

Present: President Kennedy; President Pro-Tem Buterbaugh; Members: Craig, Lison, Mooney, and Worrell

Absent: Walsh

Also present: Village Manager, Hanlin  
Public Services Director, Spallasso  
Village Clerk, Marshall  
Village Attorney, Ryan  
Finance Director, Wiszowaty  
Director of Public Safety, Woodard  
Village Building Official, Byrwa

President Kennedy presided and called the meeting to order at 7:45 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

**APPROVE MINUTES OF A REGULAR COUNCIL MEETING HELD ON MONDAY, JANUARY 4, 1999**

MOTION by Mooney, supported by Lison, that the minutes of a regular Council meeting held on Monday, January 4, 1999 be approved as submitted.

Motion passes unanimously.

**PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA**

Norman Rubin of 31020 Rivers Edge Court commented on the excellent snow removal service that Chuck Comeau and staff provided to the River's Edge court area. Comeau was extremely responsive to the problem of snow along the curb and the inability to receive mail.

Rubin remarked that the issue of sidewalks on major roads can be compared to the bike path issue of the 1980's. The conventional thinking is to build sidewalks along the mile roads. Ruben is asking Council not to burden the people who live on the mile roads with sidewalks when they already bear the burden of heavy traffic. He suggested that Council consider doing something creative like moving them off the mile roads.

**PRESENTATION OF VILLAGE FLAG TO BETH WRIGHT**

Beth Wright was the winner of a contest held by the Council for the design of a Village flag. Mooney asked Beth Wright to step to the podium where he presented her, on behalf of Council, with a Village flag. He thanked her parents, Jeff and Victoria Wright, for raising this fine young lady. Ms. Wright said a few words in appreciation.

**APPROVAL OF RESOLUTION FROM THE CABLECASTING BOARD AND STATUS OF NEGOTIATIONS WITH MEDIAONE**

Buterbaugh introduced two members of the Cablecasting Board who represent the Village of Beverly Hills, Brian Janks and Bob Borgon.

Brian Janks of 18281 Riverside Drive stated that the Cablecasting Board at its October meeting passed a resolution to invoke the formal process which would require the cable company to submit a formal proposal for franchise renewal in writing by a specified date. This action was taken due to concern by the negotiating committee with the progress of negotiations on the informal track. It does not preclude the ability of the parties to continue with informal negotiations.

Janks outlined the action required when a local franchising authority receives a formal proposal for renewal from a current cable franchisee. There must be prompt public notice upon receipt of a formal proposal for franchise renewal. Notice was published in the Eccentric newspaper advising the public where the document is available for public review.

If the informal negotiations are not concluded within a four month time frame which begins on the date of submission of the proposal, each municipality must pass a resolution stating that the franchise should not be renewed based on the preliminary assessment of the proposal. This resolution has to be passed prior to April 1, 1999. The next action would be to commence an administrative proceeding to consider whether the operator has satisfied the criteria or standards for renewal set forth in the Cable Act.

RESOLVED by Buterbaugh, supported by Mooney, that the Village of Beverly Hills Council ratify the resolution passed by the Birmingham Area Cablecasting Board at its December 16, 1998 meeting regarding Formal Proposal from MediaOne for Franchise Renewal.

1. RESOLVED, that in order to protect the position of the Board's member communities under the renewal provisions of Sections 626 of the 1984 Cable Act, as amended, the Board and its member communities treat MediaOne's submission of its formal proposal for franchise renewal as having been timely filed; FURTHER RESOLVED, however, that the foregoing resolution be without prejudice to the right of the Board on behalf of its member communities to claim that MediaOne's submission was not in fact timely filed and that all rights derived from such claim be reserved.

2. RESOLVED, that public notice of MediaOne's formal proposal be given by publication in a newspaper of general circulation within the consortium area announcing the submission of the proposal and that copies of the same be made available for viewing and copying at the offices of each of the Board's member communities when the additional copies of the proposal requested by the Board, which copies have been promised by MediaOne, have been furnished by the Company.

