

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

Absent: None

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

President Craig called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

APPROVE MINUTES OF A JOINT COUNCIL/PARKS & RECREATION BOARD MEETING HELD ON JANUARY 18, 2001

A correction was made on page one, last paragraph, line four, to add “to” between “are” and “be”.

MOTION by Pfeifer, supported by Stearn, that the minutes of a Joint Council/Parks & Recreation Board meeting held on January 18, 2001 be approved as amended.

Motion passes unanimously.

APPROVE MINUTES OF A REGULAR COUNCIL MEETING HELD ON MONDAY, FEBRUARY 5, 2001

On page 6, second paragraph from bottom of page, correct word “find” to read “fine”.

MOTION by Pfeifer, supported by Walsh, that the minutes of a regular Council meeting held on Monday, February 5, 2001 be approved as amended.

Motion passes unanimously.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

John Mooney of 19111 Devonshire stated that he has supported Beverly Park for a number of years, and he strongly supports the dedicated millage that will be voted on at the March 12 Election. Mooney believes that the millage will assist the Village in making the park a better place for the entire community.

Mooney remarked that there are those who may not feel that money should be spent at this time on making the playground equipment or sled hill safer or to improve the baseball diamonds. People can vote however they wish. However, he was troubled to hear a public official use rhetoric at the last Council meeting that attempted to persuade people that this millage will do things that it will not do. Regardless of whether the park millage passes or fails on March 12, not one penny less will be spent on public safety or infrastructure capital improvements. Mooney also thinks that it is misplaced to suggest that the democratic process being followed

by those who circulated petitions for a public initiative was inappropriate. Mooney offered examples to prove that a suggestion made that the park millage would interfere with future millages is untrue historically.

Mooney maintains that this community has always rallied around what is best for the residents. What is best for the residents now, in his view, is for people to join together and make our park a better place. People in Beverly Hills gather in the park to celebrate their sense of community and attend events including the Halloween Hoot, Memorial Day Carnival, Easter Egg Hunt, and baseball games.

Mooney stated that there is not one park in Royal Oak or Birmingham that does not have better equipment. Supporters of the park have raised \$100,000 privately, but it will take \$800,000 to upgrade the park. This initiative referendum is the will of the people. Mooney asked the residents of the Village to unite and vote “yes” on March 12 for a park millage that will cost \$24 a year to the average home owner.

David Jensen of 31130 Stafford recapped the history and intent of the park master plan and discussed needed park improvements. He stated that the designers of the park master plan addressed the park’s most critical problems. It was agreed that it is unsafe for pedestrians to walk into the park in the same place where cars are entering. An entranceway is proposed that would separate the pedestrian entrance to the park from vehicular traffic. Jensen displayed a drawing of the new park entranceway.

Jensen commented that it was determined that most of the play equipment does not meet current standards for safety. It has been installed in a haphazard way over a period of time. The facilities in the park pavilion leave a lot to be desired and should be upgraded. Jensen addressed the condition of the parking lot and displayed a design for an improved and paved parking lot.

Jensen is not surprised that \$100,000 has been raised privately for park improvements. There are many residents who have determined that it is time to refurbish and upgrade Beverly Park. The people who use this park have an interest in its long term welfare. It has taken all this time since the plan was adopted three years ago to reach the point of proposing a park millage. The people who are going to vote for this proposal are interested in finishing the task.

Jensen expressed the view that the Village barely maintains the park. There is about \$50,000 budgeted every year to maintain the park. There is nothing done to improve it. The park millage will raise money to improve the baseball diamonds, pavilion, tennis courts, sled hill, and walking trails. The money will not be used to “gold plate” anything. Jensen thinks it is critical that the Village update its view of this park and begin to maintain it in the way it is deserving of. He hopes that those who use the park and love this community will get behind this effort and vote “yes” on March 12.

Tami Wilms of 18250 Kirkshire stated that she is here to ask the voters to join her in approving a proposed millage increase for improvements to Beverly Park on March 12. She thinks that the park has been neglected for a long time and it is showing its age. The Village recently received a grant from the state, which will cover some of the improvements needed but not all of them.

An additional 0.25 mill increase is needed to make the entire project a success. This millage increase translates into an added \$24.00 per year for the average household in Beverly Hills.

