

REGULAR COUNCIL MEETING MINUTES - MONDAY, APRIL 3, 2000 - PAGE 1

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

Absent: Downey

Also Present: Village Manager, Hanlin
Public Services Director, Spallasso
Village Clerk, Marshall
Village Attorney, Dan O'Brien
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.

APPROVE MINUTES OF MONDAY, MARCH 20, 2000 COUNCIL MEETING

On page 4, correct the vote on the resolution to read "Resolution passes unanimously". Kennedy asked that the following words be added to the third paragraph on page 11: "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."

Pfeifer noted that the minutes indicate that the Manager's book of information for new council and board members was to have been an agenda item for this meeting. Council review of the draft book will be scheduled after the budget process and after review and approval of cable franchise documents.

MOTION by Pfeifer, supported by Walsh, that the minutes of a regular Council meeting held on Monday, March 20, 2000 be approved as amended.

Motion passes unanimously.

RECOGNITION OF PUBLIC SAFETY OFFICER OF THE YEAR

Director Woodard stated that the Department of Public Safety conducts a program that recognizes a Public Safety Officer of the Year. Nominations for the recipient come from the officers and department supervisors. This program recognizes officers for contributions to the department, ability to work with co-workers as well as public and personal qualities.

Woodard introduced Public Safety Officer of the Year for 2000, Officer Mike Vargas, who has been a Beverly Hills Public Safety Officer since 1996. Woodard highlighted his attributes and accomplishments that led to his selection for this award. He mentioned that Vargas is currently president of the Public Safety Officers Union. Woodward wished Vargas well during his tenure as Officer of the Year, during which time he will provide an example of what is expected of our officers on the job to peers, supervisors, and members of the public.

Woodward presented Vargas with a plaque and a pin in honor of this award. There will be a nameplate placed on the plaque that hangs in the public safety building lobby.

Vargas thanked members of the department who helped him along the way. He commended the previous recipient of this award, Officer Nathan Cook, who set a high standard for those who follow. Vargas thanked good friends and family who have contributed to the development of his character, and extended special thanks to his wife.

ANNOUNCEMENT OF LIAISON ASSIGNMENTS AND COUNCIL ELECTION OF RETIREMENT BOARD TRUSTEE

Craig announced that President Pro-Tem Kennedy will fill his position on the Retirement Board. The President of the Village serves on that body by virtue of his or her office. Craig withdrew from serving as liaison to the Retirement Board last year due to a potential conflict of interest.

Craig asked that a member of Council be elected to serve as a trustee of the Retirement Board. He opened the floor for nominations.

Kennedy nominated Robert Walsh for this position. There were no further nominations, and the nominations were closed. Council unanimously voted to elect Walsh as Retirement Board member.

Craig announced Council liaisons to various boards and committees as follows:

Finance Committee	- Pfeifer liaison; Munguia alternate
Parks and Recreation Board	- Stearn liaison; Kennedy alternate
Planning Board	- Walsh liaison; Downey alternate.
Retirement Board members	- Kennedy and Walsh.
Zoning Board of Appeals	- Munguia liaison; Pfeifer alternate.
Cablecasting Board	- Pfeifer liaison; Munguia alternate.

DISCUSSION OF PAYMENT METHOD FOR BALANCE DUE ON FIRE TRUCK

The Village anticipates delivery of a new fire truck at the end of April. The total cost of the fire truck is \$252,100 less trade in value of \$2,500 for a 1968 pumper. The Village has made two payments totaling \$101,194 to date from the Capital Projects Fire Truck Reserve Fund. The final payment of \$143,334 is due within 30 days of delivery.

Pfeifer stated that Finance Director Wiszowaty recommends allocating money for this payment from the following funds:

Balance of Capital Projects Fund reserved for fire truck purchase:	\$60,636.81
General Fund money reserved for fire truck loan payment:	24,000.00
General Fund Balance:	<u>58,697.19</u>
Total	\$143,334.00

It is projected that the General Fund balance will be \$1,074,843 after this transfer if this method of funding is approved.