3. RESOLVED, that the Board recommend that each of its member communities ratify the foregoing resolutions.

Kennedy referred to a letter dated December 17, 1998 from Kathryn Hagaman, Administrator of the Cablecasting Board, and noted that copies of the letter were received by Council members on the Friday before this meeting. At Council's inquiry, Janks stated that the other consortium communities of Birmingham, Bingham Farms and Franklin have ratified the December 16 resolution of the Board.

Council members had questions about the status of negotiations. It was noted that the Chair of the Cablecasting Board advised Council last fall that the negotiating committee was very close to a resolution of the franchise agreement.

Janks stated that the negotiating committee is proceeding on the informal track even though the formal process has been initiated by the Board. The rebuild of the cable system by MediaOne continues and has been progressing. Subscribers within Beverly Hills will start to receive the new service by late February and everyone in the consortium should have the new service by April. Janks stated that the funding of Public, Educational, and Government (PEG) Access is the remaining issue that separates the negotiating parties. He remarked that most of the community is not going to see any difference in service on the day the new franchise is signed. They will have already have received the new channels.

Mooney recapped the status of franchise negotiations. The Cablecasting Board has been authorized by each of the communities in the cable consortium to enter into negotiations for the renewal of the franchise. There are different ways to proceed with negotiations including an informal process which is how the Cablecasting Board and MediaOne have been proceeding for some time. MediaOne has been negotiating with a subcommittee of the Board. Due to the length of the negotiation process, the Cablecasting Board has invoked the formal process by which a formal proposal must be submitted by the cable operator by a date certain. That deadline was December 1.

The formal process is another way to move MediaOne along a time line towards franchise renewal or to come to a conclusion that the franchising authorities are not going to renew the franchise. The Cablecasting Board is moving in the direction toward renewing the franchise. The good faith of MediaOne has been demonstrated by the fact that it continues to rebuild the system. It is the opinion of Janks that the negotiations are proceeding well and the anticipated date for reaching an agreement is April 1.

The formal proposal of MediaOne was delivered to the attorney for the Cablecasting Board, Don Gillis. Council has received a copy of a letter dated December 7, 1998 from Don Gillis to Jon Kreucher representing MediaOne stating that the proposal was received a day late, and that Mr. Gillis was not authorized to receive the formal proposal. The Cablecasting Board is asking that the communities ratify a resolution of their Board saying that the formal proposal of MediaOne has been received.

In answer to an inquiry, Janks indicated that MediaOne did not include everything in its formal proposal that it will most likely give the consortium. The formal proposal does not reflect the progress made in the informal negotiations.

There was discussion regarding the significant change in direction for TV-based PEG (Public, Educational, and Government) Access in the communities. In the future, MediaOne will be involved in PEG Access only from a financial perspective. In order for the negotiating team to determine the adequacy of any financial proposals put forth by MediaOne, they had to develop alternative approaches for PEG and test those alternative against financial grant proposals made by the cable company.

Janks commented that, as part of the franchise renewal, the Council should expect having the council chambers rewired with new microphones and cameras mounted in the room. He anticipates that this would take place by August.

Bob Borgon of 32340 Drury Lane stated that he has been a member of the Cablecasting Board since last March. He commented that Mr. Janks has been on the inside where negotiations have taken place between the Cable Board and MediaOne. Borgon has more questions than answers as to what is going on in negotiations. He is not pleased with what MediaOne has proposed in its formal proposal. He is concerned that, the more MediaOne does things like lay fiber optic cables in the neighborhood, provide new sound and video systems for the televising of Council meetings, offer new channel line up, and construct the head end, the more that cable company is getting a hold on the communities with no options for negotiating with alternate cable providers.

It was clarified that the cable franchise is non-exclusive and does not preclude a competitor from offering cable service to the consortium communities.

Mooney commented that he would anticipate that MediaOne would offer the lowest possible proposal it could in the formal, open-to-the-public proposal for franchise renewal while informal negotiations are moving in a different direction. Borgon maintains that MediaOne should have a few things in the proposal that the negotiating committee agreed to if they were negotiating in good faith.