Wilms asserted that many families with small children who live in Beverly Hills currently drive their children to Birmingham or Royal Oak to use the parks in those communities. They want their children to play in a safe and comfortable environment, and they do not feel that Beverly Park is providing that. Improvements to the park would encourage residents of all ages to congregate there and promote a sense of neighborhood and community.

Wilms stated that there are members of the community who want the millage increase defeated because they fear that other areas of Beverly Hills may soon need infrastructure improvements. Wilms stated that she knew when she moved to Beverly Hills that it was an older, established community. She expects that aging sewer lines and water mains will eventually need improvement. Community property needs improvements from year to year just as homes do. Wilms is confident that the voters of the community will come together to handle sewer and other problems as they arise. Infrastructure problems should not prevent us from making improvements to the park.

A group of citizens have come together to place this millage question on the ballot for the March 12 Election. Wilms asked when was the last time so many people have taken an interest in community government. She asked residents to pass this millage for the park and show that positive changes can be made in Beverly Hills that will benefit everyone.

Jack Harmon of 32320 Bellvine Trail urged people to support the park millage on the basis that it is an investment in the community. The park is a place where people in the Village meet. The millage will be used to improve the park and make it a place where people will want to come.

Norm Downey of 23042 Nottingham commented that he respects the comments of the previous speakers. He suggested that the Village should close the park right now if it is unsafe. Downey stated that he will vote “no” for the park millage proposal.

The Village has approximately \$332,000 committed to spend on park improvements. Downey maintains that this should be adequate for park improvements through 2004/05 based on previous capital funds allocated for the park. He believes that the \$332,000 will cover parking lot paving, entranceway and fencing, safe playground equipment and reasonable landscaping. In Downey’s opinion, a ballot request for \$0.25 mill that will raise \$500,000 in five years will provide luxuries in the park. He does not believe that the millage increase will provide improved quality of life or increase property values.

Downey expressed the view that voting for the park millage will detract from the Village’s ability to receive voter approval for added millage for the general Village operation. Beverly Hills is in critical need of additional funds for current services. Downey also believes that the ballot proposal is unfair to the seniors who rarely use the park and residents outside of the central area of the Village. Downey added that Village residents experienced an 11% increase in water rates last year. Water rates are expected to increase again this year. Downey recommends voting against the park millage.

Janet Mooney of 19111 Devonshire clarified that the park millage proposal is for dedicated millage of 0.25 mills for five years, which will raise approximately \$500,000. She explained that 0.25 mill represents \$0.25 per \$1,000. Money raised for park improvements through fund raising and private contributions totals \$130,000. A state grant was approved for \$200,000. That leaves the Village \$500,000 short to complete necessary improvements to the park. Mooney assured residents that the millage will be used to renovate what already exists in the park and not add luxury items.

Mooney does not think that voting in favor of a 0.25 mill increase for park improvements detracts from the future needs of our community. Residents know the difference between a dedicated millage, millage cap increase, or necessary millage increases. Mooney believes that the residents can continue to make responsible decisions on millages.

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

Pfeifer stated that the Village maintains the public right-of-way along the Southfield Road business district. The cost of landscaping maintenance and water for the sprinkling system is assessed to the property owners on the west side of Southfield Road.

RESOLVED by Pfeifer, supported by Downey, that, whereas the 2000 maintenance cost for the Southfield Road Business District was \$5,284.00, and; whereas, the 2000 water cost for the sprinkling system for the Southfield Road Business District was \$1,302.28; therefore, be it resolved that the Village of Beverly Hills Council confirms the Village Business District Assessment Roll for Southfield Road maintenance for the 2000 season in the amount of \$6,586.28 as follows:

Beverly Hills Racquet Club	\$1,025.19
Bed, Bath & Beyond	486.96
Beverly Hills Grill	181.58
Petix	356.57
Emile's	460.21
Taco Bell	421.41
31333 Building	614.49
Beverly Venture	1,252.53
Vic's Fruit Market	1,787.34

Craig opened the public hearing at 8:10 pm on the 2000 Special Assessment Roll for the Southfield Road Business Assessment District. No one wished to be heard; therefore, the public hearing was closed at 8:11 pm.

Roll Call Vote:
Resolution passes unanimously.

REPORT/PRESENTATION BY THE FINANCE COMMITTEE ON REVISED FIVE YEAR PLAN

Council requested the Finance Committee to review and update the five year financial plan for the Village. A draft copy of the financial forecast has been prepared by the committee and administration for the purpose of advising Council of the status of the Village's present and future financial needs. Pfeifer introduced Don MacDonald, chairperson of the Finance Committee, who is here to offer a summary presentation of the Village's current and future fiscal condition.

