

REGULAR COUNCIL MEETING MINUTES - MONDAY, JUNE 21, 1999 - PAGE 1

Present: President Craig; President Pro-Tem Lison; Members: Buterbaugh, Downey, Kennedy, Stearn and Walsh

Absent: None

Also Present: Village Manager, Hanlin  
Public Services Director, Spallasso  
Village Clerk, Marshall  
Assistant to the Manager, Pasieka  
Finance Director, Wiszowaty  
Building Official, Byrwa  
Director of Public Safety, Woodard  
Village Attorney, Ryan

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

**APPROVE MINUTES**

On page 2, last paragraph, first line, substitute “kidnapping” for “attempted car jacking”.

MOTION by Kennedy, supported by Lison, that the minutes of a regular Council meeting held on Monday, June 7, 1999 be approved as amended.

Motion passes unanimously.

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

Norm Downey of 23042 Nottingham referred to a handout he prepared on the financing of the “pay as you go” program for sewer and road improvements. Downey remarked that a report from the Village Finance Director to the Village Manager dated April 27, 1999 projects that the “pay as you go” program for infrastructure repairs is under funded by \$3.1 million unless voters approve added funding. The 2 mill dedicated millage will not be enough to cover all the necessary repairs to the sewer system.

Downey believes that the Village needs a five year financial plan with time lines to track “big ticket” items and assist in planning to fund capital expenditures. He urged Council to develop a plan to address the under funding of sewer repairs since the adopted plan lacks sufficient funding.

Stearn questioned the assumptions on which Downey bases his comments on funding of infrastructure projects. The cost of sewer repairs undertaken to date have come in significantly under the budgeted amounts. Downey is assuming that Council does not allocate additional money outside of the dedicated millage for sewers and roads. Council has allocated additional millage amounts in the 1999/2000 budget towards infrastructure repairs. Wiszowaty commented on different assumptions with respect to the dedicated millage and the various infrastructure projects in Beverly Hills.

Downey asked if there will be additional millage required from residents. Craig stated that his question cannot be answered tonight. Kennedy added that the Finance Committee is currently working on a five year financial plan which will be referred to Council for consideration. That would be an appropriate time to discuss the subject of funding for infrastructure projects.

Larry Smith of 31878 Nixon stated that it is a major concern of the residents of Beverly Woods Subdivision that the sidewalk on the south side of Beverly Road does not extend all the way to Beverly School. The safety of children crossing Norchester to get to the north side of Beverly Road is a problem. Area residents are requesting a crossing guard at Norchester and Beverly Roads. It is a busy intersection during morning hours when parents drop children off at school and school busses are in the area. This issue of a crossing guard was supported by the PTA at Beverly School.

Smith commented that there is a renovation project planned for Beverly School which will result in construction trucks driving in the area and will limit parking in the school lot. Children walking from Beverly Woods will be dealing with more vehicles driving past that intersection with construction going on at the start of school. Smith is aware that a crossing guard would cost about \$3100 a year. Area residents feel that this is a small investment for the protection of their children.

Smith was informed by Public Services Director Spallasso that it would be helpful for the residents to obtain the support of the Birmingham School District in requesting a crossing guard at that location. Smith spoke with the Beverly Hills Public Safety Department, and there was agreement that a safety official is needed at that intersection for the reasons stated. He asked Council to consider this request and would appreciate any suggestions in this effort.

Kenneth Krasity of 31964 Mayfair indicated his support of Larry Smith's petition for a crossing guard at that location. Krasity is present to comment on the park master plan.

Krasity received a Friends of Beverly Park brochure in the mail this week which shows a schematic of the master plan for the park. He is opposed to placing a pavilion in the far northwestern corner of the park. He also has concerns about the implementation and development of the park master plan and what he feels is a lack of citizen input.

Krasity opposes this new pavilion for several reasons. It would eliminate some of the green space on the northwest edge of the park. Krasity lives on Mayfair near that site and a pavilion would attract people and result in a lot of noise and an invasion of his privacy. Krasity commented that the sidewalk near the proposed drop off is the only way out of Beverly Woods subdivision. The reason for the drop off is to allow cars to pull off Beverly Road near the sidewalk and drop things off at the pavilion. He is concerned about the increased number of people in that area near a sidewalk where children are walking back and forth.

Krasity thinks that a pavilion in the far northwest corner of the park is distant from all active areas of the park and from the bathrooms and would be inconvenient for the users. He maintains that the pavilion could be moved several hundred feet to the southeast and still be near the play area.

Krasity first learned about the pavilion being proposed when he received the Friends of Beverly Park brochure in the mail this week. He gathered signatures on a petition from 13 neighbors who also object to the location of the pavilion. Krasity commented that there were neighbors on Mayfair and on Beverly who had no knowledge of the proposed pavilion.

Krasity attended the Parks and Recreation Board meeting last Thursday and discussed this pavilion with the members. A member of the Board indicated that they had not heard any negative comments about the location of the pavilion during the process of developing the master plan for the park. He questions how the Village was unable to discover opposition to the location of this pavilion during that process when he gathered 13 signatures from people who object to the pavilion in one afternoon. Another 15 signatures were gathered the following day at the Beverly Woods Association meeting. If the Village is interested in citizen input, Krasity suggests that letters be sent to individuals who will be directly affected by a change. The residents would like to have the opportunity to give their input earlier in the process.

