

Present: President Craig; President Pro-Tem Kennedy; Members: Downey, Munguia, Pfeifer, Stearn and Walsh

Absent: None

Also Present: Village Manager, Hanlin
Public Services Director, Spallasso
Village Clerk, Marshall
Finance Director, Wiszowaty
Village Attorney, Ryan
Director of Public Safety, Woodard

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

ADMINISTER OATH OF OFFICE TO NEWLY ELECTED COUNCIL MEMBERS BY HONORABLE SUSAN M. MOISEEV, 46th DISTRICT COURT

Craig introduced the Honorable Susan M. Moiseev of the 46th District Court. Judge Moiseev administered the oath of office to newly elected Council members Andrew Craig, Randy Munguia, Dorothy Pfeifer and Robert Walsh.

ELECTION OF COUNCIL PRESIDENT AND PRESIDENT PRO-TEM

Craig opened the floor to nominations for Council President. Munguia nominated Elaine Kennedy. Pfeifer nominated Andy Craig. Kennedy thanked Munguia but withdrew her name from consideration. The nominations were closed.

Vote for Craig:
Craig was unanimously elected Council President.

Craig opened the floor to nominations for President Pro-Tem of Council. Walsh nominated Elaine Kennedy. The nominations were closed.

Vote for Kennedy:
Kennedy was unanimously elected Council President Pro-Tem.

APPROVE MINUTES OF COUNCIL MEETING HELD ON MONDAY, MARCH 6, 2000

On page 7, paragraph 5, line 4, correct "13 Mile and Beverly" to read "13 Mile and Evergreen". Correct spelling of "Lahser".

MOTION by Kennedy, supported by Walsh, that the minutes of the March 6, 2000 Council meeting be approved as amended.

Motion passes unanimously.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

John Mooney of 19111 Devonshire congratulated the newly elected members of Council. He commented on the defeat of the ballot proposal to raise the millage cap. It was the first tax proposal to be defeated in 16 years. Mooney remarked that it was turned down by the voters in spite of the fact that there was a unanimous endorsement by the Council, the Finance Committee, and the Eccentric newspaper.

Mooney remarked that he did not take a public position on the tax proposal. He believes that the Village needs two mills or more into the future. He thinks that most rational people would probably agree that the only way to maintain current operations is to raise taxes.

Mooney thinks that the Village needs Council's leadership. If this Council can collectively demonstrate a plan and a need, it will get the additional millage. Mooney is confident that the people sitting at this table can do it.

RECOGNITION OF HILDRETH BUTERBAUGH AND PAUL LISON

Buterbaugh stepped up to the lectern. Paul Lison was not present. Craig read a plaque, which will be delivered to Lison, in grateful appreciation for his dedicated service as a Zoning Board of Appeals member for seven months and as a Council member for two years from July 7, 1997 to March 20, 2000. Craig stated that he enjoyed working with Paul Lison who served as Council President Pro-Tem last year and will miss his insight.

Craig presented a plaque to Hildreth Buterbaugh from the Village of Beverly Hills in grateful appreciation for dedicated service as Finance Committee member from February 19, 1989 to March 16, 1992 and as Council member for eight years from March 16, 1992 to March 20, 2000. Craig stated that Buterbaugh's participation in the last 11 years was greatly appreciated, and he will be missed.

Buterbaugh thanked everyone present for the recognition. He talked about Council's accomplishments over the last 11 years. Buterbaugh believes that Beverly Hills is a well-run, financially sound community. However, new sources of funding must be found by the year 2002 for those capital items that were included in the defeated millage proposal and to supplement the current millage in order to continue to provide the existing level of service. It is unfortunate that the voters did not understand the need for additional funding. Buterbaugh will support any action future councils take to make up for the lack of funding for major roads, bridges, fire apparatus, park improvements and administrative computer enhancements. He wished good luck to the Council.