Janks clarified that the franchising authority is bound by Federal Law with respect to what can be done under the Cable Act. As long as adequate service is provided, it is very difficult to remove a franchisee. The communities would be hard pressed to say that MediaOne has not provided adequate service. It has not been great, but it has probably been adequate in the eyes of the law.

Janks related that a committee of the Cablecasting Board met with Ameritech regarding its offer to provide cable service in the area. The Board has informed Ameritech that it will not break up this consortium. If they are interested in providing cable service to all four communities, the Board is willing to talk to them.

Fifteen years ago, when cable first came into this community and others, representatives from cable companies came in and made promises in order to be awarded the franchise. All the cable company

has to do to renew the franchise is provide adequate service. Janks stated that the negotiating team of the Cablecasting Board is dealing with an individual who has been difficult to reach and who has been engaged in negotiations with many franchises. There does come a point where a decision has to be made on whether to press the issue. If the franchise is not renewed by April 1, formal proceedings would take place which involve attorneys and major expense. The Board is attempting to continue with informal negotiations so this will not happen.

Once the negotiating committee is satisfied with the proposal, it will go to the full Cablecasting Board. The full Board will review the franchise agreement and decide whether to recommend it to its member communities. The proposal from MediaOne will then go to the member communities for consideration. This Council will have to make a decision on whether it thinks it is an adequate proposal. Janks is willing to come before Council and answer any questions throughout this process.

Norman Rubin of 31020 River's Edge Court asked how the communities could award a franchise to another company if MediaOne owns the system. Janks stated that another company would have to rebuild the system.

Rubin asked if there will be terms in the franchise agreement regarding when MediaOne has to make additional services and channels available. Janks explained that there will be wording in the franchise agreement that says whatever the cable company provides to other communities, it must provide to this consortium; whatever competitors provide to other communities, MediaOne must provide for this consortium. Janks added that there are certain levels of service that are written into federal law.

Roll Call Vote:

Resolution passes unanimously.

**REPORT ON REINSPECTION AND AUTHORIZE SOLICITING PROPOSALS FOR DESIGN OF REPAIR/REPLACEMENT OF EVERGREEN NORTH BRIDGE**

Worrell referred to a memo from Renzo Spallasso dated January 11, 1999 in which he states that the re-inspection and evaluation of the conditions of the north bridge on Evergreen Road by the consulting engineering firm of Orchard, Hiltz & McCliment has been completed and confirm the advanced deterioration of the structure. Spallasso indicates that there is a 50-50 chance of receiving Critical Bridge funds through the Michigan Department of Transportation (MDOT) for this project. The MDOT committee meets in September 1999 to consider applications. Spallasso requests authorization to solicit quotes from consultants for the design for repair/replacement of the bridge. Worrell recommends that Council move ahead to assure the health, safety and welfare of the Village.

MOTION by Worrell, supported by Mooney, that the Village Council authorize administration to solicit quotations from consultants for the design for repair/replacement of the north bridge on Evergreen Road.

Motion passes unanimously.

**CONSIDER AUTHORIZATION OF ACTUARIAL STUDY FOR RETIREE HEALTH CARE**

At its meeting of January 4, 1999, the Village Council requested additional bids for conducting the actuarial study for retiree health care. Buterbaugh stated that three additional companies were solicited and two responded. There is a high, low and middle bid. Administration recommends that Council accept the middle bid of Gabriel, Roeder, Smith & Company in the amount of \$4,900.00. The low bidder has limited municipal experience in this area and has performed only two municipal retiree health care valuations during the past three years.

RESOLVED by Buterbaugh, supported by Mooney, that the Village of Beverly Hills Council select Gabriel, Roeder, Smith & Company to perform the actuarial study for retiree health care based on the December 31, 1998 data at a cost of \$4,900.00.

Roll Call Vote:  
Resolution passes unanimously.

#### **DISCUSSION OF AND POSSIBLE ACTION ON SEWER FUNDING**

Worrell asked Council to consider deferring this agenda item until the full Council is present. Bob Walsh is a member of the Infrastructure Committee and would like to be involved in this discussion.

MOTION by Worrell, supported by Mooney, to table discussion and possible action on sewer funding until the first Council meeting in February.

Motion passes unanimously.

