

REGULAR COUNCIL MEETING MINUTES - MONDAY, MARCH 6, 2000 - 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
Assistant to the Manager, Pasioka
Village Clerk, Marshall
Finance Director, Wiszowaty
Village Attorney, Ryan
Director of Public Safety, Woodard

President Craig called the meeting to order at 7:45 p.m. in the cafeteria of Berkshire Middle School at 21707 W. 14 Mile Road.

APPROVE MINUTES OF COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 22, 2000

On page 3, second paragraph from bottom of page, correct address of Norman Rubin to read A31020".

MOTION by Lison, supported by Buterbaugh, that the minutes of a regular Council meeting held on Tuesday, February 22, 2000 be approved as amended.

Motion passes unanimously.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

John Mooney of 19111 Devonshire commented that tonight is Council member Paul Lison's last meeting. He thanked Lison for his service and accomplishments on Council. Mooney thinks that Paul Lison has been a very fine council member who has moved this Council forward.

Dorothy Pfeifer of 160 Charrington Court referred to a request from Council members at the last meeting to receive a complete list of service contracts in the Village. She agreed that there should be a list of service contracts and expiration dates. However, Pfeifer believes that it is the responsibility of the Village Manager to review those contracts. She suggests that the manager notify Council three to six months before a contract expires.

Patricia Greening of 19289 Riverside Drive commented that members of the Parks and Recreation Board placed cookies on the table in front of Council members this evening.

DISCUSSION OF THE MARCH 13, 2000 MILLAGE PROPOSAL

A proposal will be on the March 13 ballot asking residents to amend the Village Charter to increase the millage cap from 11 to 13 mills. Council President Craig explained why a millage cap increase is needed.

Craig described the effect of the Headlee Amendment on property tax revenue. The Village is only able to increase property taxes by the rate of inflation (Consumer Price Index) or 5%, whichever is less. This presents a challenge in a service related enterprise such as the Village where wages are its biggest expense. Craig referred to a chart on display showing General Fund employment costs over the last ten years. Payroll costs represent about 60%-70% of the Village's total budget every year. He added that the majority of Village employees are represented by unions. Contracts are negotiated and salaries generally increase by 4% a year. He mentioned that the Village has renegotiated health care costs in recent years.

Craig stated that the 11 mill cap approved five years ago was reduced to 10.7 mills by the Headlee Amendment. Council projected in 1995 that the 11 mills would be adequate for seven or eight years. This Council is being proactive by coming back to the voters a year or two earlier. It is projected that the millage cap will cover general operating expenses without reducing services for the next year or two by using money from the General Fund balance.

About a year and a half ago, Council asked the Village Finance Committee to work with Administration to develop a five year financial forecast and comprehensive five year plan to determine what is needed to maintain existing services and to address infrastructure issues that are not covered under the dedicated millage. A two mill dedicated millage was approved by the voters two years ago for local roads and sewer systems.

The resulting list of projects represent, for the most part, a long term investment in the infrastructure. The capital projects include replacement of deteriorating water mains, maintenance of ditches, improvements to major roads, reserve for the next fire truck purchase, bridge reconstruction, technology improvements in the Village office and Public Safety Department, and park capital improvements. Craig elaborated on these projects. He summarized that, other than technological investments for the Village and a small yearly contribution to the park, the projects identified in this plan are needed to maintain existing services. The cost of these projects is estimated to be 1.5 mills over five years. Some of the projects will be addressed and completed in five years while others will be ongoing.

Council is asking for a 2 mill increase in the millage cap to be levied as needed. The millage increase serves the purpose of funding the projects identified in the five year capital plan and to supplement a shortfall in the general operating millage that will occur in the next year or two.

Stearn contends that people would support the millage proposal if they looked at what the Village has to offer and what it is lacking. He talked about the infrastructure issues that need to be addressed as well as other services that should be provided with respect to park improvements and technology needs. Stearn remarked that Beverly Hills has had one of the lowest millage rates in the area for

many years. The Village is now paying for that frugal spending with a deteriorating infrastructure. It is time to start addressing these concerns and fixing things before they break.