MacDonald stated that the Finance Committee has been requested by Council to review information received from administration to achieve an understanding of whether there will be enough funds for Village operations over the next five years and what can be done about the financial conditions for the future. The Finance Committee has condensed some of that information into several slides that will convey the financial status of the Village.

The first display illustrates the current operating budget actual and forecast. In 1995, the Village's operating expense budget was approximately \$4.7 million. Revenues of about \$4.9 million were collected in that period of time. There has been about a 3.4% compounded annual rate of growth in expenses from 1995 to current. At the same time, Village revenues have grown about 2.7%. The Village is obligated to maintain a balanced budget. Looking forward, the Village can anticipate an expense growth of 3.5% and revenue growth at about 2.3%. This is the trend.

This year is potentially the last year that the Village will have a balanced budget where revenues equal the expenses, which would mean a zero gain in the fund balances. Going forward, the fund balances will be expended to some extent, depending on how revenue projections compare against expense projections. The Finance Committee feels confident that these are correct assumptions with respect to the revenues and expenses of the Village.

Another exhibit addresses how this financial picture came about. MacDonald explained that revenue has been capped at the rate of inflation or 5%, whichever is lower, due to the Headlee Amendment and Proposal A. At the same time, approximately 86% of the Village's expenses are contractual in nature. There is little that can be done on a short term basis because of the contractual obligations for Village services. Some expenses such as health care and retiree benefits are increasing faster than the inflation rate. MacDonald explained how rising home values have no impact until a house sells.

MacDonald addressed the options available to the Village. Village residents expect a certain level of police and fire protection, trash collection, road maintenance, etc. and would not be happy with a decrease in services. A potential increase in millage could be approved to fund general operating expenses. The Village could look for new or increased fees for services in areas that it has not traditionally charged in the past.

The Finance Committee believes that the Village cannot ignore the problem. The Village is running out of money for day to day operating expenses, and options are limited. Finance Committee members think that good fiscal management requires taking action now to eliminate

potential problems in the future. Five year planning is critical to the long term viability of the Village. The Finance Committee recommends that a joint committee of the Finance Committee, Council, and administration work to control expenses, look for productivity improvements with the expenses that it has, and investigate increased revenue opportunities.

MacDonald and Wiszowaty addressed questions and comments from Council on the Finance Committee presentation and the draft five year financial forecast.

Council noted that the financial forecast as presented is not a surprise. There was discussion of the five year plan last year when Council proposed a millage increase for capital items and operating expenses.

Several members of the audience voiced concern about the financial status of the Village and questioned Council's plan for addressing increased expenses and decreasing revenues. Those who spoke were Leslie Wilson of 31055 Marlin Court, Sharon Tischler of 21415 Virmar Court, Norm Downey of 23042 Nottingham, and Janet Mooney of 19111 Devonshire.

MOTION by Pfeifer, supported by Kennedy, to direct the Finance Committee to explore options and come back to Council with recommendations for additional revenue sources.

Motion passes unanimously.

Kennedy questioned whether the Finance Committee has reviewed the topic of leasing versus purchasing Village vehicles. MacDonald responded that this issue was discussed at the last Finance Committee meeting. The committee's recommendation was that the Village should consider capital leases, operating leases, and buys on all major purchases and make a decision based on the situation. Kennedy would like the Finance Committee to expand its consideration of this topic to explore the possibility of employees purchasing their own cars and being reimbursed to some extent. MacDonald responded that the Finance Committee will review this at Council's direction.

Pfeifer stated that she would like Council to consider scheduling a pre-budget study session. She thinks it is important to provide direction to administration prior to preparation of a draft budget.

Craig mentioned that Council will have multiple budget sessions. He questions whether a work session should be scheduled before the new council is seated. He will continue to look for a study session date.

REFER REQUEST FROM NEXTEL TO THE PLANNING BOARD FOR REVIEW AND RECOMMENDATION FOR THE COLLOCATION OF ANTENNAS AT 16111 14 MILE ROAD AND CONSTRUCTION OF CONTROL BUILDING

The Village is in receipt of a request from Nextel Communications for site plan approval for installation of a 12-panel communication antenna on the legs of an existing water tank at property at 16111 14 Mile Road and to place a 12' x 20' prefabricated equipment shelter within the fenced compound. The facility will be monitored 24 hours a day and will require routine

maintenance on a monthly or as-needed basis. There is an existing antenna on the water tower, which was installed by Verizon.