RESOLVED by Pfeifer, supported by Kennedy, to pay the balance due on the new fire truck from the following accounts: \$60,636.81 from the Capital Projects Fund; \$24,000.00 from General Fund account 101-900-988; \$58,697.19 from the General Fund balance, for a total payment of \$143,334.00.

Stearn stated that he will vote against the resolution for the reason that money is being transferred from the General Fund balance to make this payment. He proposes taking \$58,697.19 from the \$200,000 allocated in the current budget for water main replacement. He understands that a water main replacement project cannot be undertaken for less than \$500,000, and money is not being budgeted in 2000/01 for this purpose. He suggests that money set aside for water main replacement could be used to pay a portion of the balance on the fire truck. Considering the failure of the ballot proposal to increase the millage cap, Stearn thinks that the General Fund balance will be needed to address shortfalls that will occur in the next year or two.

Kennedy is not in favor of deciding how to pay the balance due on the fire truck until after Council reviews the budget in its entirety next week. She is not sure about using money allocated for water main replacement until Council looks at the whole picture.

Walsh suggested tabling this discussion until after the Council's budget study session next week. Administration indicated that funds to pay the balance on the fire truck could be allocated at the next Council meeting.

Pfeifer stated that the General Fund balance will remain at 20% of budgeted expenditures after the transfer, which is more than the percentage recommended.

MOTION by Walsh to table discussion of payment method for balance due on fire truck until the next Council meeting.

Motion fails (3 - 3).

In response to an inquiry, Hanlin stated that the \$200,000 budgeted last year for water main replacement is currently in the General Fund, earmarked for water main replacement. Once it is transferred to the Water and Sewer Improvement Fund, it must be used for water related projects. It takes a budget amendment of Council to transfer the money from the General Fund to the Water and Sewer Improvement Fund. The money is currently in the General Fund, and Council can determine how it is going to be spent. Hanlin added that the \$1.7 million in the General fund balance is undesignated money.

Stearn reiterated his concern with transferring money from the General Fund balance when it may be needed for future expenses due to the defeat of the millage increase. He maintains that the \$200,000 allocated for water main replacement will not be used next year. A portion of that money could be used for the fire truck payment before it is transferred into a water and sewer fund.

Kennedy commented that she would like to review all possible options for funding projects from the General Fund. Council will be looking at the budget without a millage increase. She is in favor of paying cash for the fire truck and would support action that would allow the flexibility to transfer money from the \$200,000 in the General Fund budgeted for water main replacement if that is Council's decision following review of the budget.

Craig stated that Council approved a budget last May that allocated \$200,000 for water main replacement that would either be spent or transferred to the Water and Sewer Improvement Fund at the end of the fiscal year. The money is currently in the General Fund, earmarked to go into the Water and Sewer Improvement Fund. Craig supports transferring money from the General Fund balance and paying cash for the balance due on the fire truck. He maintains that the General Fund and the General Fund balance are the same thing.

Stearn disagrees with that representation and would support a resolution that omits the word "balance" after General Fund.

Pfeifer did not amend the resolution. Kennedy withdrew her support. Walsh supported the resolution.

Vote on Resolution:

Munguia	- yes
Pfeifer	- yes
Stearn	- no
Walsh	- yes
Craig	- yes
Kennedy	- no

Resolution passes (4 - 2).

AUTHORIZATION TO PROCEED ON PRELIMINARY ENGINEERING REPORT FOR STAFFORD ROAD IMPROVEMENT

Walsh commented that there has been a change in the policy on existing unimproved roads in the Village to allow asphalt paving without curbs and gutters with construction methods and materials in accordance with MDOT standard specifications for construction. A requirement of 51% of the affected property owners must be submitted on a written petition with the appropriate language in order for Council to consider a special assessment district for paving a road.

Property owners abutting Stafford have shown an interest in having the road improved from gravel to hard surface. Council is in receipt of a petition dated April 20, 1999 signed by Stafford Road property owners who are interested in paving Stafford.

Before authorizing a \$4,000 preliminary engineering report, Walsh asked that Council receive a current petition submitted by the property owners showing that the majority of residents on Stafford are interested in moving ahead with paving the road.

MOTION by Walsh to table discussion of authorization to proceed on preliminary engineering report for Stafford Road improvement until Council receives a current petition from the property owners.