Kennedy talked about addressing infrastructure needs of the Village with the “pay as you go” method of financing, which requires planning ahead to assure that money is there to repair and replace infrastructure. She questioned whether the Village is going to continually wait until an emergency situation arises before addressing infrastructure issues. The Council worked with the Finance Committee and Administration to identify future infrastructure and capital project needs of the Village.

Kennedy referred to a chart on display summarizing money collected from the Dedicated Millage Fund and how it was spent. It also shows the money collected and spent from the Local Road Fund. She affirmed that the money collected from the dedicated millage over the past two years has been spent just as the residents were told it would be spent, which is for critical repairs, the Amherst-Sheridan relief sewer, and preliminary plans for the Acacia Interceptor.

Kennedy emphasized the importance of retaining property values in the Village by passing a millage that will maintain the infrastructure and support existing services. She stressed that new residents are not going to come into a community that is deteriorating.

The floor was opened for questions and comments from the audience.

Lawrence Needham of 15588 Kirkshire commented that he supports the millage proposal marginally. He questions the need for a ditch maintenance program. He referred to a flyer that contains information about the millage cap increase. It lists some unpleasant options that could result if the ballot proposal is defeated, such as imposing dedicated millages for garbage collection, library services or public safety services. He would like an indication of how much the Village would gain from those sources of revenue in terms of millage.

Norm Downey of 23042 Nottingham Drive commented that he is no longer supportive of the 2 mill increase to the millage cap because he has lost confidence that the increase would be spent wisely. He referred to figures exhibited in a flyer prepared by the Village. There is a chart that lists five year forecast projects affected by a millage cap increase. Downey does not believe that all of the projects are really operating needs. He is adamant that residents should experience the benefit of sewer and road improvements and is concerned that the sewer rehabilitation project is under funded.

Downey recommends rejection of the 2 mill increase to the millage cap and instead suggests that voters be asked to approve a supplemental dedicated millage for sewers, roads, water system, Evergreen Road bridge and fire trucks.

Frank Worrell of 32123 Bellvine Trail voiced his opposition to the 2 mill increase on the basis that it is not necessary. He maintains that the 1995 millage cap increase was projected to last for eight years. Worrell thinks the Village should be able to operate under the current millage for three more

years. He suggested that the Village finance water main replacement through a dedicated millage and not ask for a millage increase that allows discretionary spending.

Worrell addressed each capital project and disputed the need for raising the millage cap to accomplish these undertakings. He compared specific line items in the 1998/99 budget with the 1999/00 budget and questioned increases in a few areas. Worrell commented that 2 mills will give Council \$800,000 a year for discretionary spending. He recommends that Council ask voters to approve a 0.50 mill dedicated millage for 10 years for water mains and 0.50 mill for fire truck replacement.

Soter Liberty of 20850 W. 13 Mile Road questioned whether the projects outlined in the capital plan are really needed. He expressed concern that discretionary spending could result in spending tax money on sidewalk installation. He mentioned the Planning Board's current sidewalk study and voiced his opposition to sidewalks being installed in front of his property. Liberty stated that he will vote for a dedicated millage for high priority projects needed in the Village.

Liberty referred to a letter published in the Eccentric newspaper from former council presidents and council members James McCook, Edgar Pugh, Frank Worrell, Andrew Wong and Robert Stansberry. The letter advises that the new millage will generate approximately \$800,000 annually and will be used for discretionary spending by the Village Manager and the Village Council. It says that the new money may or may not be used for the purpose for which it is requested. It is the collective opinion of those signing the letter that the need for additional millage has not been adequately demonstrated. They urge residents to vote "no" on the ballot proposal for the increase in millage.

Norman Rubin of 31020 Rivers Edge Court suggested that, if there is an infrastructure need, a public safety need, or a few other needs that can be categorized, the Village should ask for a dedicated millage so there will be no question about where the money is going. He objects to being threatened with a special assessment for rubbish collection or library fees if the millage does not pass. Rubin understands that, if the ballot issue passes and the millage cap is raised, the Headlee cap is gone for next year, which makes it possible to assess an additional 2.63 mills. If 70% of the Village's budget is salaries, Rubin suggests that the Council take a hard look at the other 30% to find some money.

Janet Mooney of 19111 Devonshire asked whether there has been an increase in water main breaks in the last year. She was informed that there were 92 water main breaks in the 1980's and 174 in the 1990's. Mooney stated that there is some concern among residents as to how an increase in the millage will be spent.