MOTION by Walsh, supported by Downey, to refer to the Planning Board for its review and recommendation the request from Nextell Communications for collocation of antenna and construction of a control building at the SOCWA water tower located at 16111 14 Mile Road.

Council discussed the proposal. The property is zoned PP (Public Property) and is owned by the Southeastern Oakland County Water Authority (SOCWA). The Water Authority will collect an initial amount of money as part of granting this approval and a monthly rental fee for the antennas during the term of the 25 year lease agreement.

Stearn commented that he will vote against this motion. He lives in the area and does not think that SOCWA does an adequate job of maintaining that property. He is opposed to allowing additional structures on the site.

Sharon Tischler of 21415 Virmar Court related that, in terms of income for the Village, any additional personal property will be added onto the tax roll. The Village will receive the value of that equipment times the millage levy.

Norm Rubin of 31020 Rivers Edge Court commented that this will be one of a number of cell towers in existence in the Village. There are more carriers coming into existence and additional licenses being auctioned by the FCC as well as new carriers offering wireless Internet services. Rubin suggests that Council should look at this in terms of all of the requests it will receive to the extent that the ordinance allows.

Ryan stated that the Village is required to follow the procedures outlined in its wireless communications ordinance.

Ayes - Craig, Downey, Kennedy, Munguia, Pfeifer, and Walsh
Nays - Stearn
Motion passes (6 – 1).

RATIFY SETTLEMENT AGREEMENT BETWEEN THE VILLAGE AND THE BEVERLY HILLS POLICE OFFICERS ASSOCIATION

Downey announced that Beverly Hills is in receipt of a letter from the Michigan Association of Police dated February 8, 2001 informing the Village of the ratification of a tentative settlement agreement for Police Officers proposed by the Village. The contract is available for public review at the Village municipal building.

RESOLVED by Downey, supported by Kennedy, that the Village of Beverly Hills Council ratify the Public Safety Officers contract as outlined in the February 7, 2001 communication to the Michigan Association of Police (MAP) and confirmed in the letter from Ronald Palmquist from the MAP dated February 8, 2001.

Roll Call Vote:
Resolution passes unanimously.

APPROVAL OF BILLS

MOTION by Pfeifer, supported by Downey, that the bills from a period of 2/06/01 through 02/20/01 be approved for payment in the following amounts:

\$308,412.46	General Fund
14,460.43	Major Road Fund
20,175.14	Local Road Fund
2,490.02	Capital Projects Fund
38,392.09	Dedicated Millage
53,411.12	Water/Sewer Operation Fund
<u>403.57</u>	Trust & Agency Fund

\$437,744.83 Total

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

Motion passes unanimously.

LIAISON’S REPORT

Craig stated that Council had a working meeting from 6:00 pm until 7:20 pm this evening with William Baldrige from the Michigan Municipal League. Baldrige updated Council on the process of recruiting a Village Manager. The Village has received 20 applications to date. The application process continues until March 1, 2001.

Following the March 12 Election, Baldrige will present Council members with a list of the ten candidates who are most qualified for the position. The next study session is scheduled to follow the March 19 Council meeting. Council will select the final candidates to be interviewed in the latter part of March.

Munguia stated that the Zoning Board of Appeals met on Monday, February 12 and heard three cases. As Village historian, Munguia has been collecting Beverly Hills memorabilia, maps, and pictures relating to the history of the Village. He has catalogued many of these items, which will be stored and available for public review at the Village municipal building.

Walsh reported that the Planning Board met last Wednesday, February 14 and discussed existing conditions on 14 Mile Road between Southfield and Greenfield Roads as part of the 14 Mile Road corridor study. The Planning Board will hold a public discussion on March 28 to hear input from area residents on the 14 Mile Road corridor.

Kennedy stated that the Retirement Board met on Tuesday, February 13. Due to Munder’s conservative funding strategy, the ending market value of the Public Safety Officers’ Retirement System as of December 31, 2000 was \$15,124,418.65. The Retirement System is healthy.

Pfeifer stated that the Birmingham Area Cable Board will meet tomorrow morning at 7:45 am in the Rotary Room of the Baldwin Public Library. The agenda for these meetings is being published on Channel 15. Pfeifer thanked the Finance Committee for the work it put into tonight's presentation to Council.

