

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

Absent: None

Also present: Village Manager, Hanlin
Public Services Director, Spallasso
Village Clerk, Marshall
Village Attorney, Ryan
Assistant to the Manager, Pasieka
Finance Director, Wiszowaty

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 JOINT COUNCIL AND PLANNING BOARD MEETING HELD ON WEDNESDAY, JANUARY 13, 1999

MOTION by Mooney, supported by Walsh, that the minutes of a Joint Council and Planning Board meeting held on Wednesday, January 13, 1999 be approved as submitted.

Motion passes unanimously.

APPROVE MINUTES OF A REGULAR COUNCIL MEETING HELD ON TUESDAY, JANUARY 19, 1999

MOTION by Mooney, supported by Lison, that the minutes of a regular Council meeting held on Tuesday, January 19, 1999 be approved as submitted.

Motion passes unanimously.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

Sharon Fox of 20605 Glenhill Court, member of the Village Woman's Club, stated that every year the Woman's Club sponsors a Memorial Day parade and carnival in Beverly Hills to honor and memorialize our armed service people. A veteran is nominated each year to serve as Grand Marshall of the parade. Fox asked Council and members of the community to submit nominees for this year's Grand Marshall by contacting Maryann Troy at 642-1308.

Norm Downey of 23042 Nottingham Drive commented that he is still waiting for Council to correct its false statements about the capacity of the Beverly Hills sewer system. Downey remarked that Council members have stated that the Village's sewer system is up to standard after an expert from a consulting engineering firm indicated that the sewers are not up to standard. Downey read excerpts from the August 17, 1998 Council meeting minutes to confirm that it was stated that there are sewers in the Acacia and Twelve Towns districts in Beverly Hills that were designed for less than a one year storm event. The current design standard for sewer pipe size is for a ten year storm event.

Kennedy stated that she appreciates Mr. Downey's comments but related that the Village is currently in litigation and the Council has been advised not to talk about the condition of the sewers or anything thereof except for financing. Because Council is not allowed to discuss or debate this issue with Mr. Downey, Kennedy asked that there be no further discussion on this issue at this time.

George Meyer of 22542 Fiddler's Cove in Metamora Green Subdivision displayed a map prepared to illustrate long range planning of sidewalks that started in 1962 with the development of property that is currently west of Lahser Road and north of Thirteen Mile Road. His diagram designates where concrete sidewalks have been installed and where there is sidewalk missing. There is almost two miles of sidewalk with five interruptions. In some cases the trees have overgrown the area where there is no concrete making it difficult to pass through.

Meyer asked Council to seriously consider completing a project that was started 37 years ago to construct sidewalks on major roads so that people can walk or ride bikes in the area and children can go from one subdivision to another safely. He thinks it would be a benefit to the neighborhood and give area residents something to look forward to in the year 2000.

CONSIDER APPROVAL OF APPLICATION FOR SMART FISCAL YEAR 1999 MUNICIPAL AND COMMUNITY CREDIT AGREEMENTS

The Village has received the Fiscal Year 99 contract from the Suburban Mobility Authority for Regional Transportation (SMART) for financial assistance to support public transportation programs in Beverly Hills.

RESOLVED by Buterbaugh, supported by Mooney, that the Village of Beverly Hills apply to the Suburban Mobility Authority for Regional Transportation (SMART) for the Municipal and Community Credit Program for the period of July 1, 1998 through June 30, 1999 and agree that the Municipal Credit/Community Credit Master Contract incorporated by reference will form part of this Agreement.

Beverly Hills agrees to use \$10,322 in **Municipal Credit** funds available to it as follows:

- (1) Transportation program operated/administered by the community which includes Charters, Van/Bus Program, Taxi Reimbursement in the amount of \$6,655.00.
- (2) Transportation service purchased from SMART including SMART Tickets/Passes, Shuttle Service, Dial-A-Ride in the amount of \$3,667.00

Beverly Hills agrees to use the \$8,149 in **Community Credit** funds available to it as follows:

Transportation program operated/administered by the community including Charters, Van/Bus Program, Taxi Reimbursement in the amount of \$8,149.00.