Neil Hitz of 19216 Riverside Drive, resident and member of the Finance Committee, understands the frustration and confusion expressed by residents and thinks that more time may be needed for Council to make it clear to everyone in the Village that the millage cap increase is needed. Hitz stated that the Finance Committee is made up of conservative people who are taxpayers and who question expenditures on capital dollars and salaries as well as everything that goes into the budget.

Hitz referred to a statement of revenue and expenditures for the year ended June 30, 1999. The expenditures were \$8.3 million. Taking out money that goes towards public safety, public works, the library, major and local street expenditures, debt service, and capital purchases, leaves about 11% of the total expenditures. The Finance Committee looks at how it can save something out of that 11%, or about \$900,000. There is not a lot to save. Hitz added that he believes that Public Services Director Spallasso is accurate with what he says the Village is going to need in terms of infrastructure. Village administration has indicated where money is needed in the coming years. At some point there has to be confidence in administration and in Council. People can choose the ballot box if they do not have confidence in their elected officials.

There have been many meetings on the five year financial forecast and capital projects planning over the last year. There have not been a lot of people from the public present at those meetings. Hitz encouraged residents to attend the meetings and voice their input as to how the Village can save money, present better millage issues, or push out expenditures. Concerned residents should get involved and influence how their tax money is spent.

Hitz stated that dedicated millages are a great idea, but it would be difficult to include the needed capital items on a ballot proposition. Hitz believes that we need this money if we want to make this Village a great place in which to live. New residents will want to see a viable infrastructure.

Hitz answered questions from people in the audience on the activities on the Finance Committee. It was indicated that, if the 2 mills were fully levied, the increase would mean an additional \$200 a year to a resident owning a home with a state equalized value of \$100,000. State equalized value is half the market value of a home. This would be a total bill of \$1,400 a year for the average valued house.

Stuart Laidlaw of 704 Tottenham in Birmingham stated that the City of Birmingham recently had a \$12 million ballot issue. After watching the Beverly Hills Council presentation at Greenfield School on their ballot proposal, Laidlaw recommended that the Birmingham city manager and commission members view that meeting because it was so informative and well done. Laidlaw stated that he has watched Beverly Hills council meetings over the years, and has observed fiscal responsibility and oversight that is not evident in Birmingham. Laidlaw does not think that the current council is any less fiscally responsible than when Mr. Worrell, Mr. Wong, and Mr. McCook were on the council. He thinks this council conducts business in an admirable way.

Craig and other Council members addressed questions and comments from those who spoke concerning the millage cap proposal.

PUBLIC HEARING TO DISCUSS VILLAGE PLANS TO SUBMIT A GRANT APPLICATION FOR BEVERLY PARK

Stearn stated that a public hearing will be held to inform residents of the Village's intent to apply for a Clean Michigan Initiative Recreation Bond Program Grant. If the grant is approved, the State will match every local dollar allocated for park projects with up to three dollars.

The proposal involves committing \$118,920.00 as the "local match" from Beverly Hills in applying for this grant. Stearn stated that \$62,492.01 has been privately raised by donations towards park improvements. Another \$56,428.25 comes from the Village Park Capital Improvement Funds and represents budgeted money that has been reserved for capital projects. It is anticipated that the grant could bring the amount available for park capital improvements to approximately \$500,000. This is an example of how the Parks and Recreation Board with the support of Council is trying to raise money in creative ways.

Craig opened the public hearing at 10:01 p.m. and entertained discussion on the park grant application.

Dorothy Pfeifer of 160 Charrington supported the grant application but asked if there are any strings attached to this state money. Stearn responded that the Village has to meet minimum standards with respect to the Americans with Disabilities Act. The park must be open to the public, which it already is. The Village has to spend the money it committed to this project as matching dollars.

Stearn stated that the Beverly Hills Park Master Plan, which was adopted by Council on March 2, 1998, was approved and is on file with the State of Michigan DNR as of January 27, 2000. The Michigan DNR acceptance of the park master plan was the first step in the grant application.