John Mooney of 19111 Devonshire commented that he served with Hildreth Buterbaugh on the Village Council. Buterbaugh was a charter member of the Finance Committee when it was created in 1989. He was instrumental along with the Finance Committee in devising a plan whereby the Village was able to raise a millage cap that was acceptable to the community. Buterbaugh has played a critical role in the Village in the area of financing.

Mooney commended Buterbaugh for having the strength to stand up for his beliefs and supporting major undertakings such as building the CSO facility in the Douglas-Evans nature preserve. This

community is a better place today than it was before Mr. Buterbaugh's involvement, and Mooney hopes that he will continue to be involved in the community.

Council members individually thanked Buterbaugh for his contributions to the Village, particularly in the area of finance and budgeting. They mentioned his spirit and concern for the Village and asked him to continue with public service involvement.

COMMIT FUNDS FOR BEVERLY PARK GRANT

Stearn stated that the Village of Beverly Hills has an opportunity to apply for a Clean Michigan Initiative Recreation Bond Program Grant that could result in the state matching every local dollar allocated for park projects with up to three dollars. Private fund raising efforts led by many individuals including the Parks and Recreation Board have raised over \$62,000 to be used specifically for improvements to Beverly Park. Another \$56,000 that has been reserved over almost ten years for capital projects is available from the Village Park Capital Improvement Fund. A total of \$118,920 is available to be committed as the local match from Beverly Hills in applying for this state grant.

Both the Village Council and the Parks and Recreation Board have held public hearings to inform residents of the Village's intent to apply for the park grant. Stearn thanked Pasioka for his leadership in preparing this grant application that may result in securing close to \$500,000 for park capital improvements.

RESOLVED by Stearn, supported by Kennedy.

WHEREAS the Friends of Beverly Park, a nonprofit organization, has raised \$62,492.01 to be used for Beverly Park improvements, and

WHEREAS the Beverly Hills Village Council has set aside \$56,428.25 for Beverly Park Improvements in the Park Capital Improvement Fund; and

WHEREAS the Beverly Hills Village Council has adopted a Beverly Hills Park Master Plan, which was approved and is now on file with the State of Michigan Department of Natural Resources, and

WHEREAS the Village of Beverly Hills seeks a Clean Michigan Initiative Grant whereby the grant provides three dollars (\$3.00) to every dollar (\$1.00) committed by the Village of Beverly Hills; and

WHEREAS both the Beverly Hills Village Council and the Beverly Hills Parks and Recreation Board held public hearings to discuss the Clean Michigan Initiative Grant Program as well as the specific uses for any allotted grant money; and

WHEREAS the Beverly Hills Village Council has prioritized the uses of grant funds as stated in the Application and is committed to using the funds as specified;

THEREFORE BE IT RESOLVED that the Beverly Hills Village Council hereby supports the application to be submitted for a grant pursuant to the State of Michigan Department of Natural Resources Clean Michigan Initiative Local Recreation Bond Program as well as any efforts necessary to comply with said application and commits the aforementioned \$118,920.26 as local matching funds to be used exclusively towards the improvements as specified in the grant application.

Pfeifer referred to a memo addressed to Council dated March 17, 2000 listing grant requirements that must be supported. It states that appropriate signage acknowledging receipt of DNR Clean Michigan Initiative financial support must be displayed.

Stearn understands that the Village would have to acknowledge in some manner that funding was provided by the CMI grant. The Council and Parks and Recreation Board would discuss how to appropriately give that acknowledgment. Pfeifer mentioned another requirement, which is to provide sanitary facilities. She questioned whether the park=s existing facilities are adequate.

Stearn stated that, if there are grant requirements that the Village cannot accept, Beverly Hills has the option to reject the grant.

Kennedy thanked Pasioka and the Parks and Recreation Board for getting the grant application to this point. She credited former Council member Toni Grinnan for initiating the idea of a park grant a few years ago. Downey voiced his support for the grant application.