Roll Call Vote:
Resolution passes unanimously.

AMEND VILLAGE MANAGER'S CONTRACT

Kennedy referred to the minutes of the Personnel Committee meeting of December 30, 1998. The Committee discussed a summary of 1998 goals and issues prepared by the Manager. They evaluated Ms. Hanlin's performance in the past year and considered requests for changes to her employment contract.

A process to annually review the performance of the Village Manager was drafted by Lison and discussed at the December Personnel Committee meeting. Goals and objectives for the coming year would be set jointly by the Village Manager and the Council during budget sessions and strategic planning sessions. It would provide an objective means of measuring the Manager's performance at the next annual performance review. It was the recommendation of the Personnel Committee to establish a review process to measure the Village Manager's job performance on a yearly basis.

The Committee recommends an amendment to the term of the Manager's contract to have an expiration date of October 1 with the first evaluation being on October 1, 1999. This date would give a new Council six months observation time prior to having to complete the Manager's evaluation and would move the evaluation date away from the holidays.

Kennedy stated that the Personnel Committee recommends that Council amend the Village Manager's contract to reflect a 6% increase in Ms. Hanlin's salary which would bring it from \$66,250 to \$70,225. It is also recommended to change Hanlin's retirement benefit from a flat dollar amount to 10% of her base salary which would put her in line with the rest of administration.

Kennedy commented that the Village Manager job is a 24-hour position. The Manager is called on to fulfill many commitments in the Village and community-wide, which Hanlin does very well. Hanlin has conducted a professional search process for selection of a new Public Safety Director. Kennedy believes that Hanlin exhibited exemplary skills this summer during the period of heavy rains that resulted in basement flooding. She applauded Hanlin's management of the efficient professionals that make up the administration of the Village.

RESOLVED by Lison, supported by Craig, to amend the Village Manager's employment contract to allow for a six percent salary increase and to change the Manager's retirement benefit from a flat dollar amount to ten percent of her base salary.

Council discussed the requested contractual changes. It was indicated that the pension change brings the Manager's retirement plan in line with Village employees in the MERS program. The salary increase brings the Manager's salary between the minimum and mid point as indicated in the Michigan Municipal League Classification and Compensation study which is being used as a guide by the Village.

Worrell commented that Hanlin was asked at the December 30 Personnel Committee meeting to revise her list of goals and objectives for 1999 to reflect more specific goals. This list has not been resubmitted to Council.

Kennedy referred to the discussion of the Manager's list of 1999 goals and objectives. It is her view that Council may want to provide input on those 1999 goals and objectives during the upcoming budget and strategic planning sessions.

Roll Call Vote:
Motion passes unanimously.

Council discussed whether to institutionalize a formal policy for an annual review of the Manager's performance and contract by either including a process in the employment contract or incorporating it in a policies and procedures manual.

Lison suggested using the format he outlined or a similar format to serve Council in an informal way. He maintains that there is more flexibility if a formal policy is not adopted for a performance review.

Council concurred that it should be its goal to evaluate the Village Manager on an annual basis. Goals and objectives will be set jointly with the Manager, and Council and the Manager will be evaluated based on those goals as part of the performance review. It was suggested that each council should be able to develop guidelines as the needs of the Village change.

RESOLVED by Craig, supported by Mooney, that the Manager's employment contract be amended to reflect that the review of the Manager's contract be moved from December 31 of each year to October 1 of each year.

Roll Call Vote:
Resolution passes unanimously.

SET PUBLIC HEARING DATE OF FEBRUARY 16, 1999 TO REVIEW AND CONFIRM THE 1998 SPECIAL ASSESSMENT ROLL FOR THE VILLAGE ASSESSMENT DISTRICT
MOTION by Buterbaugh, supported by Craig, to set a date of February 16, 1999 for a public hearing to review and confirm the 1998 Special Assessment Roll for the Village Assessment District.