Ayes - Craig, Kennedy, Munguia, Walsh
Nays - Pfeifer and Stearn

Motion passes (4 - 2).

SET DATE FOR PUBLIC HEARING TO REVIEW AND CONFIRM 1999 ASSESSMENT ROLLS FOR DUST AND OTHER MISCELLANEOUS ASSESSMENTS

A public hearing is held each year to review and confirm assessments for residents living on gravel roads that are treated for dust control and for other unpaid assessments and billings that are to be added to the tax roll.

MOTION by Pfeifer, supported by Munguia, that the Village of Beverly Hills set Monday, April 17, 2000 as the date for the public hearing to review and confirm 1999 assessment rolls for dust control and other miscellaneous assessments.

Motion passes unanimously.

APPROVE COST OF RETROFITTING PUBLIC SAFETY PATROL CARS

Craig explained that, in the past, the Public Safety Department has arranged for various vendors to provide changeover labor and materials to equip new patrol cars. Director Woodard has been looking at ways to reduce costs and has gone out for competitive bids to retrofit the entire vehicle. The cost will amount to the same amount as it did previously, but will be performed by one vendor.

Craig suggested that future Council resolutions approving a patrol car authorize up to \$2,500 for retrofitting that vehicle.

RESOLUTION by Pfeifer, supported by Munguia, that the Beverly Hills Village Council approve the purchase of patrol vehicle changeover labor and materials from the designated vendor, Winder Police Equipment, in the amount of \$3,527.54. Funds are available for this purchase from account #101-345-852 Public Safety: Radio Maintenance for \$2,050 and account #101-345-932 Public Safety: R&M Equipment for \$1,477.54.

Roll Call Vote:
Resolution passes unanimously.

SECOND ANNOUNCEMENT OF VACANCY ON THE ZONING BOARD OF APPEALS

Munguia made the second announcement to fill a vacancy on the Zoning Board of Appeals created by the resignation of Bill Pfeifer. Applications for this position will be accepted no later than Friday, April 7, 2000 at 5:00 p.m. at the Village offices. A subcommittee of Munguia as chair, Craig and

Walsh was appointed to review applications. The subcommittee will meet on Monday, April 17 at 7:30 p.m. in the Council meeting room.

AWARD CONTRACT FOR LAWN MAINTENANCE

Bids were opened on March 29, 2000 for maintaining the landscaping along the business district on Southfield Road. Six contractors were invited to bid on this work. Only one properly sealed bid was received from Johnson Landscaping in the amount of \$3,592. This is the same amount of the Johnson Landscaping bid last year.

Walsh commented that the letter sent to Davey Tree Company was returned because the company moved to Auburn Hills. The company still services this area.

In answer to an inquiry, Hanlin stated that the landscape maintenance contract covers the west side of Southfield Road between Beverly Road and 13 Mile Road, excluding Vic's Fruit Market.

RESOLVED by Pfeifer, supported by Kennedy, that the 2000 landscape contract in the amount of \$3,592 to cover the area included in the Southfield Road Business District be awarded to Johnson Landscaping.

Roll Call Vote:
Resolution passes unanimously.

AUTHORIZATION TO PROCEED WITH LOCAL ROAD CONCRETE MAINTENANCE PROGRAM

Before Council for consideration is a \$300,000 program to replace small concrete sections that have deteriorated on a number of streets village-wide. Walsh commented that this is a change in the recent policy, which has been to cap concrete roads with asphalt. He maintains that this item should have come before the Infrastructure Committee of Council for review and recommendation to Council.

MOTION by Walsh to table discussion on authorization to proceed with local road concrete maintenance program.

Roll Call Vote:
Walsh - yes
Craig - no
Kennedy - yes
Munguia - yes
Pfeifer - no
Stearn - no
Motion fails (3-3).

Spallasso clarified that there is a difference between the program under consideration and the policy to cap concrete roads with asphalt to extend the life of a road. The program before Council for approval is to replace deteriorated individual slabs of concrete in various locations. Damaged

concrete sections will be replaced with concrete. It is a routine program that was done every year in the past and is now done every other year if possible.