Craig stated that the park master plan is a concept plan which does not confirm that a pavilion will be built in that area. The park plan was discussed at seven publicized Parks and Recreation Board meetings and two joint meetings with Council. There was a public hearing on the plan which was then adopted by both the Parks and Recreation Board and the Village Council.

A concept plan was developed after a number of meetings over a span of a year and a half with input from a variety of residents. It was determined that there was a need for a second small shelter for local residents to use when the pavilion is reserved. Its exact location has not been determined.

Craig stated that this small shelter is not a high priority. The fund raiser this year is focusing on the front entrance to the park. A pedestrian entranceway, paving the parking lot, re-doing the ball fields, improvements to the sled hill, and opening up the area from the pavilion to the pond will be addressed through fund raising over the next several years. He assured Krasity that Council will discuss a second pavilion before funds are allocated.

Craig stated that the Village produced all the notification required. He is sorry that area residents did not come forward and promote the view that they do not want a pavilion in that area. Council will ask for their input if this comes before Council for consideration.

Lison remarked that Council spends a lot of time trying to get people involved. Now that Krasity and other area residents are directly affected, Lison suggests that they pay closer attention to fund raising activities in the park. Lison added that he can understand Mr. Krasity's interest but noted Council has to consider the interest of the entire Village population. Council welcomes feedback from citizens.

Kennedy referred to efforts made to involve the public in the park master plan. She welcomes Mr. Krasity's input and urged him to stay involved.

Phyllis Lauer of 31965 Alden Court commented that the homeowner association president sent area residents a notice about a meeting to discuss the park master plan about a year and a half ago. She and her husband attended the meeting.

**CONSIDER RESOLUTION APPROVING SITE PLAN DATED 6/2/99 FOR A SCHOOL AND PARISH CENTER ADDITION AT 32460 PIERCE AS SUBMITTED BY OUR LADY QUEEN OF MARTYRS CHURCH**

A public hearing was held at the last Council meeting on the request from Our Lady Queen of Martyrs Church for approval of special land use and site plan for a school and parish center addition at 32460 Pierce. Council consideration of approval of the site plan and special land use request was deferred until this meeting.

Council is in receipt of a review letter dated June 14, 1999 from planning consultant Birchler Arroyo which addresses the revised site plan. Parking has been determined to be sufficient for the site. A total of 294 parking spaces will be provided on the site; 417 spaces are required. Council can reduce the required parking for mixed uses by no more than 50% (or 209 spaces) if parking demand for each use will not overlap and create a parking deficiency. Council may determine that there is justification for a reduction in the required number of spaces since school hours and worship service hours seldom overlap.

Kennedy commented that representatives of the Church have arrived at an agreement with the abutting property owners on the issue of screening the site, including the parking area. The applicant originally proposed to build a six foot high wall along the north property line and increase landscaping along the south property line. Concerns by residents resulted in further consideration of screening plans.

John Vitale with Stuckey and Vitale Architects representing Our Lady Queen of Martyrs Church stated that each residence abutting Church property was visited since the last Council meeting and a survey of those interviews has been prepared. The applicant has attempted to address each resident's concerns and create a unifying design along that border line. Vitale stated that the majority of the residents prefer to leave what they have in place.

There was agreement to upgrade the fences at the request of adjacent residents. They will be unified by using the same style six foot cedar fence. In addition, a landscaping scheme in the strip of land between the parking area and the property line fence is proposed. The architect has provided two different schemes, one with a larger tree as a focal point and one that is based on evergreens.

RESOLVED by Kennedy, supported by Downey, that the site plan dated for 6/2/99 for school and parish center addition at 32460 Pierce as submitted by Our Lady Queen of Martyrs Church be approved with the following conditions:

- 1) That legal documents to dedicate the 43' right-of-way on Pierce to the Village be provided;

- 2) That accurate records and conditions of the combined sewer system within the property be provided to the Village engineer;
- 3) That the applicant be required to design the outlet at an agricultural rate of discharge for the additional parking area.
- 4) Council approves the buffer landscape schematic #1 submitted by the architect and requires that a fence and landscape maintenance plan be indicated on the site plan.

Council discussed the proposed plan and the motion. Questions relative to parking on the site were addressed by planning consultant Katherine Wyrosdick.

Roll Call Vote:  
Resolution passes unanimously.

**CONSIDER RESOLUTION APPROVING SPECIAL LAND USE FOR A SCHOOL AND PARISH CENTER ADDITION AT 32460 PIERCE AS SUBMITTED BY OUR LADY QUEEN OF MARTYRS CHURCH**

The use of the property for purposes of the school, church, and parish center is an established use which is permitted in the district by special approval. Special use approval is required because the existing uses are being expanded by the proposal to enlarge the school, convert the former convent into a parish center, and move the offices out of the rectory.

RESOLVED by Kennedy, supported by Lison, to approve the Special Land Use for a school and parish center addition at 32460 Pierce requested by Our Lady Queen of Martyrs Church.

Roll Call Vote:  
Resolution passes unanimously.