#### **FIRST ANNOUNCEMENT OF VACANCY ON THE FINANCE COMMITTEE**

Council has received a letter of resignation from Patricia Beach from the Finance Committee. There was unanimous consent to change the wording of this agenda item to read, "Consider a motion to accept the resignation of Patricia Beach and first announcement of vacancy on the Finance Committee."

MOTION by Mooney, supported by Craig, to table Council acceptance of the resignation of Patricia Beach from the Finance Committee.

Mooney is asking Council to table this matter until February 1. He would like to ask Ms. Beach to reconsider her decision to resign from the Finance Committee.

At the December 21, 1998 Council meeting, there was discussion on a bill submitted by Ms. Beach for services rendered to the Village of Beverly Hills. Patricia Beach, who is the treasurer of Bingham Farms, was hired by administration as an independent contractor to assist the new Village Treasurer in her duties.

A question was raised by Council as to whether or not someone such as Ms. Beach who sits on the Village's Finance Committee could be hired to work for the Village as well, specifically in an area related to finance. It was an issue that raised a question in the mind of the liaison to the Finance Committee who then brought the question before Council. Mooney does not think it was any reflection on Ms. Beach; it was a question of whether or not that was a legal thing to do under the

Village Charter. Village Attorney Ryan could not arrive at an answer during the meeting as to whether or not it was legal for the Council to issue the check for this service.

Mooney maintains that asking that question was no reflection on the integrity of Patricia Beach. Council has commented on the importance of volunteers in the Village and the kind of effort Ms. Beach has given to the Finance Committee and the Village. Pat Beach is an outstanding public servant and a volunteer, and Mooney does not think that raising that question was intended to disparage her in any way or motivate her toward resignation. Mooney believes that the comments that were made that night by himself and by his colleagues Mr. Buterbaugh and Mr. Craig were intended to determine whether Council could legally approve the invoice.

Mooney asked Ms. Beach with the certainty that he is joined by his colleagues to reconsider and withdraw her resignation from the Finance Committee.

Buterbaugh affirmed that in no way did he mean to imply that there was any impropriety on the part of Ms. Beach. Pat Beach has been a member of the Finance Committee since May of 1992. He voted for her appointment and subsequent reappointments to that body. Buterbaugh continues to feel that she is a valuable asset to the Finance Committee. Buterbaugh offered his personal apology for the way that he or anyone else handled this matter at the last meeting. He asked Beach to remain on the Finance Committee.

Craig extended his deepest apologies if his actions were taken other than how they were intended, and he hopes Pat Beach reconsiders her resignation.

Kennedy hopes that Ms. Beach will take what Council members are saying to heart. Council always respects the volunteers who spend their unpaid hours in the service of the Village. None of us on this Council want to do anything to dissuade residents from coming forward to volunteer.

Motion passes unanimously.

**CONSIDER PERSONNEL COMMITTEE RECOMMENDATION TO ACCEPT MML CLASSIFICATION AND COMPENSATION STUDY**

Kennedy reviewed that, in August, Council authorized the Michigan Municipal League to conduct a Classification and Compensation Study for the Village of Beverly Hills. The study has been completed and copies were distributed to Council members. It is available for public review in the Village office.

On November 9, 1998, the Personnel Committee met to review the study. Further comments were made on the study at the December 30, 1998 Personnel Committee meeting. Kennedy emphasized that it was the intent of the Council to have this study prepared as a tool for the use of administration and a guide for new council members.

Worrell commented on what he viewed as weak and strong points of the study. He maintains that one position listed in the study is not reflective of the position the Village has in place. He will

accept the MML study on the basis that it will only be used as a guide and will not become policy of this Village.

RESOLVED by Lison, supported by Worrell.

*Whereas*, the Village of Beverly Hills Council approved funding for the completion of a Classification and Compensation Study conducted by the Michigan Municipal League during November of 1998;

*Whereas* the three members of the Village of Beverly Hills Council Personnel Committee have already accepted this Classification and Compensation Study and its results presented during December of 1998 as a guide for Village of Beverly Hills personnel policy;

*Therefore be it resolved* that the full Council of the Village of Beverly Hills approves this document as a management guide and tool for use in personnel matters by the Village of Beverly Hills Administration.