Roll Call Vote:
Resolution passes unanimously.

CONSIDER COMMITTEE RECOMMENDATIONS TO FILL VACANCY ON ZONING BOARD OF APPEALS

Downey reported that a subcommittee of Kennedy, Stearn and himself met prior to tonight's Council meeting to review four applications for a position on the Zoning Board of Appeals. It was the unanimous recommendation of the subcommittee that the vacancy on the ZBA be filled by Todd Schafer.

MOTION by Downey, supported by Kennedy, to appoint Todd Schafer to fill a vacancy on the Zoning Board of Appeals.

Motion passes unanimously.

SET PUBLIC HEARING DATE FOR MINOR ZONING ORDINANCE TEXT AMENDMENTS

The Planning Board with the assistance of planning consultant firm Birchler Arroyo has reviewed several sections of the Zoning Ordinance and recommends Council adoption of minor text

amendments. The Zoning Ordinance text amendments include updated standards for political signs, off-street parking requirements, maximum length of cul-de-sac streets, adult regulated uses, and miscellaneous cross reference revisions. The procedure will be for Council to hold a public hearing and a first and second reading of proposed ordinance amendments before considering their adoption.

MOTION by Kennedy, supported by Walsh, to set a public hearing date of Monday, April 17, 2000 on minor Zoning Ordinance Text Amendments.

Motion passes unanimously.

ACCEPT BILL PFEIFER'S RESIGNATION AND MAKE FIRST ANNOUNCEMENT OF VACANCY ON THE ZONING BOARD OF APPEALS

Following the election of Dorothy Pfeifer to the Village Council, Bill Pfeifer has submitted his resignation as member of the Zoning Board of Appeals in accordance with Section 5.3 of the Village Charter. Bill Pfeifer's letter of resignation indicates that he and his wife feel that a conflict of interest is possible. The ZBA is an autonomous body with a petitioner's only recourse from a decision of the board being through the court system.

Craig stated that it is difficult to accept the resignation of someone who has served the Village for so long. Bill Pfeifer has served on the Zoning Board of Appeals for 24 years, since 1976.

Downey stated that Mr. Pfeifer's resignation will be accepted with great regret. He made the first announcement of a vacancy on the Zoning Board of Appeals. Applications will be accepted through April 7 for this position.

MOTION by Downey, supported by Pfeifer, to regretfully accept the resignation of William Pfeifer from the Zoning Board of Appeals.

Jack Fahlen of 30295 Marimoor Drive stated that he is the longest serving member of the Zoning Board of Appeals, and he appreciates Bill Pfeifer more than any other member that board has had. This is the second time that the nepotism policy has caused the resignation of a ZBA member. He respectfully asked Council to reconsider the requirement that a person resign from the board for this reason. Fahlen talked about Bill Pfeifer's experience and knowledge and the effort he has put into the position of Zoning Board of Appeals member. He proposes that Council table this subject and appoint a committee to evaluate the policy.

Craig commented that there is a nepotism section in the Charter that prescribes whether a council member and a board member can hold office at the same time. It is not within the Council's authority to change the Charter. It can only be amended by a vote of the people.

John Mooney of 19111 Devonshire commented on how Bill Pfeifer has taught and helped those who have served on the Zoning Board of Appeals. He has provided insight and has been steadfast in protecting property rights and in pursuing reasonable development. No one has been more dedicated in making on-site inspections to determine if a variance is warranted. His knowledge and history will be missed on the ZBA. Mooney mentioned that Bill Pfeifer attends Council meetings regularly and

provides Council members with feedback on their actions from a resident's standpoint. Mooney wishes Bill Pfeifer well and hopes he continues to attend Council and Zoning Board of Appeals meetings.