Sharon Tischler of 21415 Virmar Court asked if priority projects have been selected from the park master plan to be covered by the grant. Stearn responded that the Parks and Recreation Board has ranked four master plan projects that it would like to accomplish with this money: Gate and Fence; Playground Equipment; Parking Lot paving; and, Landscaping.

No one else wished to be heard; therefore, the public hearing was closed at 10:05 p.m.

The Parks and Recreation Board will hold another public hearing on this grant application on Thursday, March 16. A Parks and Recreation Board resolution identifying the items to be included in the grant application will be forwarded to Council for consideration at its March 20 meeting. The deadline for submitting the grant application is April 1, 2000. The earliest that the Village will learn whether the funding has been approved will be July, 2000. All members of Council expressed support for the grant application.

PRESENTATION OF THE PUBLIC SAFETY DEPARTMENT 1999 ANNUAL REPORT

Director of Public Safety Karl Woodard presented the Village of Beverly Hills Public Safety Department 1999 Annual Report to Council. He gave an overview of trends detailed in the Annual Report.

Index Crimes, which are the more serious crimes and those that the FBI tracks in their statistics, decreased 39% over 1998 numbers, most significantly in the areas of burglary and larceny. Index crimes include murder, sexual assault, robbery, assault, home invasion, auto theft and arson.

Non-Index crimes including frauds, forgery, simple assaults, vandalism, and weapons offenses decreased by 16% from 1998 reports. Other misdemeanor offenses including OUIL, disorderly conduct, obstructing police, non-forcible sexual assaults are down nearly 20%. Woodard remarked that the Department hopes to make improvements in the next year in OUIL enforcement.

Traffic accidents were down by 6% from last year. All categories were down including property damage and injury accidents. There were no fatal accidents in the Village this past year.

Fire emergency calls decreased by 4% in 1999. Emergency medical calls for service have increased by 10%, which is not something that taxes the Department's resources. There has been a 15% increase in false alarms reported in 1999. There will be an attempt made to reduce those in the coming year with an updated alarm ordinance, which will be forwarded to the Village Attorney for review and to Council for consideration.

Woodard stated that the 1999 Annual Report is available for public review at the Village office and at the Public Safety Department. The report can be reviewed on the Public Safety Department web site at www.beverlyhillspolice.com.

Woodard addressed questions from Council. In answer to a concern about traffic accidents at three or four intersections that experience high traffic accident rates, Woodard stated that selective enforcement occur at those intersections. The intersections in question are 13 Mile and Southfield, 13 Mile and Evergreen, 13 Mile and Lahser, and the intersection of Southfield and Beverly Roads. He has had conversations with Spallasso about engineering concerns at some of those intersections that may result in changes over the next year.

Council members commended Director Woodard and the entire Public Safety Department staff for their performance over the last year.

PERFORMANCE GUARANTEE FOR BED BATH & BEYOND

Kennedy stated that the Bed Bath & Beyond building on Southfield Road is under construction. Council will consider requiring a performance guarantee from Bed Bath & Beyond to assure compliance with the approved site plan for exterior work.

RESOLVED by Kennedy, supported by Downey, that Council approve a performance bond for the Bed Bath & Beyond property in the amount of \$216,951.00 worth of improvements including underground utility work, concrete curbs and walks, asphalt paving and lighting, landscaping and screening.

Roll Call Vote:
Resolution passes unanimously.

SECOND ANNOUNCEMENT OF VACANCY ON THE ZONING BOARD OF APPEALS

Downey made the second announcement of a vacancy on the Zoning Board of Appeals. The deadline for submitting applications for this position is Friday, March 10 at 5:00 p.m. at the Village municipal building. A subcommittee of Downey, Kennedy and Stearn will meet on Monday, March 20 at 7:30 p.m. to review applications and make a recommendation to Council on the appointment.

APPROVAL OF BILLS

MOTION by Stearn, supported by Walsh, that the bills from a period of 2/23/00 through 3/06/00 be approved for payment in the following amounts:

\$195,331.10	General Fund
12,876.26	Major Road Fund
15,715.51	Local Road fund
96,771.73	Combined Sewer Overflow Fund
6,038.99	Water/Sewer Operation Fund
2,131.50	Trust & Agency Fund
<u>\$328,865.09</u>	Total

Questions from Council and the audience were addressed by Stearn and administration.