Craig stated that a subcommittee of Council recommended approval of the study to the full Council. Council should have a copy of the minutes from that committee meeting to be privy to discussions before taking action.

Kennedy stated that Council has received the minutes of the November 9, 1998 Personnel Committee meeting. The December 30, 1998 minutes were distributed to Council this evening.

Buterbaugh does not think Council should accept a study that describes a position that is not consistent with what the Village has in place. He was concerned that the study will be used during the budget deliberations to justify promoting an individual into a position described in the study.

Lison stated that the study was set up as an operating guide. Some positions are standard across organizations and other positions vary from municipality to municipality. The report provides feedback, in most cases, on exactly the same positions that exist in the Village. There were two or three positions that were fuzzier. Administration has the ability to use the study as a tool. It will not be policy. It will give Council an idea of the duties and responsibilities of each position and the requirements of a replacement employee in a certain position.

Hanlin recognizes that any significant departure from the current structure existing in the Village in terms of administrative staff would have to come before Council for approval. She feels that the study is a good guide that sets out ranges and structure. She believes that the job descriptions are accurate. This has been a process that has been both objective and professional. Hanlin recognizes that this is not a perfect study and she will have to apply it with discretion and on an individual basis.

Roll Call Vote:

Mooney - yes

Worrell - yes

Buterbaugh - no  
Craig - no  
Kennedy - yes  
Lison - yes

Resolution passes (4-2).

### **REPORT ON AND POSSIBLE APPROVAL OF 14 MILE ROAD PROPOSED IMPROVEMENTS**

Worrell reviewed that the Village Council passed a motion in November of 1993 to commit \$6,000 for the cost of preliminary engineering to make Fourteen Mile Road a three lane highway between Southfield and Greenfield Roads. The Road Commission for Oakland County spent \$2,500 of this amount. The project was delayed due to lack of funding. There is renewed interest in pursuing this project and a meeting has taken place between Birmingham, Beverly Hills and the Road Commission.

Worrell stated that the preliminary engineering will result in drawings needed in order to raise questions about the design of the road and assess the impact on adjoining properties. The Road Commission will be asked to make a presentation to the Council and public at that point.

Spallasso asked Council to consider reaffirming the action of the previous Council in 1993 which was to proceed with the design for a three lane improvement. As soon as drawings are completed, they will be made available to Council for its review and comments.

Buterbaugh stated that there were assurances made to the Fourteen Mile Road Citizens Task Force concerning the road improvement project. There would be replacement or updating of sewer lines that run along that section of Fourteen Mile Road. Buterbaugh is concerned that this be a part of any agreement with the County.

Spallasso concurred that improvements to the sewer system are understood to be a part of the project. A concept design of the improvement is the first step. There will be an opportunity to review what goes into constructing the improvement before the cost agreement is entered into with the Road Commission.

Kennedy stated that Council can authorize engineering drawings to be prepared for the improvement without committing the Village to the cost of the construction.

There was a question of the Village Attorney as to whether Council approval for the design of a three lane improvement could be interpreted as constituting an approval of the improvement itself or only of the \$6,000 for the design.

Ryan understands that there was Council approval in 1993 to spend up to \$6,000 for concept plans for a three lane road on Fourteen Mile Road. Preliminary engineering is not full engineering plans. It is a conceptual engineering so that people can see what the road looks like and where it is. The Council is committing to preliminary design plans.

RESOLVED by Worrell, supported by Craig, that the Village of Beverly Hills Council ratify the motion made at the Regular Council meeting of November 1, 1993 as follows:

*MOTION by Worrell, supported by Fox. Be it resolved that the Village Council of Beverly Hills authorize Administration to contract with the Oakland County Road Commission in the amount of \$6,000 to cover the cost of preliminary engineering for making Fourteen Mile Road a three lane highway between Southfield and Greenfield Roads.*

Roll Call Vote:

Resolution passes unanimously.