Hildreth Buterbaugh of 18171 Dunblaine commented on the diligent job that Bill Pfeifer does as a member of the Zoning Board of Appeals. He makes decisions on requests for variances with the personal touch of an interested individual who is concerned about the problem of the petitioner. The fact that he resigned when his wife was elected to Council is indicative of the honor Pfeifer brought to the ZBA. Buterbaugh wished him the best.

Dorothy Pfeifer commented that her husband, Bill Pfeifer, is as committed as everyone is giving him credit for being. He willingly decided to resign from the Zoning Board of Appeals if she was voted into office. It is understood that Council, by a unanimous vote, can override the nepotism clause of the Charter. Pfeifer stated that both Bill and she feel that the opportunity for conflict might exist, and the most honorable thing to do was for him to resign as member of the Zoning Board of Appeals. Munguia commented that Bill Pfeifer welcomed him to the ZBA in 1989. Munguia remarked that he was always impressed by Pfeifer's thoroughness and his fairness. He is civic minded and always has the best interest of the Village in mind.

Village Attorney Ryan understands that Mr. Pfeifer's decision to resign from the Zoning Board of Appeals is a personal choice. The Charter allows Mr. Pfeifer to continue serving on the ZBA by a unanimous vote of Council. Because his appointment to the ZBA was more than a year before the election of his wife to Council, the Charter would allow Mr. Pfeifer to remain on the Zoning Board. In a previous situation, Gladys Walsh had not served on the ZBA for a year before Bob Walsh was elected to Council. Pfeifer served the Village as Zoning Board of Appeals member for many years with distinction. Ryan thinks that the Village should respect the decision of Mr. and Mrs. Pfeifer in this matter.

Kennedy commented that she served with Pfeifer on the Zoning Board of Appeals. She has the utmost respect for his thorough research of the appeal cases before the board and his compassion. Everyone on the ZBA looked to him for guidance, and they will miss him. Kennedy knows that Pfeifer will find another way to serve the Village.

Walsh commended Pfeifer for service on the ZBA. He is thorough and knowledgeable and always prepared for the meetings. Pfeifer has made many good decisions over the years on the Zoning Board of Appeals.

Craig remarked that Bill Pfeifer has always been an advocate of the Village. It is with great regret that he will vote to accept Pfeifer's resignation.

Motion passes unanimously.

CONSIDER PROPOSALS TO PROVIDE DUST CONTROL SERVICES ON UNPAVED VILLAGE ROADS FOR THE 2000 SEASON

The Village provides dust control services on its unpaved roads. Residents living on unpaved streets are special assessed for dust control at the rate of 50% of actual cost. Two bids were received for Calcium Chloride treatment this year. South Huron Industrial, Inc., a company that has provided this service to the Village since 1994, submitted a bid of \$.38/gallon. Tri-County Dust Control submitted a bid of \$.37/gallon.

A memo from road maintenance contractor Comeau indicates that Tri-County's main focus is the hauling of liquid waste and not residential dust control. There is some concern about cross-over contamination of the materials by using the same vehicles for both jobs.

Spallasso states in his March 15 letter to Council that the cost difference between bids is one penny per gallon. Based on last year's total use of 22,800 gallons, the additional cost would be \$228.00. Spallasso recommends awarding the 2000 dust control program to South Huron Industrial, Inc. based on their satisfactory performance over the last six years.

RESOLVED by Walsh, supported by Kennedy, to contract with South Huron Industrial, Inc. in the amount of \$.38/gallon for Calcium Chloride application for the 2000 season Dust Control Program.

Roll Call Vote:
Resolution passes unanimously.

Only one contractor submitted a quote for asphalt emulsion treatment, which is preferred by the residents on Sunnyslope and Norwood. The bid from Highway Maintenance & Construction Co. is \$2.29/gallon for concentrated SS-1H asphalt emulsion. The cost for this application increased by 27% this year as a result of the recent increase in oil prices. Council will reconsider the asphalt emulsion treatment if the cost continues to rise.