Motion carried unanimously.

DISCUSSION OF AND POSSIBLE ACTION ON SEWER FUNDING

Worrell used the aerial map of the Village displayed on the wall to designate an area generally west of Greenfield Road and east of Pierce in Section 1 which is served by the North Arm of the Twelve Towns Drain. He remarked that the North Arm Relief Drain is presently under construction.

Worrell stated that most of the basement flooding that was experienced by homes in July and August of 1995 took place in the Amherst/Sheridan combined sewer area. He believes that water was restricted in the 18" diameter Amherst/Sheridan drain. Construction on the Greenfield Relief Drain was completed last year to increase the diameter of the pipe which adds to the storage capacity of that area.

The Village has been working on sewers that are in poor condition and structurally damaged to the point of requiring replacement or relining immediately. The estimated cost of the program to correct critical structural defects in the sewer system is \$1.6 million. This project is the first priority of the Village's sewer rehabilitation plan to be financed with the dedicated millage passed in August of 1997. The second part of the sewer repair program is to construct a local relief sewer for the Amherst/Sheridan Drain. Worrell is recommending that Council take action this evening to approve the funds to prepare engineering plans for the improvement. The cost for engineering this project is estimated at \$181,000.

Worrell remarked that Beverly Hills was one of the first of the 14 communities to agree to pay its share of the improvements to the North Arm of the Twelve Town Drain. The project will be completed in September of 2000 and will provide another big conduit to take the water away. Worrell outlined a timetable for engineering and construction of the Amherst/Sheridan Relief Drain. If Council authorizes engineering of the project tonight, the Amherst/Sheridan Drain could be expected to be completed in the year 2000 and would be tied into the North Arm Drain which will be completed in September of the year 2000.

Worrell stated that it is anticipated that the final cost of the critical structural repairs will come in below the estimated cost of \$1.6 million. He recommends initiating the design engineering of the Amherst/Sheridan relief sewer tonight based on money available from this phase of the sewer rehabilitation project with the balance funded from the General Fund. Worrell stated that this relief sewer in conjunction with the newly constructed Greenfield Relief Sewer will alleviate basement flooding in the North Arm Twelve Towns area.

RESOLVED by Worrell, supported by Mooney, that the Beverly Hills Village Council authorize administration to proceed with design engineering of the Amherst/Sheridan Relief sewer portion of the Village's sewer rehabilitation project at a cost of \$181,000.

Council questions were addressed by Worrell and Spallasso. There was discussion relative to the timetable and coordination of the proposed relief sewer with the North Arm improvements. Spallasso expects the Village to complete the Amherst/Sheridan project within months of the conclusion of the North Arm Relief Sewer. He maintains that the added capacity gained by going from an 18" pipe to a 30" pipe in conjunction with the new Greenfield Road relief sewer will help alleviate sewer overflow problems.

It was indicated that the amount of money available as a result of savings from the \$1.6 million critical repair project will not be known for approximately six months. Worrell explained that, as this type of phased rehabilitation plan moves forward, it has to be reviewed periodically and adjusted

accordingly. Under the original schedule for sewer rehabilitation, construction of this relief sewer would be undertaken in the fall of 2000.

Council was informed that the Hubbell, Roth & Clark 1996 Sewer System Study estimates the cost of construction of this relief drain to be \$786,000 including engineering. Spallasso indicated that there will be money available from the dedicated millage collected in the first year to pay for the engineering for this project.

Elizabeth Downey of 17151 Kinross commended Worrell and Spallasso for efforts towards rehabilitation of the Twelve Towns District as quickly as reasonably possible. It is her understanding that those residents in the Acacia District are living in homes where there is a need for \$5.3 million worth of sewer system repairs. She asked if there is a Council plan to direct the Finance Committee or administration to look into what it would take to get a bond issue together and accelerate the repairs in the Acacia District.