Kennedy stated that letters have been received from Mr. Cutright and Mr. Lukianov in opposition to Fourteen Mile Road being widened from two lanes to three lanes. A letter from Lawrence Needham of 15588 Kirkshire cautions that a three lane road could turn into a five lane road through widened intersections.

#### **CONSIDER PURCHASE OF ADMINISTRATIVE VEHICLE AND REPLACEMENT PATROL VEHICLE FOR THE PUBLIC SAFETY DEPARTMENT**

RESOLVED by Lison, supported by Mooney.

Whereas, the Department of Public Safety 1998/99 capital budget calls for an expenditure of funds for the purchase of one new administrative vehicle to replace vehicle #99, the oldest vehicle in the administrative fleet with over 84,000 miles; and

Whereas, the Department of Public Safety can participate in the results of the Oakland County Cooperative Bid program, a program which analyzed bids and awarded competing dealers offering various administrative vehicles for fleet sale;

Therefore, be it resolved, that the Village of Beverly Hills Council authorizes the Public Safety Department to purchase one new 1999 Pontiac Grand Prix administrative vehicle for \$18,058 from Red Holman Pontiac in Westland, Michigan, the awarded bidder, with funds designated in Account #101-900-979, Capital Purchases: Vehicle Purchases.

Roll Call Vote:

Resolution passes unanimously.

RESOLVED by Lison, supported by Mooney.

Whereas, on December 2, 1998 patrol vehicle #116, a 1998 Ford, was involved in a serious crash sequence, leaving it unrepairable and the Public Safety patrol fleet short one vehicle; and

Whereas, the insured risk carrier, Meadowbrook Insurance, has elected to pay the Village of Beverly Hills the sum of \$16,550, representing the current value of the vehicle; and

Whereas, the Department of Public Safety can participate in the results of the Macomb County Cooperative Bid program, a program which analyzed bids and awarded competing dealers offering Ford Crown Victoria patrol vehicles for fleet sale,

Therefore, be it resolved, that the Village of Beverly Hills Council authorizes the Public Safety Department to purchase one new 1999 Ford Crown Victoria patrol vehicle for \$20,472.75 from Signature Ford of Perry, Michigan, the awarded bidder, with funds available in Account #101-900-979, Capital Purchases: Vehicle Purchases.

Director Woodard answered a question from Craig regarding the availability of money in this account to pay for both of the cars.

Roll Call Vote:

Resolution passes unanimously.

#### **APPROVAL OF BILLS RECAPPED AS OF TUESDAY, JANUARY 19, 1999**

Buterbaugh asked that the invoice from Ameritech in the amount of \$11,631.41 be removed from consideration at this time.

MOTION by Buterbaugh, supported by Mooney, that the bills recalled as of Tuesday, January 19, 1999 be approved for payment in the following amounts:

\$214,047.35	General Fund
20,269.09	Major Road Fund
19,668.92	Local Road Fund
100.43	Dedicated Millage
34,541.59	Water & Sewer Operation Fund

Motion passes unanimously.

#### **LIAISON'S REPORTS**

Craig thanked Andrea Brink for organizing the Winter Family Fun Day at the park on Sunday, January 10. He estimated that 1,500 people were in attendance at the event. The only negative

comment he heard that day was the lack of a paved parking lot where we could have fit in 50% more vehicles.

There will be a joint meeting of the Council and Parks and Recreation Board on Thursday, February 18, 1999. Park master plan implementation costs are one of the items that will be reviewed. Craig mentioned that a priority list with cost estimates prepared by the Parks and Recreation Board was sent to the Finance Committee on July 20, 1998. Council will receive a copy for the joint meeting. Mooney stated that he will not be present at this joint meeting due to a prior commitment. He hopes that his position on the various items that will be raised at this meeting are known. Mooney congratulated Andrea Brink for the effort that went into the Winter Family Fun Day. It was a fantastic day.

Buterbaugh reported on open items that the Finance Committee would like to bring to Council's attention and which may require direction from the Council. The items are listed at the conclusion of the December 15, 1998 Finance Committee meeting minutes.