RESOLVED by Walsh, supported by Kennedy, to contract with Highway Maintenance & Construction Co. for dust control services on Norwood/Sunnyslope at a cost of \$2.29/gallon for concentrated SS-1H asphalt emulsion.

Roll Call Vote:
Resolution passes unanimously.

SET DATES FOR SPECIAL COUNCIL MEETINGS

Council discussed dates for scheduling budget study sessions. All members are able to attend a meeting on Monday, April 10. The Charter requires that the Council adopt the budget by the second Monday in May. A special meeting could be held on May 8, if necessary, to adopt the budget.

The Finance Committee will meet next Tuesday on March 28 to review the first draft of the budget. Council members may attend. Two weeks from tonight, administration will present the budget to the Council in draft form. A working meeting to review the budget will be scheduled for April 10. The

budget can be discussed further at the April 17 Council meeting. Council can either adopt the budget on the first Monday in May or at a special May 8 Council meeting.

MOTION by Craig, supported by Downey, to set special Council meeting dates for Monday, April 10 at 7:00 p.m. and for Monday, May 8, 2000 at 7:00 p.m.

Motion passes unanimously.

CONSIDER REQUEST BY THE JAYCEES TO HOLD THEIR 11TH ANNUAL EASTER EGG HUNT IN BEVERLY PARK ON SATURDAY, APRIL 22, 2000

MOTION by Stearn, supported by Downey, to approve the request of the Birmingham Area Jaycees to hold their 11th Annual Easter Egg Hunt on Saturday, April 22, 2000 at 10:00 a.m. in Beverly Park. A liability insurance certificate has been submitted by the Jaycees.

Motion passes unanimously.

CONSIDER REQUEST BY THE BEVERLY HILLS GARDEN CLUB FOR USE OF BEVERLY PARK PAVILION ON MAY 20, 2000

MOTION by Stearn, supported by Walsh, to approve the request of the Beverly Hills Garden Club for use of the Beverly Park pavilion on May 20, 2000 for their annual plant sale.

It was noted that almost all of the proceeds from this event will go back into the community.

Motion passes unanimously.

APPROVAL OF BILLS

MOTION by Stearn, supported by Kennedy, that the bills from a period of 3/7/00 through 3/20/00 be approved for payment in the following amounts:

\$171,665.68	General Fund
5,153.94	Major Road Fund
13,177.02	Local Road Fund
8,758.56	Combined Sewer Overflow Fund
21,019.42	Drains at Large Fund
85,993.97	Water/Sewer Operation Fund
7,101.16	Trust & Agency Fund
<u>\$312,869.75</u>	Total

Questions from Council were addressed by administration.

Motion passes unanimously.

LIAISON'S REPORTS

Stearn reported that the Finance Committee meeting originally scheduled for tomorrow night to review the budget has been rescheduled to Tuesday, March 28.

Stearn announced that the annual Beverly Park Clean Up will be held on Saturday, May 13 from 10 a.m. to noon. Residents should bring rakes and gloves. The Annual MS Walk is scheduled for Sunday, May 7, 2000. The Easter Egg Hunt will be held in Beverly Park on Saturday, April 22 at 10 a.m.

The sale of bricks that will be used to pave the walkway from the new park entrance to the flagpole is coming to a close in early June. Residents interested in purchasing these engraved bricks should call Phyllis Lauer or Sharon Pugh.

Kennedy reported on upcoming events announced at last week's Birmingham Community Coalition meeting. She is impressed with the mentoring going on between high school students and elementary school students. The Community Coalition will sponsor Summit II on April 13, 2000. A program called "Parent Talk" sponsored by the Bloomfield/Birmingham Families in Action is scheduled for Tuesday, May 9. These programs and events are all sponsored by active groups working to keep our families and children safe.