RESOLVED by Walsh, supported by Pfeifer, to authorize Village administration to solicit bids for the 2000 concrete repair program #R-00-2 dated 3/31/2000.

If authorization is received by Council, Spallasso will go out for bids as soon possible in order to engage contractors early in the season and to obtain the best prices.

Stearn commented that the resolution authorizes administration to go out for bids and does not allocate money for the project.

Kennedy is troubled that the Infrastructure Committee has not seen this item. She stated that the Council pledged to the voters that it would spend one mill, or \$410,000, on roads each year and 2 mills on sewers. Kennedy would like to see a comprehensive road improvement plan before committing \$300,000 on concrete repairs. She thinks a decision should be made as to which local road project is going to give the biggest bang for the buck. Kennedy questions whether enough planning has been done to commit large sums of money at this time.

Munguia commented that he would like to proceed with this project after more careful scrutiny by the Infrastructure Committee.

Craig asked questions that were answered by Spallasso. Spallasso indicated that 2.6 miles of concrete and asphalt roads were capped/resurfaced this fiscal year. The Village spent a total of \$725,000 in the current and previous year, just under 2 mills, on asphalt resurfacing of local roads.

Craig emphasized that the money for the proposed concrete repair program would come from the current year's budget. People who live on concrete streets have not had any road work done in two years while the Village has done \$725,000 worth of asphalt paving in the last two years. The Village does concrete repairs every other year to keep roads from deteriorating badly. Craig agrees that this program probably should have come before the Infrastructure Committee for review. However, he questions the need for Council or a committee to oversee routine maintenance of roads.

Craig stated that he will vote in favor of the local road concrete maintenance program because it was budgeted a year ago and it is needed to properly maintain the roads.

Walsh commented that the amount of concrete being laid for this project is equal to approximately 0.5 mile.

Kennedy explained that she is not opposed to repairing concrete roads. She is opposed to approving a capital expense a week before the budget study session. She thinks Council should look at the whole package and infrastructure requirements.

Pfeifer commented that the money for this project is available in the current year's budget.

Roll Call Vote:

Craig - yes
Kennedy - no
Mungia - no
Pfeifer - yes
Stearn - yes
Walsh - no

Resolution fails (3 - 3).

AWARD CONTRACT FOR GUTTER REPLACEMENT/REPAIR AT PUBLIC SAFETY BUILDING

Craig explained that the gutters on the public safety building have experienced ice damage and are not draining properly. It is proposed to replace all the gutters and have them rehung using the existing downspouts. Questions from Council were addressed by Director Woodard.

Norm Downey of 23042 Nottingham examined the gutters and does not think they were installed properly. He was informed that the Village building official and the Director of Public Safety will oversee the project. Downey thinks that someone should oversee the maintenance of the building so that repairs are made promptly before there is deterioration.

RESOLVED by Kennedy, supported by Walsh, that the Beverly Hills Village Council approve the purchase of replacement roof gutters for the public safety building from the low bidder meeting specifications, Joy Company, in the amount of \$1,721.00. Funds are available for this purchase in Account #101-345-934 Public Safety: Building and Grounds.

Roll Call Vote:

Resolution passes unanimously.

APPROVAL OF BILLS

MOTION by Pfeifer, supported by Kennedy, that the bills from a period of 3/21/00 through 4/03/00 be approved for payment in the following amounts:

\$33,658.88	General Fund
5,209.73	Major Road Fund
13,771.04	Local Road Fund
20,723.75	Dedicated Millage
3,213.58	Water/Sewer Operation Fund
<u>35.36</u>	Trust & Agency Fund
<u>\$76,610.34</u>	Total

Questions on the bills from Council and the public were addressed by administration.

Motion passes unanimously.

LIAISON'S REPORT

Pfeifer attended the March 28 Finance Committee meeting at which time the members reviewed and discussed the preliminary draft of the 2000/01 General Fund budget. She looks forward to the Council budget session with the Finance Committee on Monday, April 10 at 7:00 p.m.

Craig announced that there will be a closed session of Council to discuss pending litigation at 6:45 p.m. before the April 10 budget session.

Stearn thanked the Finance Committee for the hard work they did last year in preparing the Five Year Financial Plan. He wishes Pfeifer well as liaison to the Finance Committee.