**ACCEPT PROPOSAL FOR FURNISHING REFUSE, YARD WASTE AND RECYCLING COLLECTION**

Stearn stated that the Village's contract for refuse collection expires on June 30, 1999. Bids from the following three companies were opened on May 26 for refuse/recycling/yard waste collection: Great Lakes Waste Services, Tringali, and Waste Management. The bid from the Village's current provider, Great Lakes Waste, was \$100,000 less per year than the other bids for a three year contract.

There have been many complaints in recent months about the service from Great Lakes Waste. In an effort to address some of these concerns, a meeting was held between Village staff and John Prymack, Municipal Development Manager for Great Lakes Waste Services. Stearn stated that John Prymack and Greg Custard from Great Lakes Waste are present this evening to answer questions about how the company plans to successfully deliver this contract.

Stearn commented that, while refuse collection has been a major area of concern for residents, it would not be fiscally responsible for Council to accept a bid from a company that will charge

\$121,000 a year more for refuse collection. Stearn questioned the possibility of extending the current contract for one year while the Village looks into alternatives.

Ryan stated that this contract has been extended for a year in the past. Representatives from Great Lakes could be asked if the company is willing to extend the contract for some period of time.

Council members discussed the alarming number of complaints about Great Lakes and the significant difference in the next lowest bid.

John Prymack asked that Council look further back than the last six months. Great Lakes has been the hauler in Beverly Hills for the last fifteen years. It is correct to say that the last six months has not been up to the standard that has been provided in the past. A reason for the problems being experienced is the strong economy which makes it difficult to get the work force that the Village is used to having. He stressed that this is an industry-wide problem.

Stearn asked how Great Lakes can assure Council that the company will improve the quality of service that it has been receiving.

Prymack responded that he cannot guarantee that a truck will not break down or that a home will not be missed. He can guarantee that the company can do the job it is contracted to do which is pick up the trash, recycling, and yard waste.

Custtard stated that hiring good people is a key element. Studies show that there is a 2.9% unemployment rate in Oakland County which represents the people who do not want to work. Custtard recently observed that 11% of the employment ads in the newspapers were for truck drivers. A lot of people are going to drive a truck for other industries rather than collecting trash.

Custtard outlined what has been done in the last four weeks to improve service. Great Lakes is hiring a new supervisor with seven or eight years of experience in residential collection. The company has a district safety manager and a division safety manager. A large part of their time is spent in recruiting, training, and follow up. A driver trainer was hired to work with new employees. Great Lakes is offering \$2,000 hiring bonuses and employee referral bonuses to attract labor. Custtard thinks that Great Lakes is probably doing more than most of its competitors to make sure that it continues to get good people.

Custtard stated that he would choose Great Lakes over the other companies who submitted bids to the Village for a three year contract based on the reputation of the other companies. Great Lakes is doing things to get back to the point where it once was.

Kennedy suggested imposing stiffer penalties on the company for non-performance and perhaps a performance bonus. She cannot vote for a three year contract based on the contract as presented.

Lison referred to a letter dated June 2, 1999 from John Prymack to the Village Manager in which he states that he was unaware of the continuing problems in the community. He questioned whether there is adequate communication between the Village and Great Lakes. Lison stated that there has

been discussion on solutions to the problems, including scheduling. Because the highest absentee day is Monday, consideration could be given to scheduling a Tuesday through Friday pick up schedule.

Buterbaugh congratulated Great Lakes on its good record of trash collection until recently. The company has adjusted to composting and recycling. He outlined problems that began this year with emphasis on poor recycling service. Buterbaugh asked about the change from one-man to two-man trucks. Prymack stated that the two-man trucks are now used for the narrower, more congested roads in some areas of the Village.

Buterbaugh does not think that Council should consider even a year's extension of the contract without evidence that the company is able to improve performance. Downey also has a serious problem with approving a three-year contract. Walsh suggested setting aside the approval to have the contract rewritten.

Craig asked the Great Lakes representatives if they have the authority to agree to a shorter term contract or probation period. Prymack responded that there was a three year bid proposal. They would have to consult with Great Lakes management if the company was not awarded a three year contract. Prymack could not commit the company to picking up trash under the old contract if the contract was not awarded tonight. He noted that there is a 180 day notice required if the municipality wants to extend the contract.

Dorothy Pfeifer of 31287 Heath Court commented that this sounds more like an industry problem than the contractor's problem. She asked if the Village has checked references from the other bidders and how well they service their communities. Craig stated that the other bidders and the municipalities they service have been contacted. There were good reviews for the next lowest bidder.

Pfeifer questioned the percentage of savings that would be realized by going with the low bidder. She was informed that the bid from the Village's current service provider is about 25% lower than the next lowest bid. Pfeifer agrees that the Village has to be fiscally responsible. She questioned whether the Village could negotiate a probationary contract with Great Lakes and rewrite the three year contract to include penalties for not providing service.

Craig commented that there are penalties in the current contract, but they do not start until 48 hours after the trash has not been collected.

Norm Robiner of 30600 Lahser stated that the representatives for Great Lakes do not have the authority to make decisions about extending the contract, and Council does not have time to renegotiate a contract. He thinks that the choices are to award the contract to Great Lakes or spend \$100,000 more and not know what the Village will get. He urges Council to proceed with a vote on a contract. The Village has three years to resolve the problems with Great Lakes.