Walsh attended the last Planning Board meeting as alternate liaison. The Planning Board held a public hearing on the minor Zoning Ordinance text amendments. The board also discussed cost estimates for the proposed Planning Board work program for the next fiscal year. The information has been forwarded to administration. Planning Board chairperson Borowski will be present at the budget study session to answer Council questions on the Planning Board priority projects.

MANAGER'S REPORT

Hanlin commented that the Village election generates an enormous amount of work for the clerk's office. She acknowledged the great job done by Ellen Marshall in preparation for last week's election.

In response to discussion that took place at the manager's performance evaluation in October, Hanlin has prepared and distributed to Council members a book called, "Village of Beverly Hills Basics". The intent of this binder of material is to provide newly elected Council members with more comprehensive information. Hanlin thinks that this book of information would also be a good resource for newly appointed members of boards and committees.

The book is being presented to Council in draft form. Craig asked Council members to review the document during the next two weeks in preparation for discussion as an agenda item at the next Council meeting.

Spallasso reported that bids will be opened for the Amherst/Sheridan Relief Sewer Project on Thursday, March 23 at 2:00 p.m.. The public will be kept informed on the progress of this project.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court congratulated the individuals who were elected to the Council. She reminded those who were not elected that there are volunteer positions available on boards and committees.

Tischler stated that she appreciates all the effort Bill Pfeifer has put into the Village and has contributed as a member of the Zoning Board of Appeals. She admires him for his interest in the community. Pfeifer has been a super volunteer who has been involved in the Village and the Township. She knows he will continue that involvement.

Bill Pfeifer of 160 Charrington Court thanked everyone for all their kind words. He remarked that it has been wonderful working with everyone and added that they haven't seen the last of him.

COUNCIL COMMENTS

Munguia thanked everyone who voted in the election. He is looking forward to his term on Council. He mentioned that the Woman's Club will be sponsoring a home tour in the Village on Sunday, April 2. Munguia will prepare a historical display in the Council chambers for that event.

Pfeifer complimented Village Clerk Ellen Marshall on conducting a very efficient election and on the speed in which she issued honorariums to election workers. Pfeifer understands that the Michigan Municipal League sponsors programs for new council members. She would like information on that type of workshop.

Pfeifer congratulated the newly elected council members. She thinks that tonight's meeting started out on a positive note, and she hopes that this Council will work well together. Pfeifer thanked the people who encouraged her to run for office.

Downey congratulated the newly elected council members. He looks forward to a good year. As a prelude to budget discussions, Downey mentioned that there has been some concern expressed about the library service that the Village receives for the money contributed. The library service represents a large expense to the Village. He suggested that a liaison be assigned to work with the library on answering some of the questions being raised about library service.

Stearn welcomed his daughter and wife to the Council meeting. He offered his services to assist with the transition for the new liaison to the Finance Committee.

Walsh congratulated Craig and Kennedy for their election as Council President and President Pro-Tem. He thanked the 1,600 citizens who voted in last Monday's election.

Kennedy offered her thoughts on the reasons for the failure of the ballot proposal for a millage cap increase and suggestions for a future proposal. She stated that there was a perception of discretionary spending and a general mistrust of government. The voters wanted more specifics on what the millage was for. Kennedy stated that the Council could not promise to agree in every instance, but they could disagree like ladies and gentlemen.

Craig thanked the voters who participated in the election last week. There was a 20% turnout. He thanked everyone who voted to re-elect him and thanked Council for their confidence in electing him as president again. He looks forward to Kennedy serving as President Pro-Tem.

Craig asked Council members to contact him with their top three preferences for liaison positions. Administration will contact board chairs and department heads for input on their preferences. He will take this information into consideration in preparing liaison assignments.

Cake and coffee will be served after the meeting to congratulate the two outgoing Council members and the two newly elected members.

MOTION by Downey, supported by Walsh, that the meeting be adjourned at 9:35 p.m.

Motion passes unanimously.

Andrew Craig
Council President

Ellen E. Marshall
Village Clerk