Stearn congratulated Stan Pasieka on his work in preparing a park grant application that was submitted to the Michigan Department of Natural Resources on March 31. Stearn hopes to be announcing receipt of a \$400,000 grant from the State of Michigan for park improvements.

Kennedy stated that she will miss her liaison position on the Planning Board. She read a statement made by planning consultant David Birchler at the last Planning Board meeting: "It is important to recognize that there are certain long-range goals that a community ought to be striving for. It does not mean that the objectives have to be achieved within the confines of the current planning period". Kennedy agrees with long range planning that would set the Village on the long course.

Walsh attended a SEMCOG convention in Southfield last week. One of the main topics was home rule. Recent legislation passed by the State Legislature has attempted to weaken home rule in local communities. The Michigan Municipal League has launched a petition drive regarding home rule with the November elections in mind. The petition emphasizes the fact that local units of government are not alike, and the state should not mandate to local communities. The language would require two-thirds approval of each house to pass home rule legislation.

Pfeifer, liaison to the Cablecasting Board, advised Council that a new cable ordinance and franchise agreement will be coming before them for review and approval. A public hearing will be scheduled to hear comments from residents on the franchise agreement.

MANAGER'S REPORT

Hanlin deferred to Spallasso for a report on the Amherst/Sheridan project. Spallasso stated that documents are being prepared, and he will be coming before Council with a recommendation on the award of the contract for the Amherst/Sheridan construction project. He will be meeting with the contractor to insure that every item is understood before the contract is awarded.

Hanlin presented Council members with a draft of the 2000/01 budget. The budget will be reviewed in a joint meeting between the Council and Finance Committee on April 10.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court, Southfield Township Clerk, informed Council that ballot question language for the August ballot must be submitted to the County by May 30, 2000.

Tischler commented on funding the fire truck. She is glad to see that the Village has the funds to pay for the truck without financing. Tischler does not think it makes a difference whether the money comes from the current operating budget or from the General Fund balance because money not spent is placed in the fund balance.

Tischler expressed the view that bids should be taken for retrofitting public safety vehicles rather than approving that expense as part of Council authorization to purchase patrol cars as suggested this evening.

Tischler asked how many vendors were sent a letter requesting them to bid on lawn maintenance for the Southfield Road business strip. She was informed that six vendors were sent notice to bid.

Norm Downey of 23042 Nottingham commented on the Finance Committee's discussion relative to financing the balance due on the fire truck. Craig clarified that meeting minutes reflect that the Finance Committee was not unanimous on how to pay for the fire truck.

COUNCIL COMMENTS

Munguia commented that the Beverly Hills Home Tour sponsored by the Village Woman's Club took place yesterday. The Home Tour was well attended. He commended Joan Hayden, who chaired the event this year. Munguia assisted in the preparation of a historical display in the Council meeting room where people gathered before and after the tour. The event serves to showcase the Village.

Munguia remarked that one of the historical items on display was a budget from 1965/66. The budget document was ten pages, and the total expenditures were \$450,000.

Pfeifer commented that there has been concern expressed recently about the cost of library service. She informed Council that she served on the library committee that reached an agreement with Baldwin Public Library on the cost to the Village for library service. Pfeifer offered to present Council with a synopsis of the 18-month study conducted by this committee. She will make this presentation at Council's request after the adoption of the budget and approval of the cable ordinance and franchise agreement.

Walsh invited interested members of the public to attend the budget study session with the Council and Finance Committee next Monday, April 10 at 7:00 pm.

Stearn congratulated Mike Vargas on being honored as the Public Safety Officer of the Year.

Kennedy extended her best wishes to Public Safety Officer Mike Vargas. She commended the Village Woman's Club for the great job in organizing the Home Tour. She also thanked Lawrence Needham, Randy Munguia and Stan Pasieka for their participation at the Village office.

Kennedy offered her condolences to Pat Anderson of the Birmingham Coalition on the loss of her father last week.

MOTION by Kennedy, supported by Walsh, to adjourn the meeting at 9:24 p.m.

Motion passes unanimously.

Andrew Craig
Council President

Ellen E. Marshall
Village Clerk