MANAGER'S REPORT

Spallasso remarked that reference was made earlier to last year's water and sewer rate increase. He indicated that water and sewer rates will increase again this year by 12.6% due to an increase that will be passed on by the Detroit Water and Sewer Department.

Craig referred to three items received in the Council information items. A memo from Pasieka includes the text of a Villager Newsletter article on the citizen initiative ballot proposal that will appear on the March 12 ballot. The article states the ballot language and lists five bullet points that convey facts and explain issues that have been questioned. The newsletter is scheduled to go to the printer tomorrow.

Council is in receipt of an opinion letter from Village Attorney Ryan discussing whether or not Council should allow the newsletter to be used as a forum for debating a ballot question. Craig stated that this is uncharted territory because there has not been a referendum initiated by the people in the history of the Village. Council will continue to refrain from taking a stance on the ballot issue. The newsletter will be used as an informational tool to disseminate facts. Craig stated that the Villager Newsletter has never been open to individual articles written by citizens for or against a referendum.

A memo has been distributed to Council regarding a Candidates Night that will be hosted by the League of Woman Voters on Monday, February 26 at 7:30 pm in the Village council chambers. It will be taped and broadcast several times before the election.

Craig referred to a letter received by Council from two residents who live adjacent to the Douglas-Evans nature preserve on the subject of dogs running without a leash in the park to the detriment of wildlife in the area. Spallasso has responded to the letter informing the residents that there is a Village ordinance that requires that dogs be kept on leashes on public property. The residents were reminded that they can contact the public safety department if they observe this ordinance being violated.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court remarked that the Township staff has not been contacted and asked to enforce the animal control ordinance in the Douglas Evans nature preserve.

Tischler commented on Kennedy's suggestion that the Finance Committee look at a vehicle allowance for Beverly Hills employees in an effort to control costs. Tischler questioned the purchase and use of mini-vans by the Village. Craig responded to an inquiry from Tischler on the public safety officers contract.

COUNCIL COMMENTS

Pfeifer asked for clarification of the article to be published in the Village Newsletter regarding the park millage proposal. It was her view that the information proposed does not tell the entire story. The content of the newsletter article was discussed. It was the sense of the majority of the members not to make changes to the park millage article as proposed in a memo to Council.

Pfeifer reminded residents that absentee ballots are available at the Village office. Eligible residents may call the Village office at 646-6404 and request that an application for absentee ballot be mailed to them.

Stearn expressed his appreciation to Renzo Spallasso on the manner in which he is running the Village as Interim Manager.

As an active member of the Beverly Hills Lion's Club, Munguia welcomed new members Gladys and Bob Walsh.

Downey invited residents to participate in Candidate's Night on February 26 at the Village municipal building.

Walsh expressed the view that a sign should be erected in the Douglas Evans nature preserve to inform people that dogs must be kept on a leash on Village property. Spallasso stated that a sign will be erected as soon as it is available.

Kennedy recalled that a few months ago Council received a petition from residents who were interested in running their dogs in the park. She suggested that this petition be forwarded to the Parks and Recreation Board for review and response to those individuals.

Kennedy related that it was the consensus of the Retirement Board at its last meeting that Bob Walsh be reappointed as liaison to that board because of his experience. She is bringing this before Council for consideration.

Kennedy raised the issue of deregulation of Michigan's natural gas market. Spallasso responded that the Village will be looking into joining a consortium for the purchase of natural gas if rates are favorable at the next available opportunity.

Kennedy thanked the residents who attended tonight's meeting and expressed their opinions. The challenge that this council will face will be to reconcile all the needs of the community and stay within budget.

Craig commented on the park ballot issue. Since this Council agreed not to endorse the ballot proposal, it would be inappropriate for Council members to state their position on the issue during the "Council Comments" portion of the meeting. Craig does not believe that this precludes Council members from speaking as residents. If Council members wish to take a position on the ballot proposal, Craig requested that they do so during the "Public Comments" portion of the agenda.

There are five candidates running for three council seats. Craig urged the voters to become informed about the candidates and vote on March 12.

MOTION by Kennedy, supported by Walsh, to adjourn the meeting at 9:56 p.m.

Motion passes unanimously.

Andrew Craig
Council President

Ellen Marshall
Village Clerk