Phil Schmitt of 18103 Riverside commented that his trash service has been satisfactory. He cannot imagine that any other company is going to be \$100,000 a year better.

Bob Bliven of 31633 Nixon does not think that the Village will receive much better service for \$300,000 more on a three year contract.

Jean Martell of 32231 Verona Circle commented that the employees do not always recycle the items that are separated for recycling.

Hanlin clarified that a route supervisor is in the office once or twice a day and receives notes gathered during the course of the day about problems and complaints. Hanlin commented that she knows that a contractor is in trouble when complaints get to her office on a regular basis which has been the case. That is when she contacted a management representative to discuss the problems.

In terms of an extension of the current contract, administration came to Council in April for approval to solicit bids. The Village extended this contract last year and has not sought bids in four years. Administration thought it appropriate to seek bids rather than consider an extension.

Craig commented that whether the Village will receive better service with the next lowest bidder is an unknown.

RESOLVED by Stearn, supported by Lison, that the Village of Beverly Hills Council accept the three year contract with Great Lakes Waste Services for refuse collection in the total amount of \$922,757.58.

Kennedy would approve a contract with Great Lakes if there were additional penalty and performance clauses.

Ryan commented that Great Lakes has acknowledged that there have been recent difficulties. Council could table this until a special meeting next Monday night so that Great Lakes representatives can seek the authority to offer a six month or 90 day contract extension. Council could then negotiate contract details.

Lison asked if Prymack would be willing to meet with Village representatives on a quarterly basis with a task force if the contract is approved tonight. Prymack agreed to this. Both sides would keep better records and monitor progress in resolving problems.

It was noted that the contract includes a termination clause upon good cause after 20 days written notice. If there is a default, the municipality can perform the duties and charge back the cost of the contract.

Roll Call Vote:

Downey - no

Kennedy - no

Lison - yes  
Stearn - yes  
Walsh - yes  
Buterbaugh - yes  
Craig - yes

Resolution passes (5 - 2).

### **CONSIDER REAPPOINTMENT OF MEMBERS OF VARIOUS BOARDS AND COMMITTEES**

Each year Council reappoints board and committee members whose terms of office are due to expire at the end of June. The members contacted were interested in being reappointed to another three year term with the exception of Gerald Miley from the Planning Board and Ann Woodman from the Parks and Recreation Board.

It has been the policy of Council to base its decision for reappointments on board and committee members attaining a 70% minimum attendance requirement. William Saunders from the Cablecasting Board did not meet that requirement.

There was discussion on whether to implement the attendance requirement. Buterbaugh, liaison to the Cablecasting Board, stated that Mr. Saunders was a member of the Cablecasting Board representing the City of Birmingham before he moved to Beverly Hills and was appointed as a delegate of the Village. Saunders has been on the Cablecasting Board since its inception and is knowledgeable on the topic of cable television. Buterbaugh was assured by Stephen Hall, chair of the Cablecasting Board, that he consults with Saunders frequently by phone. Buterbaugh commented that Mr. Saunders' attendance record is 56 percent since the last appointment.

Craig asked Council whether the attendance record of Mr. Saunders should be overlooked based on his contributions to the Board. Buterbaugh believes that the attendance record should not be put aside. Lison commented on recent heart surgery that may have been a factor in poor attendance for a couple of months. Council discussed how to proceed on this appointment. A motion was offered which reappointed all members with expiring terms with the exception of William Saunders.

RESOLVED by Buterbaugh, supported by Kennedy, that the Village of Beverly Hills Council reappoint the following board and committee members for three year terms to expire on June 30, 2002: Planning Board members Vince Borowski and Norman Robiner; Zoning Board of Appeals members James Kamp, Michael Clark and Roger Pagnucco; Parks and Recreation Board members Patricia Greening and Alan Cobleigh; and, Finance Committee members Donald MacDonald and Gary Mach.

Dorothy Pfeifer believes that the term of the Village Council liaison to the Birmingham Area Senior Coordinating Council expires at the end of this month. Bill Pfeifer has been the delegate from Beverly Hills since 1993. Craig stated that this will be addressed at the next Council meeting if it is an oversight.

Roll Call Vote:

Kennedy - yes  
Lison - no  
Stearn - no  
Walsh - yes  
Buterbaugh - yes  
Craig - no  
Downey - yes

Resolution passes (4 - 3).

There will be a first announcement of a vacancy on the Cablecasting Board at the next meeting.

**CONSIDER COMMITTEE RECOMMENDATION FOR APPOINTMENT TO PLANNING BOARD**

Kennedy stated that a committee consisting of Buterbaugh, Craig, and herself met this evening at 7 p.m. to review six applications to fill a vacancy on the Planning Board. The committee selected two candidates, David Jensen and Jim O'Reilly. The committee recommends David Jensen as its first choice by a vote of 2-1 and Jim O'Reilly as an alternate choice by a unanimous vote.

MOTION by Kennedy, supported by Buterbaugh, to appoint David Jensen to the Planning Board for a term to expire on June 30, 2002.

Council discussed the appointment of David Jensen. There was agreement that he is highly qualified and contributes his time and expertise to the Village. Members of Council expressed concern that there is potential for a conflict of interest because David Jensen is a developer and builder.

Others on Council believe that Mr. Jensen would recuse himself if there was a conflict and that he should not be penalized for his occupation. It was suggested that Jensen is the kind of person that the Village needs on its boards.