Kennedy stated that this question will be addressed following a Council vote on the resolution on the floor.

Roll Call Vote:

Resolution passes unanimously.

Kennedy stated that there was a motion made at the regular Council meeting of November 16, 1998 to instruct administration that it is the sense of Council that no attempt be made at this time to fund the infrastructure plan currently in place through bonding. That motion failed. Kennedy is now asking for a Council motion that the Finance Committee and Administration look at the scenarios for funding the remaining portion or any part thereof of the plan that is in place for sewer system repairs.

MOTION by Buterbaugh, supported by Craig, to direct the Finance Committee and Administration to study the possibilities for funding the remaining portion or any part of the plan that is in place for sewer system repairs. Administration is requested to prepare appropriate timetables relative to any accelerated work to assist in the Finance Committee's analysis of the options available to the Village.

In answer to an inquiry, Kennedy clarified that the intent of the motion is to authorize the Finance Committee to prepare a complete financial analysis taking into account inflation, depreciation schedules, future millage and budget considerations, and any other factors. A plan would lay out whether or not it makes financial sense to accelerate sewer system projects to relieve the Acacia district.

Mooney stated that the question is whether Council should proceed in any other way than what was voted on by the people in the community which was to finance infrastructure improvements on a "pay as you go" basis. He maintains that bonding the Acacia Drain portion of the sewer repair plan would double the cost of the project and result in completion of the project in four years rather than

seven years to alleviate flooding for approximately 150 homes out of 4,000 homes in the entire Village. Mooney thinks that the policy of this community has already been set by the dedicated millage vote in 1997 for the "pay as you go" financing plan for infrastructure improvements. If this issue is going to be referred back to the Finance Committee, Mooney suggests that they should investigate every option available including the ability to special assess the Acacia Drain District.

Craig will vote for the motion to ask the Finance Committee to opine on whether it makes fiscal sense to bond the Acacia Interceptor relief sewer. There are political and economic issues involved in whether Council decides to accelerate the existing plan. He thinks that the body appointed by Council to review financial matters should gather facts, review various scenarios, and make a recommendation to Council. There will be no expenditure of money related to this financial analysis. Council will then make the political decision on whether it should accelerate the project.

Craig does not think Council can accelerate the Acacia project without going to the voters because it would require bonding. Going to the voters on the bonding question may end the discussion once and for all.

Mooney asserted that the Finance Committee did opine on this issue two years ago when faced with practically the same problems that the Village was faced with in 1995 and 1996. A recommendation was made to the Council that it would be in the best interest of the entire Village to finance the infrastructure improvements on a "pay as you go" basis. Mooney stated that he does not see any change in the situation since the Finance Committee looked at infrastructure funding two years ago.

Buterbaugh suggested that Council be specific in what it directs the Finance Committee to study. He asked if Council is talking about looking into a bond issue or a bond issue plus additional millage.

Craig reviewed that Council voted on a variety of different ways to accelerate the Acacia project at its November 16, 1998 meeting. All financing methods were ruled out except going back to the voters for approval of a bond issue. He thinks bonding should be the focus of the Finance Committee.

Worrell recommends that the Council follow the plan in place for infrastructure repairs and not spend a tremendous amount of money to accelerate the Acacia project by approximately three years.

Kennedy maintains that funding options have not been completely researched by administration and the Finance Committee. She thinks that the Finance Committee should look into how the Village can be more productive in the years when dedicated millage money is being collected to address the bigger projects.

Mooney commented that the Council has voted to alleviate sewer problems east of Pierce in nineteen months from now to alleviate the majority of the flooding problems in the Village. There are approximately 150 homes in the Acacia district that have experienced flooding during 100-year storms. The question is whether to spend \$5 million or to spend \$9 million to get this project done three or four years faster.