Motion passes unanimously.

LIAISON'S REPORTS

Stearn invited residents to attend the March 16 Parks and Recreation Board meeting at which time there will be a public hearing on the park grant application.

Stearn thanked Finance Committee members Bob Gracely and Neil Hitz for attending tonight's meeting. He commended the Finance Committee on doing a great job.

Kennedy reported that the Planning Board heard a presentation at its last meeting from Robert Donohue from the Oakland County Planning and Economic Development Services. The County has been working with the National Trust's Main Street Program, which is the country's foremost non-profit technical assistance program for downtown revitalization. The County is in the process of creating a networking based program to help communities within Oakland County discuss problems in the traditional downtowns and the corridors, to provide technical assistance, and to consider all the legislative tools that will assist communities in reaching their maximum potential.

The program anticipates the County working, when invited, in an advisory capacity with a community and its planning consultants. The Planning Board is considering this County program and would welcome input from the public and local merchants.

Lison stated that the Public Safety Department will be test driving the new fire truck tomorrow morning.

MANAGER'S REPORT

Hanlin informed residents that there is no longer a market for recycling green glass. As of this week, green glass containers should be placed with regular mixed waste as trash.

Hanlin and Pasieka have done research and found a company that may be able to save the Village up to 27.88% on its phone bills. Administration is exploring the upstart company to determine whether its services are comparable.

Hanlin stated that there have been a few calls received at the Village office about the census. Residents were mailed a card that shows a Franklin address. The Village Clerk has contacted the local census office which assures the Village that each individual form has a bar code that will distinguish that our residents live in Beverly Hills. The Clerk performed an extensive search of addresses to be certain that we have the correct addresses on record with the census bureau.

PUBLIC COMMENTS

Worrell asked Council about plans for reconstructing Southfield Road as a boulevard. Craig stated that he and others from the Village met with representatives of the Road Commission for Oakland County last August. The Village is on record as requesting a boulevard approach for Southfield Road and the Road Commission has accepted this method of replacing the road in about five or six years when Southfield Road is reconstructed. Lathrup Village is proceeding in this manner.

Spallasso confirmed with the Road Commission a couple of weeks ago that they will put a three inch asphalt cap on Southfield Road this summer, which has a life expectancy of up to ten years. The Road Commission's application for a boulevard approach to reconstructing Southfield Road has been submitted for federal funding to the funding committee. The possibility of receiving federal grant money for that project is likely but is four to six or more years away.

Worrell disagrees that a major program to maintain ditches is necessary. He took exception to criticism of the letter that he participated in writing with former council presidents and members. Worrell maintains that he has the right to write a letter criticizing a government.

Norm Downey of 23042 Nottingham Drive commented that it was said tonight that the sewer rehabilitation project financed by a dedicated millage coupled with available transfers was always known to be under funded. Downey does not think that is true. He quoted figures and meeting minutes from July 7, 1997 and August 17, 1998 to support his position.

Soter Liberty of 20850 W. 13 Mile Road clarified his earlier comment voicing concern that some of the retirees in the Village would be adversely affected by a millage increase.

COUNCIL COMMENTS

Lison stated that he was glad to have the chance to serve on the Council. Each Council member thanked Lison for his two years on the Council and wished him best of luck in the future.

Downey reminded residents that the Planning Board will be holding another public discussion on sidewalks in May. The purpose of the discussion is to determine where sidewalks are needed in Beverly Hills for safety purposes or to connect neighborhoods.

Buterbaugh responded to comments made by residents during the public comment portion of the meeting.

Kennedy expressed her position in support of the proposal to increase the millage cap in lieu of a dedicated millage to accomplish needed capital improvements.

Craig recognized two candidates for Council who were in the audience - Sherwin Zamler and Dorothy Pfeifer. Randy Munguia is also a candidate. Three current Council members are running for re-election: Hildreth Buterbaugh, Andy Craig, and Bob Walsh. Craig urged residents to vote in next Monday's election and to fill out and return their census forms.

MOTION by Buterbaugh, supported by Walsh, that the meeting be adjourned at 10:57 p.m.

Motion passes unanimously.

Andrew Craig
Council President

Ellen E. Marshall
Village Clerk