Planning Board member Norm Robiner made comments supporting Jensen's appointment on the basis that he has vision and will present ideas for consideration by the Planning Board. Robiner thinks he would be a major asset to the Planning Board.

Board member Michele Tillman thinks Jensen is highly qualified but has concerns about the influence and impact of his strong views and visions on the Planning Board. She added that it may be more appropriate to select someone who is not a builder and has no inherent conflict.

Dorothy Pfeifer of 31287 Heath Court remarked that the Planning Board is a recommending body with the decisions made by Council. She thinks that David Jensen has the integrity to recuse himself if he thought there was a conflict.

Roll Call Vote:

Lison	- yes
Stearn	- no
Walsh	- no
Buterbaugh	- yes
Craig	- yes
Downey	- yes
Kennedy	- no

Resolution passes (4 - 3).

**CONSIDER COMMITTEE RECOMMENDATION FOR APPOINTMENT TO PARKS AND RECREATION BOARD**

Stearn stated that a committee of Kennedy, Downey and himself met at 7:15 p.m. this evening to review six applications for the vacant Parks and Recreation Board position. Four of the six applicants were in attendance and gave the committee a brief overview of whom they were and what they wanted to do at the park. Stearn commented that he appreciated receiving the applications six or seven days before the meeting.

The committee voted on first choice for appointment and an alternate. The committee recommends Janet Mooney for the position by a vote of 2-1. There was a consensus to select Jim O'Reilly as the alternate candidate.

RESOLVED by Stearn, supported by Lison, to appoint Janet Mooney to the Parks and Recreation Board for a term to expire on June 30, 2002.

Kennedy commented that the all the candidates were excellent and she hopes that they will apply again.

Roll Call Vote:  
Resolution passes unanimously.

**APPROVE PURCHASE OF VIDEO CASSETTE RECORDER FOR DEPARTMENT OF PUBLIC SAFETY**

RESOLVED by Lison, supported by Stearn.

*Whereas* it is in the interest of the Department of Public Safety to upgrade its booking room video recorder to one that will more efficiently record via motion and for a 24 hour period;

*Whereas* specific funds for such a purchase were not delineated in the 1998/99 budget year; however funds in a like amount for purchase of a police bicycle are not expected to be spent as a bicycle was donated to the Department during the year.

*Now therefore be it resolved* that the Department of Public Safety is authorized to spend \$911.00 for one Philips model LTC3924/60 video cassette recorder provided by Simplex Time Recorder Company of Livonia, funds to be allocated from Account #101-900-980 Capital Purchases - Public Safety Equipment.

Questions from Council were addressed by Director Woodard.

Roll Call Vote:

Resolution passes unanimously.

**APPROVE PURCHASE OF BATONS FOR DEPARTMENT OF PUBLIC SAFETY**

RESOLVED by Lison, supported by Walsh.

*Whereas* funds have been set aside in the 1998/99 budget for the purchase of collapsible batons for road patrol officers; and

*Whereas* having road officers trained in and equipped with such batons is recognized as providing officers an additional step in the use-of-force continuum short of the use of deadly force, and such training and equipment is supported by the Meadowbrook Insurance Company, the Department's risk assessment advisor;

*Now therefore be it resolved* that the Department of Public Safety is authorized to purchase 26 Monadnock AutoLock Model 9020 collapsible batons from the low quoting vendor CMP Industries, Inc. of Detroit at a cost of \$55.00 each or a total of \$1,430.00. Funds for the batons and the necessary belt carriers are available in Account #101-900-980 Capital Purchases - Public Safety Equipment.

Council discussed the purchase of batons. Woodard answered questions and displayed a baton.

Roll Call Vote:

Resolution passes unanimously.

**CONSIDER RESOLUTION AMENDING 1998/99 FISCAL YEAR BUDGET**

Wisowaty explained that the State Uniform Budgeting Act requires that Council reallocate budget appropriations in any department that exceeds the budget amount approved in May of 1998. Money

REGULAR COUNCIL MEETING MINUTES - MONDAY, JUNE 21, 1999 - PAGE 13

was transferred between departments with no additional expenditures made. Wiszowaty stated that the budget amendments reflect estimated money to be expended in this fiscal year as well as budgeted and reserved money in balance sheet accounts or transferred to the Capital Projects Fund because the expense will not take place until after July 1, 1999.

RESOLVED by Stearn, supported by Downey, that the Village Council of Beverly Hills approve the following amendments to the 1998/99 adopted Village budgets for the General Fund, Major and Local Road Funds, Debt Service and Water & Sewer Operating Funds as outlined in the memorandum from the Finance Director dated June 18, 1999.

