIC COMMENTS

Kathleen Berwick of 31381 Kennoway Court referred to a comment made at a recent Zoning Board of Appeals meeting by a petitioner’s attorney who stated that the resident is within his rights to remove all the trees from his property. Berwick expressed the view that it is imperative that Beverly Hills adopt a tree ordinance immediately.

Richard Marsh of 32344 Mayfair stated that he attended the November 8, 2004 Zoning Board of Appeals meeting where the Mayfair case ended up in a 4/4 tie of the Zoning Board. He understands that the Circuit Court remanded the case back to the ZBA for a majority decision.

Ryan stated that this will remain a Zoning Board of Appeals matter. The case was tabled and will come back before the Zoning Board. It may be necessary to appoint an alternate member of the Board to reach a majority decision because one member has been recused from voting on the Mayfair case. An amendment to the Village Ordinance may be required to allow Council to appoint up to two alternate members of the Zoning Board of Appeals.

W. A. Zimmerman of 22191 Camelot Court presented a “Freedom of Information Act” request for information on Comcast rates for cable television and broadband services offered Village residents. He handed his request to the Village Clerk.

At the inquiry of Sharon Tischler of 21415 Virmar Court, Spallasso responded that the Road Commission agreed to pick up 50% of the operation and maintenance costs of the signal at Dunblaine and Southfield Roads. The proposed traffic light will be an up-to-standard signal like the others along Southfield Road.

Bunker Kelly of 21526 Corsaut commented that he thinks that Council did the right thing in approving the reinstallation of the traffic signal on Southfield at Dunblaine. Kelly commented that residents have been striving to get answers on water and sewer rates and expenses. He was pleased to see Council addressing changes in rates at tonight's meeting. Kelly hopes that Council will be as clear and concise in explaining questionable expenses and overcharges within the water and sewer budget.

REPORTS – MANAGER

Spallasso reported that the tree planting program is progressing and the Village's timing obligation will be met.

The Village office will be closed next Thursday and Friday, November 25 and 26 for the Thanksgiving holiday. Thursday's trash will be picked up on Friday next week.

The Strategic Planning Development Committee will meet in the Village municipal building on Tuesday, November 30 from 7:00 to 9:00 pm. The next regular Council meeting is scheduled for three weeks from today on December 7.

COUNCIL

Woodrow stated that he hopes that terms of election will be a foremost topic the next time Council discusses Village Elections.

Pfeifer stated that the Birmingham Area Cable Board will meet tomorrow morning, November 17 at 7:45 a.m. in the Council chamber.

Koss expressed concern about the recurring issue and questions about Village water and sewer rates. She understands that the current methodology being used is one of several that has been used throughout Michigan to calculate water and sewer rates. It is not the methodology provided by the MDEQ that was used by the Village in past years.

The current methodology for computing water rates has resulted in additional money being collected. Koss was advised that these additional funds have gone directly into a sewer enterprise fund designated to be used strictly for current and future water and sewer issues that arise in the Village. It is also her understanding that, when the water and sewer rate comes before Council again for review, the Village will revert back to the MDEQ methodology used in the past. These discussions will be held at a Council meeting and at budget study sessions. Koss personally apologized to Village residents for her role in any misunderstanding on this topic.

McCleary commented that Council has learned from information received about the methodology used to factor water and sewer rates. The method used was correct but resulted in a slight increase in the Water and Sewer Fund. The funds will remain in that fund.

The November Parks and Recreation Board meeting was cancelled. The Board will meet in December.

Taylor congratulated those who received beautification awards for their property. He wished everyone a Happy Thanksgiving.

Domzal commented that he and Spallasso attended a meeting recently that involved a presentation by the City of Southfield Economic Development group and conversation about a vision for the city. The group decided several years ago that Southfield was not going to be a failed community and that they were going to promote increases in property values. Domzal stated that he is bringing this up because he was struck by the fact that Beverly Hills needs a good vision statement that says what we are about and what is important to us. He hopes that, after the report is received from the Strategic Planning Committee in January of next year, the Village can take a look at where it is going and what is important to the community.

The Pension Board will make a presentation to Council and the public at the next Council meeting on December 7. Domzal wished everyone a Happy Thanksgiving.

Motion by Pfeifer, second by Taylor, to adjourn the meeting at 9:12 p.m.

Motion passed.

Dave Domzal
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary