

Present: President Craig, Members: Downey, Munguia, Pfeifer, Stearn and Walsh

Absent: Kennedy

Also Present: Interim Manager, Spallasso
Assistant to the Manager, Pasieka
Director of Public Safety, Woodard
Village Attorney, Ryan

President Craig called the meeting to order at 6:45 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

RESOLVED by Downey, supported by Pfeifer, to go into closed session to discuss pending litigation and contract negotiations.

Roll Call Vote:

Craig - yes
Downey - yes
Munguia - yes
Pfeifer - yes
Stearn - yes

Resolution passes unanimously.

Walsh entered the meeting at 6:50 p.m.

Council reconvened in open session at 7:30 p.m.

APPROVE MINUTES

MOTION by Downey, supported by Pfeifer, that the minutes of a regular Council meeting held on Tuesday, January 16, 2001 be approved as submitted.

Motion passes unanimously.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

Craig recognized 15 boy scouts from Troop 1024 of Beverly School. The scouts are attending a Council meeting to earn their Citizenship in the Community badges. Each scout stood and stated their name and school.

Patricia Greening of 19289 Riverside Drive reminded everyone of the Monday, March 12 Village Election. On the ballot will be a proposition sponsored by the “Friends to Improve Beverly Park” asking for voter approval of a dedicated millage of 0.25 mill for five years. This dedicated millage will be used to provide a safe playground area, improve ball diamonds, improve the parking lot, new fence and gate, and plantings for year-round greenery and flowers in the park. Greening asked people to come out and vote for the park millage.

Jim O'Reilly of 31191 Huntley Court reported on the fifth Winter Family Fun Day held in Beverly Park on Sunday, January 21. He estimates that over 400 people attended. O'Reilly recapped the activities that occurred that day and thanked the people who volunteered their time to assist in making this a great day.

O'Reilly indicated his support for the tax initiative coming up in March. The Village recently received approval of a grant from the State of Michigan that will help build a safe pedestrian entranceway and help with replacing some of the playground equipment. There is a need to provide safer and updated playground equipment, work on the ball fields, and improve the safety of the sledding hill. O'Reilly urged residents to support this dedicated millage of 0.25 mill for five years for park improvements.

Frank Worrell of 32123 Bellvine Trail commended the Beverly Hills Public Safety Department on behalf of a resident whose life was probably saved after having a heart attack by the quick response of public safety officers.

Worrell expressed the view that there should be no signs displayed in the council chambers promoting the park millage proposal. Worrell remarked that Elaine Kennedy is leaving the Village Council, and he wished her luck.

Neil Hitz of 19216 Riverside Drive, Finance Committee member, added to the comments he made at the last Council meeting in an effort to promote tax payer awareness. Hitz supports improving the park with safe playground equipment, a safe sled hill, and better restrooms. He has been a member of the Parks and Recreation Board and is not opposed to spending money on the park.

Hitz stated that he also supports a balanced and strong approach to a sound infrastructure in terms of taxes going towards water main and sewer improvements. He believes that people move to Beverly Hills because of modest taxes, a fine public safety department, and because the infrastructure works. The fact that Beverly Hills has a great park is an added attraction.

Hitz addressed the need to advise the voters of the Village's financial situation and future projections. He referred to the minutes of a January 9, 2001 Finance Committee meeting at which time outgoing Village Manager Hanlin presented a "state of the Village" report. Hitz quoted from the minutes: "Hanlin perceives that the biggest challenge for the Village in the next five years is going to be to deliver the same services to the same number of homes with a controlled revenue stream while considering how to build for the future of the Village." Hitz stated that the important element is the controlled revenue stream. Because of the Headlee Amendment and percentage minimums, Beverly Hills is going to have a tax base that is not necessarily going to increase as fast as the needs of the Village.

Hanlin went on to say at this meeting that, "She thinks that it is important that residents be educated about the financial realities facing the Village of Beverly Hills." Hitz is trying to impress upon the Council and the voters that they need to be aware of the future financial condition of the Village.

Hitz talked about the difference between operating expenses and the capital project budget. Assuming that the park millage is passed, the Village receives the approved state grant for the park, and the matching grant funds are spent, the Village Council will be obligated to spend \$850,000 on the park in the next five years. The capital budget for the Village over the next five years allocates only \$396,000 in capital budget money for the public safety department. The amount budgeted for administration and technology is less than \$100,000 a year in the next five years. The water main replacement program estimated at \$2.5 million is unfunded after this year's \$500,000 allocation to begin water main work. There is no money budgeted in the five year capital plan for sidewalk construction.

Hitz referred to the park wish list that includes capital project items that the Parks and Recreation Board attached to the Village's capital improvement plan. At its last meeting, Council clarified that the grant money must be spent on the parking lot, new pedestrian entrance, and play equipment for small children. It was indicated that Council did not officially approve the items on the wish list, and that actual spending of the money will be determined year by year.

Hitz stated that he received a flyer in the mail from a member of the Parks and Recreation Board saying that the new millage will accomplish specific projects. Council affirmed at the last meeting that the wish list items for the park have not been decided, yet Parks and Recreation Board members are saying that the money is going for specific projects. Hitz finds this confusing as a voter and questions who has made the decision on these capital projects.

Hitz commented that he is in favor of fixing up the park. He is also in favor of telling the voters the whole story. He is in favor of creating a budget and a plan for capital improvements over the next five years that allows capital dollars to go for public safety, infrastructure repairs, fire apparatus, and the park. He suggests fixing up the park with the grant money and matching funds before taking another look at what else is needed in the park. Council is elected to represent the voters and present a financial plan rather than rely on a process whereby individuals and groups place millage issues on the ballot.

Dave Domzal of 22750 King Richard Court, member of the Planning Board, stated that he is a candidate for Village Council. He has talked to a number of people in the Village in the last six weeks and has reviewed the capital budget and five year financial projections. It is a sobering view in terms of both the operating budget and capital improvements.

Domzal mentioned that the Planning Board is submitting a sidewalk plan to Council, which represents a long term recommendation on the sidewalk issue. Domzal believes that there is a tremendous resource of citizenry in this Village that can be drawn on in terms of participation and resources. We are blessed with many talented people in the community who, given the right direction, can do a lot in terms of constructing sidewalks.

Domzal thinks that this is a time for consensus building within Council itself. People feel strongly about issues. It will be important to draw the goals together and speak with a unified voice.

Art Liberty of 20850 W. 13 Mile Road, candidate for Council, informed the audience that his legal name and the name that will appear on the ballot is Soter Liberty. Liberty commented that he is a professional industrial engineer and understands capital and operating expenses.

APPROVE MATCHING FUNDS FOR LIVESCAN FINGERPRINT TECHNOLOGY

Money is set aside in this year's budget for matching local funds for a state grant secured by Oakland County for a live-scan digital fingerprint unit. Live-scan digital fingerprinting technology allows for obtaining inkless fingerprints. The resulting images can then be printed to cardstock, while at the same time being transmitted electronically through Oakland County to the State of Michigan and to federal databases.

Beverly Hills is one of 20 communities that are qualified to participate by providing a 25% match, approximately \$9,000. The final figure will depend upon the actual number of agencies participating. The vendor for this project selected through the competitive bidding process by Oakland County as part of the grant process will be Digital Biometrics, Inc. of Minnetonka, Minnesota.

RESOLVED by Downey, supported by Pfeifer, that the Village Council approve participation by the Beverly Hills Public Safety Department in the Byrne Grant – LiveScan digital fingerprint initiative at a cost not to exceed \$9,000. Funds for this expenditure are available in Account #101-900-945 Capital Purchases: Office Equipment.

Questions from Council and audience members were answered by Director Woodard.

Roll Call Vote:

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

Resolution passes (5 – 1).

SET PUBLIC HEARING DATE TO REVIEW AND CONFIRM THE 2000 SPECIAL ASSESSMENT ROLL FOR THE SOUTHFIELD ROAD ASSESSMENT DISTRICT

MOTION by Pfeifer, supported by Munguia, to set a public hearing date of February 20, 2001 to review and confirm the 2000 Special Assessment Roll for the Southfield Road Assessment District.

Motion passes unanimously.

APPROVE AGREEMENT WITH THE CITY OF BIRMINGHAM REGARDING ACACIA INTERCEPTOR

Before Council for review and approval is a proposed Agreement between the Village of Beverly Hills and the City of Birmingham regarding the improvements comprising the Acacia Relief

Sewer project. This agreement covers the engineering, design, and construction costs as well as future maintenance obligations.

The project is now in the design phase for portions of the Interceptor. Since the engineering consultant for both the Village and Birmingham is Hubbell, Roth & Clark, Inc., approving and executing this agreement will facilitate the billing for the Acacia Relief Sewer project to each municipality based on the current apportionment.

Walsh remarked that the approximate cost of the project is \$8.5 million. The Village's share of this cost will be 70%, or approximately \$6 million, which will come out of the dedicated millage passed in August of 1997. Walsh covered some of the conditions of the agreement. It was indicated that a substantial amount of money will be saved due to the fact that the project will be administered by the Village and the City of Birmingham as opposed to being a Chapter 20 Drain project administered by the Oakland County Drain Commission.

Questions and comments from Council on the agreement were addressed by Spallasso and Ryan. In answer to an inquiry, Council was informed that the Addendum noted on page 6 of the agreement refers to a separate study that HRC performed for the City of Birmingham, which is reflected in the three different projects. A copy of this study will be distributed to all Council members.

RESOLVED by Walsh, supported by Downey, that the Village of Beverly Hills Council approves and authorizes execution of the agreement between the Village of Beverly Hills and the City of Birmingham for the Acacia Relief Sewer.

Roll Call Vote:
Resolution passes unanimously.

A COPY OF THE AGREEMENT IS AVAILABLE FOR PUBLIC REVIEW AT THE VILLAGE OFFICES.

APPROVE FINAL PAYMENT TO SUNSET EXCAVATING FOR CONTRACT #S-00-1

RESOLVED by Walsh, supported by Downey, that the Village Council approve final payment in the amount of \$36,826.78 to Sunset Excavating, Inc. for the construction of the Amherst/Sheridan Relief Sewer for a total project cost of \$801,579.18.

Craig noted that this project came in under budget by almost \$22,000.

Roll Call Vote:
Resolution passes unanimously.

APPROVE FINAL PAYMENT TO ABC PAVING FOR CONTRACT #R-98-4

Walsh stated that 2.6 miles of road were resurfaced in 1989, 2.7 miles in 1999, and 1.1 miles in 2000 for a total resurfacing project of 6.4 miles. This contract came in under budget for a savings of almost \$52,000.

RESOLVED by Walsh, supported by Pfeifer, that the Village Council approve final payment to ABC Paving Co. in the amount of \$7,257.00 for a total contract price of \$725,700.18 for the construction of project #R-98-4 and CO#1.

Roll Call Vote:
Resolution passes unanimously.

APPROVAL OF BILLS

MOTION by Pfeifer, supported by Walsh, that the bills from a period of 1/16/01 through 02/05/01 be approved for payment in the following amounts:

\$394,308.00	General Fund
19,729.74	Major Road Fund
15,055.19	Local Road Fund
8,097.85	Capital Projects Fund
880.29	Dedicated Millage
118,660.00	Water/Sewer Operation Fund
1,168.05	Water/Sewer Improvement Fund
<u>9,298.16</u>	Trust & Agency Fund
<u>\$567,197.28</u>	Total

Questions from Council and audience members were addressed by Spallasso and Pfeifer.

Motion passes unanimously.

LIAISON'S REPORT

Munguia stated that the Zoning Board of Appeals will meet next Monday at 7:30 p.m. As Village historian, Munguia has been collecting and cataloguing historical memorabilia related to Beverly Hills. He will make a presentation of this collection to the Village at the next Council meeting and make these items available to the public.

Pfeifer announced that the Finance Committee will be meeting tomorrow evening at 7:00 p.m. She informed Council that Pasioka has prepared and distributed a Request for Proposals for camera and audio equipment for the Village council chambers. Bids will be opened on Tuesday, February 27, 2001.

Pfeifer reaffirmed that Council, at its last meeting, agreed to direct the Village attorney to prepare an amendment to the Village Ordinance that would allow for the appointment of an alternate member to the Cable Board. Ryan indicated that he is aware of this.

Downey commented that the Public Safety Department continues to do a fine job protecting our Village.

Stearn stated that the Parks and Recreation Board will meet on February 15 at 7:30 p.m.

Walsh reported that the Planning Board met on January 24 and finalized the Pathways Plan, which was forwarded to Council for consideration. The Planning Board also recommended to Council that the “big foot” housing issue not be pursued further by the Village at this time.

Craig reported that, through Friday of last week, the Village received nine applications for the Village Manager position. Four additional applications were received today. Craig anticipates more applications being received in February. A Council study session with Bill Baldrige from the Michigan Municipal League will be held on Tuesday, February 20, at 6:00 p.m. prior to the Council meeting. Council will be able to provide input to our facilitator relative to the selection process for narrowing the applications down to ten people for Council consideration.

MANAGER’S REPORT

Spallasso reported that Pasioka received information from Lansing today on the park grant indicating that the Village will have to defer spending any money on the proposed park improvements until all the grant approvals are received and documents signed. The Village will not be reimbursed for money spent prior to the formal approval. He will keep Council advised on the status of the park grant.

Spallasso stated that the winter weather has resulted in the Major Road Fund budget being 70% depleted. The Local Road Fund is at 90% of budget.

COUNCIL COMMENTS

Pfeifer suggested that Council schedule a work/study session soon. One of the topics she would like discussed is Council liaison positions. Pfeifer also asked that Council consider holding a pre-budget study session in order to discuss specific topics before the budget is prepared by administration. She would like to meet with Council before the Village election.

Munguia appealed to both Council and administration that they aggressively pursue any grant money that is available to the Village for parks, roads, technology upgrades, etc. He is in favor of anything that will reduce the burden on taxpayers and make the Village a nicer place in which to live.

Downey commented that, while he is in favor of advancing the budget process, he thinks that a budget session would have more value if it is scheduled after the Council election in March.

Stearn thanked everyone in the audience for attending tonight’s meeting. In his view, the most important part of sitting on Council is listening to people voice their positions on community issues.

Walsh recalled that it was the consensus of Council that the advertisement for Village Manager position should require that applicants have a degree in Public Administration or equivalent. This was noted by Craig.

Walsh suggested that the Village Newsletter published prior to the March election should not include articles for or against the park millage proposal. Council agreed and directed administration not to accept any position articles for the newsletter regarding the ballot proposal.

Craig recapped the action items that occurred at tonight's meeting for the benefit of the scouts in the audience.

MOTION by Downey, supported by Walsh, to adjourn the meeting at 9:07 p.m.

Motion passes unanimously.

Andrew Craig
Council President

Ellen Marshall
Village Clerk