Buterbaugh outlined sewer repairs that are being made as part of the first phase of the sewer rehabilitation plan.

Walsh referred to the Council discussion last November on various ways of funding sewer projects. Every method of funding was voted down except bonding. There was discussion on revisiting this issue if any special type of funding or rate were available. Walsh does not see anything that has changed as far as finances since that time.

Kennedy maintains that the charge to administration and the Finance Committee would be to review the infrastructure plan currently in place and investigate the bond funding option as well as other viable options. The result may be a recommendation that the project should not be accelerated.

Doyle Downey of 30865 Lincolnshire West commented that Council is talking about people's homes and property values. He would appreciate Council doing whatever it can to study and accelerate the project. Downey suggested that Council look into project planning tools that could be used to identify the number of homes that a specific action would remediate.

Dorothy Pfeifer of 31287 Heath Court asked for clarification on a comment made about funds having already been spent in the Acacia District.

Spallasso stated that money is being spent from the first 2 mills approved by the voters to conduct critical structural repairs to the sewer system in both the Acacia and Twelve Towns districts. It appears that there will be savings experienced in this phase of the project.

Pfeifer questioned how many households are included in the Acacia District in both Birmingham and Beverly Hills. She was informed that there are approximately 1,500 homes in the Village that are in the Acacia District.

Pfeifer suggested that a special assessment district be created if there seems to be a real need to move ahead with the project in the Acacia District. She stated that everyone west of Southfield is paying for the problems being experienced on the east side of the Village. To burden them with more millage does not seem fair.

Elizabeth Downey of 17151 Kinross stated that it is being assumed that there are 170 homes in the Acacia District that experience basement flooding based on the most recent reporting. She suggests that there are more homes than have been reported that have been affected in the Acacia District.

Downey stated that, when she voted for the dedicated millage, she was not directing the Council to finance sewer repairs by means of the "pay as you go" plan. The choice was not given to the voters to either approve bonding, pay as you go, or do nothing. The choice was "pay as you go" or do nothing. Downey believes that a survey taken in her neighborhood would indicate that the residents did not direct Council to only study the "pay as you go" method of financing.

Downey stated that Council is not being asked to approve bonding tonight. Council is being asked to give the residents the facts and figures that justify whether the people will have flooded basements for the next seven years or whether there is something that can be done. She asked why it would not be feasible to extend the current dedicated millage rather than increase it. The extended millage could be used to finance a bond now that allows the Village to accelerate repairs to the Acacia district.

If the facts and figures show that any reasonable person would understand that the Acacia project cannot be accelerated, the people will see that. Downey suggests that coming forward with facts and figures or putting the bonding question to a vote is the best possible defense the Village can have to a lawsuit. It would be the best possible public relations to convince people not to join the lawsuit.

Downey understands that Birmingham is already committed to making repairs in the Acacia District and has requested the Village's participation. This is an additional reason why Council should consider seeing if the facts and figures support the feasibility of doing something now rather than later.

Mooney understands that Birmingham's plan is to special assess 85% of the cost of the Acacia Relief Drain on the affected district.

Downey responded that she would like to see the cost breakdowns that show why a special assessment is preferable to extending the current millage and using the extended millage to finance bonds now.

Mooney stated that there have been many meetings in 1995, 1996 and 1997 where financing of sewer improvements were discussed including whether this was a limited area or a village-wide problem. People were implored to come out and attend the meetings prior to taking a vote of the people on financing the reconstruction of the sewer system. Mooney remarked that he was a proponent for a larger millage for a shorter period of time. He asked Downey to look at the record of the millage vote. It lost in all but one precinct west of Southfield and it barely won in Downey's precinct. This is a very fiscally conservative town, and it was fortunate that the dedicated millage passed. Mooney emphasized that there is no one in administration keeping documents from residents.