Expenses to be transferred to Capital Projects Fund:

GENERAL FUND

Capital - Park Equip & Improve.	\$13,500.00	Capital Park Investment
Capital - Park Improvement Money	\$3,500.00	Estimated Receipts

Expenses to be reserved in Major Road Fund:

MAJOR ROAD

Oakland County Triparty Contribution	\$5,900.00	Share of County Road Improvements
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<i>DEPARTMENT REASON</i>	<i>ADOPTED BUDGET</i>	<i>AMENDED BUDGET</i>	<i>DIFFERENCE</i>
<u>GENERAL FUND</u>			
Village Manager Salary & Wages	\$168,822.00	\$180,822.00	\$12,000.00
Village Assessor Oakland County Computer Services	\$3,600.00	\$3,900.00	\$300.00
Village Treasurer Retired Treasurer Vacation Pay Off	\$34,199.00	\$36,199.00	\$2,000.00
General Administration Health Insurance, Professional Services and Newsletters	\$384,008.00	\$400,008.00	\$16,000.00
Building and Grounds Additional Telephone Cost and Repairs & Maintenance	\$31,080.00	\$40,080.00	\$9,000.00
Building & Planning Planning and Engineering Consultant Fees, Plumbing Inspector Fees, Engineering Inspector Fees, Vehicle Maintenance, and Electrical Inspector Fees	\$132,083.00	\$144,383.00	\$12,300.00
Public Safety	\$2,761,721.00	\$2,793,721.00	\$32,000.00

REGULAR COUNCIL MEETING MINUTES - MONDAY, JUNE 21, 1999 - PAGE 14

Misc. Professional Fees, Utilities, Vehicle Maintenance, R & M Building and Grounds and Insurance

Public Works Christmas Tree Chipping	\$543,450.00	\$545,450.00	\$2,000.00
Community Action 1998 Birmingham Fireworks	\$23,315.00	\$24,315.00	\$1,000.00
Parks & Recreation Increased Park Costs	\$54,850.00	\$64,850.00	\$10,000.00
Transfers Transfer to Capital Projects Fund for Park Equipment \$ Improvements	\$0.00	\$17,000.00	\$17,000.00
Capital Expenditures	\$344,289.00	\$230,289.00	\$(113,600.00)
General Fund AMENDED	\$5,229,491.00	\$5,229,491.00	\$0.00

MAJOR ROAD FUND

Construction Evergreen Bridge Costs, 13 Mile Bridge Replacement and 13 Mile Culvert	\$120,804.00	\$240,804.00	\$120,000.00
Major Road AMENDED	\$403,734.00	\$523,734.00	\$120,000.00

LOCAL ROAD FUND

Construction Council Approved Resurfacing Projects	\$297,868.00	\$763,868.00	\$466,000.00
Routine Maintenance Various Expenditures	\$191,643.00	\$196,643.00	\$5,000.00
Traffic Services Traffic Counter Expenses	\$21,031.00	\$22,031.00	\$1,000.00
Winter Maintenance Excessive Number of Snow Events	\$19,500.00	\$28,500.00	\$9,000.00
Local Road AMENDED	\$597,242.00	\$1,078,242.00	\$481,000.00

DEBT SERVICE FUND

Total Revenues	\$749,555.12	\$764,579.04	\$15,023.92
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Total Expenses	\$749,555.12	\$764,579.04	\$15,023.92
Addition of North Arm Relief Drain			
<u>WATER &amp; SEWER OPERATING FUND</u>			
Direct Charges	\$1,176,175.00	\$1,191,175.00	\$15,000.00
North Arm Relief Drain			
Office/Admin. Charges	\$190,384.00	\$197,384.00	\$7,000.00
Various Line Items			
Repair & Maintenance	\$339,479.00	\$357,479.00	\$18,000.00
R & M Hydrants and R & M Meters			
Depreciation	\$84,030.00	\$99,030.00	\$15,000.00
Water & Sewer Critical Repairs			
Water Fund AMENDED	\$1,826,468.00	\$1,881,468.00	\$55,000.00
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Council questions were addressed by Wiszowaty.

Roll Call Vote:  
Resolution passes unanimously.

**CONSIDER ADOPTION OF THE 1998/1999 FISCAL YEAR DRUG LAW ENFORCEMENT FUND BUDGET**

The 1998-99 fiscal year Drug Law Enforcement Budget is considered for adoption at the second meeting in June for the reason that the only income received other than income from investments is money collected by the Public Safety Department as a result of drug arrests. There is a requirement that this money be spent for law enforcement purposes.

RESOLVED by Stearn, supported by Lison, that the Village of Beverly Hills Council approve the 1998/99 Beverly Hills Drug Law Enforcement Fund budget of \$2,000 for revenues and \$2,000 for expenses.

Roll Call Vote:  
Resolution passes unanimously.

**SECOND READING AND POSSIBLE ADOPTION OF ORDINANCE #294 LAND DIVISION ORDINANCE**

The first reading of the proposed Land Division Ordinance was conducted two weeks ago. Ryan stated that the Village has a Land Division Ordinance. The new Ordinance will bring the Village in compliance with existing State law. Ryan summarized each section of Ordinance 294.

RESOLVED by Kennedy, supported by Walsh, that the Village of Beverly Hills Council adopt Ordinance No. 294, An Ordinance to Amend Chapter 23 of the Village of Beverly Hills Municipal Code Relating to Land Division Regulations.

Roll Call Vote:

Resolution passes unanimously.

**SECOND READING AND POSSIBLE ADOPTION OF ORDINANCE #295 PRIVATE ROAD ORDINANCE**

Ryan summarized the sections of Ordinance 295 amending Chapter 23 of the Municipal Code relating to private road regulations.