- 1) The Finance Committee requests a clear conduit of assignments to be established from Council with priorities. Buterbaugh believes that this generally comes in the form of meeting minutes from the Council with an assignment.
- 2) The Finance Committee is suggesting that Council and administration consider annual approvals as part of the budget process (investment policy, loan policy, all contractual agreements whether expiring or not).
- 3) Finance Committee discussion and recommendation on the Village's investment posture regarding short and long term investment options.
- 4) The Finance Committee seeks direction from Council to assist in preparing the Request for Proposal if the Village decides to solicit bids for auditing services.
- 5) The Finance Committee requests to review the Cafeteria Plan when available.

Buterbaugh added an item to the Committee's list. In light of the news media reports on water rates, Council may want to direct the Finance Committee to look at how water rates might be affected by what the City of Detroit may or may not be doing.

Buterbaugh related the circumstances regarding the delay in the Village's consideration of the resolution from the Cablecasting Board concerning MediaOne's formal proposal for franchise renewal.

At Lison's inquiry, Director Woodard updated Council on the status of the fire apparatus ordered by Council. The next anticipated step will be for the vendor to notify the department that they have a preliminary blueprint for the construction of the vehicle. The department will review and fine tune this document after which time the vendor will assign a manufacturer's number to the blueprints.

Woodard will advise Council when the blueprints are approved and when there is a tentative build date. He anticipates delivery next fall.

Mooney stated that Council has received a letter from Village Attorney Ryan dated December 17, 1998 with an enclosed copy of a Court of Appeals' Opinion relative to the case of former Director of Public Safety Hugh Cox vs. Beverly Hills Retirement System. Mooney outlined the specifics of the court case. The Village won a motion for summary disposition at the Circuit Court level. Mr. Ryan through his efforts has saved the Village hundreds of thousands of dollars in the future. The Court of Appeals also followed Mr. Ryan's position with regard to the retirement of Hugh Cox and those who will be retiring subsequent to that. Mooney extended his appreciation to Mr. Ryan on behalf of the Retirement Board and Council.

### **MANAGER'S REPORT**

Hanlin stated that the fire damaged Halo building on Southfield Road has continued to be a source of concern. Administration has been diligent in speaking with the property owners. The owner pulled a permit to start repairs but has given a string of excuses for not delivering what he promises.

Building official Dave Byrwa has posted the building with signs that cite it as condemned and unsafe. It does not pose any health, safety or welfare threat because the building is vacated. Administration will continue to go after the owner. The Village could actively pursue condemnation proceedings which is a lengthy and expensive process and may not be in the best interest of the Village. Hanlin stated that the end goal is to see that this building is successfully sold and converted into a viable use that is attractive to the Village.

Council members were troubled that the building is in a state of disrepair which could lead to blight. There was also concern that, if Council does not pursue the owner by every means including condemnation proceedings, it will send a message to other commercial property owners.

Hanlin stated that she is aware of an ordinance in another community which puts a lien on the property in the case of a fire and captures a percentage of the insurance payout to guarantee that the site is cleaned up. It is her intent to bring this proposed ordinance change to Council for consideration. She suggests that it should also apply to residential properties.

Ryan suggests that another course of action would be to issue the owner a ticket a day in district court which would involve a fine. Council will consider that avenue and asked administration to report on this in two weeks.

Hanlin stated that the Village is back on its regular schedule for trash pick up since the snow storm. Christmas trees will be picked up this week and next week.

Hanlin announced that she received a letter from the International Institute of Municipal Clerks stating that it gives their organization great pleasure to announce that Ellen Marshall, Beverly Hills Village Clerk, has been awarded the distinction of the title of certified municipal clerk. Hanlin

commended Ellen for her efforts. Kennedy presented Ms. Marshall with a framed copy of the letter from the Clerk's Association. Council applauded Ms. Marshall.

Mooney asked Hanlin to look into leasing a speaker system for the council chambers until the meeting room is rewired as part of the franchise agreement with MediaOne. People in the audience and people listening at home cannot hear Council at times. Hanlin will research this and place this on the agenda for Council consideration.

### **PUBLIC COMMENTS**

Dorothy Pfeifer of 31287 Heath Court asked about the daily tickets that may be issued to the Halo building. She was informed that there is a monetary fine of up to \$500 a day attached to the tickets.