Mooney contends that the problems that were faced by the Village then are identical to the problems that have been alleged in this past year. We are dealing with hard rains during several summers. Mooney stated that he has listened to the complaints that have been received and realizes the trauma of water coming into the home. The question remains whether to double the cost of the Acacia project to alleviate the problem three years sooner for 170 homes. It is his opinion that the cost/benefit analysis does not warrant this.

Downey respectfully asks that the issue be studied completely and the documents be provided to the residents. They will then have all the facts and figures and be prepared to have an intelligent village-wide discussion on it.

Mooney stated that the sewer funding issue was investigated in depth. He questioned whether each issue is going to be revisited every two years because there are different people in the Village or whether Council should adopt a policy that is in the best interest of the entire community and move forward on it.

Norm Downey of 23042 Nottingham Drive complimented Worrell and Spallasso on action taken to accelerate the Sheridan/Amherst relief sewer. He stated that the people in the Acacia District want action.

Roll Call Vote:

Worrell	- no
Buterbaugh	- no
Craig	- yes
Kennedy	- yes
Lison	- no
Mooney	- no
Walsh	- no

Motion fails (5 - 2).

ACCEPT LETTER OF RESIGNATION AND FIRST ANNOUNCEMENT OF VACANCY ON THE FINANCE COMMITTEE

Buterbaugh has contacted Ms. Beach and communicated the sense of Council on this matter. Beach was asked if she is interested in reconsidering her letter of resignation. Her position has not changed.

Buterbaugh made the first of two announcements of a vacancy on the Finance Committee. Members of the Finance Committee are generally finance professionals who assist the Council in financial matters assigned to them. Applications are available at the Village office during regular business hours.

MOTION by Buterbaugh, supported by Mooney, to accept the resignation of Patricia Beach from the Finance Committee and thank Ms. Beach for her service on the Finance Committee since 1992. She was chairperson during much of that period and did an outstanding job. Ms. Beach brought her extensive municipal experience as Treasurer of Bingham Farms to the Finance Committee.

Motion passes unanimously.

Craig remarked that Planning Board member Doyle Downey has petitioned to run for the office of Council member. There are only three people running for three seats. He asked Ryan if Council can make an announcement of a vacancy on the Planning Board prior to the election to accelerate filling a position on the Planning Board.

Ryan stated that Mr. Downey can resign from the Planning Board if he chooses. There is no vacancy until he resigns.

AUTHORIZATION TO SEEK PROPOSALS FOR AUDITING SERVICES

Buterbaugh stated that auditing service has been provided to the Village by Guest, Olds and West for many years. The firm's current contract has expired. The Village is currently paying \$17,500 for auditing service.

There followed Council discussion on whether to renew the contract with the current auditing firm or go out for bids on this service. It was the consensus of Council that Guest, Olds and West have done a great job for the Village. The firm's institutional memory is considered to be an asset. However, it is considered to be good business practice to occasionally go out for bids to test the market and to change auditors periodically. It was suggested that auditing firms that do a large volume of municipal work could provide other valuable services to the Village.

A Request for Proposal should include an outline of the services the auditing firm offers, a list of its clientele, and whether a principal of the firm will be assigned to Beverly Hills. A summary report will come before Council for consideration.

MOTION by Buterbaugh, supported by Craig, that the Village Council of Beverly Hills authorize administration to prepare a Request for Proposal and seek bids for auditing services for the next three years to include the current fiscal year.

Roll Call Vote:

Buterbaugh	- yes
Craig	- yes
Kennedy	- yes
Lison	- yes
Mooney	- yes
Walsh	- yes
Worrell	- no

Motion passes (6 - 1).

CHANGE ORDER #1 TO CONTRACT #S-98-6 FOR SEWER REHABILITATION

The proposed change order will address six new sewer locations that are in need of repair and rehabilitation.

RESOLVED by Worrell, supported by Mooney, that the Village Council of Beverly Hills authorize Change Order #1 in the amount of \$175,550.00 to Contract S-98-6, Phase I Sewer Rehabilitation Program issued to Insituform North, Inc. in Owosso, Michigan.