RESOLVED by Kennedy, supported by Lison, that the Village of Beverly Hills Council adopt Ordinance No. 295, An Ordinance to amend Chapter 23 of the Village of Beverly Hills Municipal Code Relating to Private Road Requirements.

Roll Call Vote:

Resolution passes unanimously.

Kennedy thanked the Planning Board and planning consultant for an excellent job on the Private Road and Land Division Ordinances.

**APPROVAL OF BILLS**

MOTION by Stearn, supported by Buterbaugh, that the amounts from the following accounts be approved for payment:

\$237,630.79	General Fund
7,366.60	Major Road Fund
6,282.43	Local Road Fund
15,114.63	Dedicated Millage
78,016.28	Water/Sewer Operation Fund
3,685.05	Trust & Agency Fund

Council questions were answered by Spallasso and Buterbaugh.

Motion passes unanimously.

**LIAISON'S REPORTS**

Stearn thanked Parks and Recreation Board member Andrea Brink for organizing the Douglas Evans park Rouge River clean up on June 5. He thanked Pat Greening for her work on the Friends of Beverly Park brochure which was mailed to all Village residents last week. Stearn announced that the Village Woman's Club is selling paving bricks as a fund raiser for the Friends of Beverly Park.

A box has been installed on the Douglas-Evans park sign to hold flyers containing information on the nature preserve.

The next concert in the park will be held this Sunday, June 27 at 4 p.m. and will feature the Birmingham Concert Band. Information will be forthcoming on the Art in the Park event scheduled for August 22, 1999 in Beverly Park.

Stearn displayed a sheet of the proposed "Friends of Beverly Park" letterhead that the Parks and Recreation Board would like to use to thank people for fund raising support and other communication. There was no objection to the letterhead from Council.

Stearn thanked Ann Woodman for her many years of service to the Village on the Parks and Recreation Board.

Stearn reported that the Finance Committee met last week to work on the five year financial plan. The Committee will be bringing important issues before Council in the near future.

Kennedy stated that the June 23 Planning Board meeting will be canceled. They will meet on July 14 to discuss project priorities, a schedule for the coming year, and elect officers. Kennedy congratulated David Jensen on his appointment to the Planning Board.

Buterbaugh commented on the Cablecasting Board meeting of last week.

Walsh informed Council that the Infrastructure Committee will meet on Monday, June 28 at 5:30 p.m. to discuss the paving policy of the Village. Downey will provide the committee with an update on a project status plan.

### **MANAGER S REPORT**

Hanlin informed those present that Dan Agacinski, who was Finance Director for Beverly Hills from November of 1981 to October of 1986, passed away on June 16 at the age of 50.

Hanlin announced that work will commence on the 13 Mile Road bridge, and 13 Mile Road will be closed to through traffic from approximately July 5 to late August. The Village apologizes for the inconvenience. Letters went out to homeowner association presidents notifying them of the project. Pre-notification signs will be erected on 13 Mile Road at the end of this week.

## **PUBLIC COMMENTS**

Dorothy Pfeifer of 31287 Heath Court commented that the discussion between the camera operator and the person in the MediaOne truck was heard throughout the meeting by audience and Council members, and it was disturbing.

Pfeifer suggested that the public comments agenda item at the beginning of the meeting is a forum for the residents to bring things to Council's attention. She does not think it should be a time to debate topics. Issues that warrant further discussion should be made a future agenda item.

Michele Tillman welcomed David Jensen to the Planning Board. Tillman read a letter dated June 21, 1999 signed by her neighbors in South Berkshire Subdivision. Residents are concerned about the speed at which cars travel on Vernon and Woodhaven, streets that are south of 13 Mile Road and east of Lahser. Both streets are used for cut-through traffic. When the 13 Mile Road bridge is closed, people will be looking for alternate routes through the neighborhoods. Area residents are concerned about the increased speed and traffic during that time.

South Berkshire residents request that the following action be taken by the Village: 1) install a three-way stop sign at the corner of Vernon and Woodhaven; 2) install additional stop signs along Vernon at all corners; 3) post "road closed/residents only" signs at Vernon and 13 Mile Road and at Woodhaven at the end of the Village limit to keep people from winding through those neighborhoods as a cut-through to other roads. Vehicles are speeding down the streets where there are many young children in the neighborhood. She mentioned that there has been a traffic fatality on Vernon. Tillman submitted the letter to the Council president and requested action on these items.

At the next meeting, Spallasso will provide Council with a detailed detour plan showing all the signs that will be installed in connection with this project. He outlined the location and type of signage. The Village will try to limit cut-through traffic as much as possible considering that these are public streets.

Craig stated that this request will be referred to the Village Traffic Committee. The "road closed to through traffic" signs will be erected. The Director of Public Safety is present and heard the concern about speeding in South Berkshire. Increased enforcement in that area can be expected. Spallasso stated that the Village has the capability to count traffic volume and speeds if there are problems with speeding in a neighborhood.

Planning Board member Bob Bliven stated that he has known Gerry Miley for many years. Miley was chairperson of the Planning Board when Bliven was appointed. Bliven commented that his leadership on the Planning Board has been outstanding. Gerry Miley is respected and, when he says something, everyone listens. He has done a good job for the Planning Board and the Village.

Bliven thanked Ann Woodman for her ability to accomplish things for the Parks and Recreation Board. He described her as an action person. Council should be thankful that they have had these two good people serving the community for as long as they have.