Pfeifer suggested that, if Mooney is unable to attend the joint meeting of the Council and Parks and Recreation Board, he may want to write a letter expressing his views.

Pfeifer recalls seeing a concept plan for the Fourteen Mile Road improvements when she was serving on the Fourteen Mile Road Citizens Task Force. The road widening project was delayed due to unavailability of funding. It was Pfeifer's understanding that the task force would be reconvened when the issue was revisited. She thinks that Council has the authority to reactivate that group, at least within this community.

Spallasso stated that he suggested reactivating the Fourteen Mile Road Task Force at the November 11 meeting with the Road Commission. It was not accepted favorably.

Pfeifer stated that the task force would pick up where it left off and not start over. The County told those participating that they would keep us informed as a group.

Bill Pfeifer of 31287 Heath Court commented on the discussion this evening on the actuarial study for retiree health care. He was informed that Finance Director, Wiszowaty, solicited bids from other companies for Council's consideration. Pfeifer does not think Wiszowaty was given credit for his part in the successful audit report during comments at the January 4 Council meeting. Pfeifer thanked Wiszowaty for the hard work he has been doing for the Village.

### **COUNCIL COMMENTS**

Craig commented on a letter sent to Council by a resident on Chelton Drive in appreciation of the excellent snow removal service. Craig agrees that the staff has done a fine job of snow removal. He reported on an attempt being made in his neighborhood to dig out the fire hydrants that are snow covered. Craig suggests that residents attempt to dig a trench out from the road for access of the hydrants so that they are easily identified in the case of an emergency. Homeowner associations or residents can request a copy of a map showing the locations of fire hydrants in their area.

Craig stated that Spallasso provided him with a copy of a map showing the location of all bridges and culverts under Village jurisdiction. He congratulated Ellen Marshall on her achievement in being certified as a municipal clerk.

Worrell clarified his statements quoted in a recent Eccentric newspaper article about John Mooney leaving Council. Worrell congratulated Ellen Marshall for accomplishing her goal of becoming certified as a municipal clerk. He wished her good luck in the future.

Buterbaugh thanked Wiszowaty for his work with the auditors to assure a successful audit report. Buterbaugh reiterated his concern about the resignation of Pat Beach from the Finance Committee and will be contacting her about reconsidering her position.

Mooney commented on the location of the Michigan Municipal League flag in relation to the American flag hanging in the council chambers. Administration will research flag etiquette. Mooney thanked Council for allowing him to present the Village flag to Beth Wright tonight.

Mooney commented that Council has consistently praised Wiszowaty year after year for vast improvements in the Village's accounting practices which have made the audit job much easier.

Mooney wished good luck to those who are running for the office of council member. He has announced that he will not seek re-election. Mooney stated that he made this decision before the last meeting. He referred to the discussion at the last meeting during Council comments about vision and leadership and what had not been done. Mooney emphasized that this was not a criticism of the Council President.

Mooney commented that it is difficult to leave the Council when some of the things dear to his heart have not been accomplished. Those include changes in the park and sidewalks on the major roads. Mooney hopes that there is going to be the kind of vision and future for the Village that he thinks is in the community's best interests.

Mooney thinks it is important for those of us who have been on the Council for a time to bring some institutional memory to the Council. He hopes those who have that institutional memory will consider running for election or re-election.

Mooney talked about the difficult job of a Council member. He suggests that the new Council appoint a committee to reconsider the compensation that is paid to the council members.

Kennedy commended Wiszowaty on a great audit report. She remarked that Ellen Marshall has been a terrific help to her as Council President. Kennedy personally thanked many of the people who were responsible for the success of the Winter Family Fun Day in Beverly Park last Sunday. It was an outstanding day.

Kennedy referred to a memo from Spallasso on the bridges and culverts in the Village. Discussion of a maintenance schedule for these structures will be an upcoming agenda item.

MOTION by Mooney, supported by Buterbaugh, that the meeting be adjourned at 10:37 p.m.

Motion passes unanimously.

**Elaine Kennedy**  
**Council President**

**Ellen E. Marshall**  
**Village Clerk**