Walsh had questions on the Change Order that were addressed by Spallasso.

Roll Call Vote:
Resolution passes unanimously.

APPROVAL OF BILLS RECAPPED AS OF MONDAY, FEBRUARY 1, 1999

MOTION by Buterbaugh, supported by Walsh, that the bills recapped as of Monday, February 1, 1999 be approved for payment in the following amounts:

\$128,367.13	General Fund
29,789.34	Major Road Fund
15,998.13	Local Road Fund
116,268.61	Dedicated Millage
136,252.20	Water/Sewer Operation Fund
7,837.18	Trust & Agency

Motion passes unanimously.

LIAISON S REPORTS

Mooney asked for and received Council's unanimous consent to offer Retirement Board members an opportunity to attend a seminar. Board members have been provided with brochures on a number of conferences. A consensus of the Board members on the seminar they are interested in attending will be obtained and brought back to Council for approval.

Lison stated that Director of Public Safety Woodard will present the Public Safety Department Annual Report at the first Council meeting in April.

Craig reminded Council of the joint meeting with the Parks and Recreation Board on February 18.

Worrell thinks that the people of the Village should know that, since 1986, this Village of 4,000 homes has spent \$17 million on infrastructure. He believes that Council has done a great deal to improve the Village's infrastructure.

Buterbaugh stated that a January 19, 1999 letter from MediaOne to the Village Clerk informs the Village that MediaOne will be moving some of its Eton Road Call Center staff to the regional call center in Plymouth. All customer service representatives will change to a new billing system with the move. The Eton Road facility will also continue to be staffed with front counter personnel for customers who prefer walk up payments.

A card from MediaOne received by the Village invites Beverly Hills staff to visit the Dearborn Heights Public Library on Friday, February 19 to see what Broadband is going to do.

Council has received copies of a letter dated January 29, 1999 from MediaOne to Buterbaugh regarding Telecommunications Regulation. The subject of the letter is MediaOne entering the telephone business. If the Village has adopted an ordinance to regulate alternative telecommunications providers, MediaOne is requesting a copy of that legislation. If the Village has

not adopted a telecommunications regulation but intends to do so, MediaOne asks to be involved in the process. If the Village has not adopted legislation and has no intent to do so, MediaOne would like confirmation as to whether MediaOne's franchise with Beverly Hills permits it to offer telecommunications services. This letter will be referred to the Village Attorney for review and recommendation to Council.

MANAGER'S REPORT

Hanlin thanked Council for its vote of confidence in renewing her contract. She reported that administration has issued a ticket to the owner of the fire damaged Halo building on Southfield Road. Hanlin asked Ryan to report on the upcoming court date.

Ryan reported that building official Byrwa issued a citation under the BOCA Existing Structure Code to the Halo principal on the day after the last Council meeting. Shortly after the ticket was delivered, the Village Manager received a phone call and instructed the Halo principal that the Village is looking for compliance and we would see them in court.

A pre-trial hearing is scheduled for this Friday at 1:30 p.m. in the 46th District Court. Ryan intends to enter by stipulation if the principal will agree to remediation of this building with specific time lines. This may include posting of the appropriate money so that the repairs can be done by the Village at Halo's expense if it is not done by the established dates. This matter has been processed expeditiously and Ryan is hopeful that he will be able to report after the Friday pre-trial that there is a definite time frame in mind for the remediation of this building and its unsightliness.

If the principal does not agree to the Village's request, the Village has the option of issuing other tickets. Ryan intends to ask the judge for an expedited trial date in order to get this matter resolved as soon as possible.

Craig expressed the view that the Village should be issuing a ticket every day to Halo and impose the maximum fine. It is an eyesore and Craig would not be lenient with the owner.

Ryan stated that he will make the Village's point known, and, hopefully, the parties can come to an agreement. If the parties do not agree, there will be an expedited trial date and administration reserves the right to issue other tickets if they deem it appropriate.