Norman Robiner of 30600 Lahser, Planning Board member, commented that he appreciates the wisdom that Gerald Miley has contributed to the Planning Board. He is forthright in his opinions and is usually correct. Robiner enjoyed serving on the Planning Board with him.

Phil Schmitt of 18103 Riverside, Parks and Recreation Board chair, thanked Ann Woodman for her service on the Parks and Recreation Board. Ann has been on the board since 1987. In that time, the basketball and volleyball courts have been added to Beverly Park, the pond has been dredged, the path was extended, and a park master plan has been adopted. Ann has supported the concerts in the park and personally initiated the winter family fun day in the park. She will be missed.

Planning Board chairperson Vince Borowski of 1 Brady Lane came tonight to personally thank Gerry Miley for his many contributions to the Planning Board over the years. Borowski appreciates him as a citizen and as a member of the Planning Board.

### **COUNCIL COMMENTS**

Stearn welcomed Janet Mooney to the Parks and Recreation Board. He asked the people who submitted applications for that position to continue their interest and look for future opportunities. Kennedy congratulated the Groves High School graduates. She paid her respect and homage to Gerry Miley for his contributions to the Planning Board. He will be deeply missed. Kennedy thanked Ann Woodman for her involvement with the Parks and Recreation Board. She hopes both Gerry Miley and Ann Woodman will stay involved with the Village in some way.

Lison thanked both Gerry and Ann, saying that it is their kind of volunteer that keeps this Village going. He and the entire Village appreciate the years that they have put into serving the community.

Buterbaugh thanked Miley and Woodman for their dedicated service. These two individuals will be difficult to replace.

Buterbaugh reminded Council that the Michigan Municipal League convention is scheduled for October 5-8 this year.

Walsh stated that he and Gerry Miley were on the Planning Board together in the early 1980s. Walsh had and still has much respect for his opinions and will miss him on the Board. Walsh commended Ann Woodman for her contributions to the Village.

Downey commented that he had the pleasure of serving with Mr. Miley on the Planning Board. People listened when Gerry spoke. Gerry Miley and Ann Woodman are both pillars in the community who are retiring after years of service.

Craig called Ann Woodman to the lectern and presented her with a framed proclamation which he read.

**PROCLAMATION**

**WHEREAS,**Ann Woodman has served the Village of Beverly Hills as a member of the Parks and Recreation Board continuously for twelve years being appointed July 20, 1987; and

**WHEREAS,**Ann Woodman was involved with many improvements made to Beverly Park including the demolition and removal of the old cabin, additions to the playground equipment, planting of flower gardens, addition of benches and development of the Park Master Plan; and

**WHEREAS,**Ann Woodman contributed to the Sesquicentennial Celebration, highlighted by the burial of a time capsule, installation of a commemorative plaque and planting of an oak tree; and

**WHEREAS,**Ann Woodman was instrumental in the development and placement of a volleyball court in Beverly Park; and

**WHEREAS,**Ann Woodman imagined the idea of a Winter Family Snow Fun Day to benefit the residents of Beverly Hills and worked tirelessly to make it a reality and success; and

**WHEREAS,**Ann Woodman wholeheartedly supported the summer Concert in the Park concept and helped make this an annual event;

**NOW, THEREFORE BE IT RESOLVED,** that the Beverly Hills Village Council on behalf of the residents of the Village of Beverly Hills wish to express sincere gratitude to Ann Woodman for her many years of dedicated service to the Village.

Gerry Miley was presented with a proclamation of sincere appreciation for his years of dedicated service in the community.

**PROCLAMATION**

**WHEREAS,**Gerald Miley has served the Village of Beverly Hills since August 10, 1981 as a member of the Planning Board; and

**WHEREAS,**Gerald Miley served as Vice Chairman of the Planning Board from March 28, 1984 to June 13, 1984 and as Chairman from June 13, 1984 until June 28, 1989; and

**WHEREAS,**Mr. Miley faithfully and conscientiously helped produce three Master Plans for the Village during his tenure on the Planning Board; and

**WHEREAS**, Gerald Miley is a strong proponent of flexibility in interpreting the Zoning Ordinance stating that “If all we had to do was enforce the Code, we wouldn’t need a Planning Board”; and

**WHEREAS**, Mr. Miley maintained a high level of interest in what is best for the Village, he has been instrumental in the development of lot size rezoning, cluster option developments, and updating the fence ordinance; and

**WHEREAS**, Mr. Miley demonstrated his concern and care for citizen safety while serving on the Traffic Committee from January 17, 1995 through June 30, 1999; and

**WHEREAS**, Gerald Miley utilized his engineering expertise as a member of the Village Water and Sewer Board from May 10, 1984 until February 21, 1990;

**NOW, THEREFORE BE IT RESOLVED**, that the Beverly Hills Village Council presents this proclamation to Gerald Miley as a reminder of its sincere appreciation for his 18 years of dedication in serving the residents in the Village community.

Craig invited everyone to stay for a cake and coffee reception in honor of Ann Woodman and Gerry Miley.

MOTION by Lison, supported by Buterbaugh, to adjourn the meeting at 10:50 p.m.

Motion passes unanimously.

**Andrew Craig**  
**Council President**

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