PUBLIC COMMENTS

Todd Stearn of 15690 Kirkshire thanked Mr. Mooney and Mr. Worrell for the work that they have done on Council over a period of many years. Stearn is running for Village Council. He remarked that he is making an effort to go door to door to meet as many people as he can.

Dorothy Pfeifer of 31287 Heath Court commented that she is troubled by the way the discussion on the Acacia District was left. She questioned what Birmingham is doing with respect to improvements to the Acacia Park Interceptor. This information is vital to the Village and should be shared considering that this is a joint project.

Spallasso stated that Beverly Hills has not had formal communication with the City of Birmingham on Acacia Park Interceptor improvements. Because this district is composed of two communities, whatever the Village decides to do would have to be done in conjunction with Birmingham, possibly under a Chapter 20 project with the County administering the project.

Pfeifer commented that she understands that a special assessment district can be created without the consent of the people. She thinks that having a per household cost for the Beverly Hills portion of that district would be a good figure to have.

COUNCIL COMMENTS

Craig referred to a memo from Hanlin regarding a City Council Pamphlet and expressed the view that the information is covered in the annual calendar.

Craig congratulated Todd Stearn, Doyle Downey, and Elaine Kennedy for running for office. While there are only three people running for three seats, Craig encouraged everybody to come out and vote in the March election.

Craig is concerned with planning consultant Jim Schafer's resignation from Birchler Arroyo. Kennedy remarked that Dave Birchler will personally be working with the Planning Board for the next six months.

Worrell noted that it is expected that there will 20 new homes built in Beverly Hills this year. Hanlin stated that this is based on the Merritt project being completed, the Chawney project, and the final build out of Westwood Common.

Worrell commented that he read in the minutes of a recent Parks and Recreation Board meeting that they are seriously considering a dog run in Beverly Park. He thinks that there would be a lot of problems affiliated with this idea.

Lison questioned the status of the Chawney project. Spallasso stated that there was a meeting with Mr. Chawney in late October at which time he indicated that plans would be submitted for the first unit in mid November. Plans have not been submitted as yet. Spallasso reported that Chawney has put in the road and utilities.

Walsh asked Spallasso if there is a timetable for repairing Southfield Road. Spallasso stated that there is no timetable for repair or replacement of Southfield Road. Every year at strategic planning meetings, the Village asks the Road Commission to fix Southfield Road. The Road Commission's answer is that they will do this when money is available. Administration will meet again with the Road Commission in March.

Mooney stated that Ms. Kennedy has his admiration for continuing into another term on Council. He congratulates Mr. Stearn and Mr. Downey on running for the office of Council as well. Mooney thinks that people are not running for office because they believe this Village is being run well and that decisions that have been made on controversial issues have been the right ones. He thinks this Council is probably on the right track and should be congratulated. He knows that this will continue with the fine candidates who are running and will be elected.

Mooney commented that it was a pleasure to debate tonight with a person of the class and intelligence of Elizabeth Downey.

Mooney said that he has a great deal of sadness that his colleague Mr. Worrell is not running for office. Tonight Worrell mentioned the \$17 million that has been expended on infrastructure since 1986. The vast majority of that infrastructure work was spearheaded by Mr. Worrell. Mooney believes that he has spent the Village dollars in a reasonable, prudent, intelligent way.

Mooney remarked that he and Worrell have disagreed on issues occasionally. There has never been a doubt in his mind that Worrell had the best interests of this Village at heart. The loss of Frank Worrell from this Council is a dramatic loss of institutional memory. This Village is a better place in 1999 than it was in 1990 due in no small part to the effort of Frank Worrell. He will be missed.

Kennedy welcomed her two colleagues Todd Stern and Doyle Downey.

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

Motion passes unanimously

Elaine Kennedy
Council President

Ellen E. Marshall
Village Clerk