

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

Absent: None

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

President Craig called the meeting to order at 7:00 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

RESOLVED by Kennedy, supported by Walsh, to go into closed session to discuss pending litigation.

Roll Call Vote:

Kennedy	- yes
Munguia	- yes
Pfeifer	- yes
Stearn	- absent
Walsh	- yes
Craig	- yes
Downey	- yes

Resolution passes unanimously.

Stearn entered the meeting at 7:30 pm. The meeting reconvened in the council chambers at 7:30 pm.

APPROVE MINUTES OF A SPECIAL COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 20, 2001

MOTION by Kennedy, supported by Pfeifer, that the minutes of a special Council meeting held on Tuesday, February 20, 2001 be approved as submitted.

Motion passes unanimously.

APPROVE MINUTES OF A REGULAR COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 20, 2001

A correction was made on page 4, in the last line of the Resolution, to correct the figure to read "\$6,586.28".

MOTION by Kennedy, supported by Walsh, that the minutes of a regular Council meeting held on Tuesday, February 20, 2001 be approved as amended.

Motion passes unanimously.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

Craig recognized several Boy Scouts in the audience from Troop 1024 out of Beverly School. The scouts were present working on their citizenship badges.

Toni Grinnan of 1 Stonehouse Lane, former member of Council, commented that she was an active member of Village life for ten years. She recalled the joint meetings between Council and the Parks and Recreation Board and the sessions held with members of the community to create a master plan for the park. She has been encouraged to see Beverly Park become a center of attention in Beverly Hills.

Grinnan stated that she is present tonight because of a strong feeling that the time is right for Beverly Hills to consider doing something constructive with Beverly Park. It is time to go forward with the master plan for the park. There is a good mix of funding from private donations and state grant money, and now the voters have an opportunity to make a contribution through passage of a dedicated millage proposal. Grinnan talked about the advantages of doing the park projects all at once instead of incrementally. She asked people to vote “yes” on the park proposal.

Phil Schmitt of 18103 Riverside spoke in support of the park millage proposal. He clarified several misconceptions about improvements proposed for the park and the average cost per household based on taxes paid by the property owner. He maintains that the millage requested is affordable for everyone in this community and urged citizens to vote “yes” for Beverly Park.

Drew Schmidt of 19096 Bedford, resident since 1987, supports Beverly Park and thinks it is past time to improve the park. He believes that the millage vote will be passed overwhelmingly on Monday. Once the millage is passed, Schmidt asks that the Village make it a top priority to complete the design and start construction on park improvements as soon as possible.

Art Liberty of 20850 W. 13 Mile Road had a question about the General Fund balance and the need for additional operating millage. Wiszowaty clarified that the \$3.8 million referred to represents the combined fund balance of the Village’s four major funds as of June 30, 2000 - General Fund, Major Roads, Local Roads, and Water and Sewer Fund.

Bob Nichols of 19591 Wilshire, former member of the Parks and Recreation Board, affirmed that senior citizens do use Beverly Park. He is in favor of the park millage proposal.

Laverne Cleary of 31330 Cline Drive commented that many residents use and love the park, particularly seniors. She hopes that the Village can continue to improve Beverly Park because it is the jewel of our community.

Don MacDonald of 31208 Foxboro Way commented on the public interest and enthusiasm generated by the park millage issue. He expressed the concern that, if the millage is passed, it will be dedicated to the park and nothing else. The Village Finance Committee made a presentation to Council two weeks ago, which demonstrated that the Village is looking at potential operating losses in the future and will have to raise additional tax money. His question to the people voting for the millage is whether they are willing to approve an additional one or

two mills to maintain the Village's current level of services. He asked if spending money in the park is the right thing to do with all the other needs that there are in the Village today.

John Mooney of 19111 Devonshire commented that the Village loses a dedicated public servant in Elaine Kennedy, who has chosen not to run for re-election to the Village Council.

Mooney talked about the need to make Beverly Park a safe place. The millage proposal is an effort to implement the will of the people to improve the park. Mooney recapped the history of the campaign to develop and implement a park master plan. He discussed Village finances and disagreed with a previous statement that the Village is going to run out of funds for the operating budget. Mooney is convinced that the community will rise to the responsibility of paying for things that it needs in the future. He is asking voters to make the park safe on March 12 by voting "yes" on the dedicated millage ballot question.

Neil Hitz of 19216 Riverside Drive commented that a group of concerned taxpayers asked him to talk about the park and try to separate the economics from the emotion. Hitz stated that there is \$481,000 currently available to use on park improvements. It consists of grant money that will be received, capital money budgeted and set aside by the Village, donated funds, and dollars that this Council has appropriated in the forecasted capital budget for the next five years. Hitz referred to the costs of the improvements listed in the park master plan and outlined which improvements would be covered by the \$481,000. He maintains that there are ways to obtain money for future park needs including grant money, business donations, and private donations.

Hitz indicated that, if the dedicated millage passes, the total dollar amount that must be spent on Beverly Park will be \$1,031,000 over the next five years. He related other improvements that are listed in the park master plan and questioned whether we really know what the park millage will be used for. There are those who feel that it is common sense to spend the \$481,000 over the next couple of years and then make an informed decision on the future needs of the park as well as other capital needs of the Village.

Janet Mooney of 19111 Devonshire stated that the Village has accumulated approximately \$350,000 to be used for park capital improvements, assuming that the state grant money is received. The \$481,000 figure quoted assumes that the Council will continue to budget \$24,000 a year for the next five years for park capital projects. Previous councils have allocated \$10,000 or less per year for park capital improvements, and it is not likely that Council will budget \$24,000 annually for the park in future years.

Tami Wilms of 18250 Kirkshire spoke in support of the park ballot issue. She does not think that major infrastructure problems should be compared to small improvements for the park. She related that many young families in this area drive to Birmingham and Royal Oak to use their parks. Wilms finds it embarrassing that Beverly Hills does not have a park with adequate playground equipment. The state grant will not cover all of the playground equipment. Wilms compared the cost per year for the average taxpayer to the cost of a Huron park pass. She responded to a previous comment by asserting her view that the voters will address the infrastructure problems of the Village. Wilms urged residents to join her in voting "yes" to pass the park millage and move forward to make positive improvements to Beverly Park.

Norman Rubin of 31020 Rivers Edge Court publicly thanked the Public Safety Department for enforcing regulations against passing on the shoulder on 13 Mile at Rivers Edge Court. He thanked Mrs. Kennedy for her years of service on the Council.

AWARD CONTRACT FOR DUST CONTROL SERVICES ON UNPAVED ROADS FOR THE 2001 SEASON

Walsh stated that requests for bids were sent to five vendors for seasonal dust control services for 2001. Only one quote was received for calcium chloride applications and one bid received for applying asphalt emulsion. The Village has had favorable experience with both of the companies that bid on dust control services. There is no increase in the cost of asphalt emulsion from last year, and the cost of calcium chloride is about \$0.04/gallon higher this year.

RESOLVED by Walsh, supported by Kennedy, to approve the bid from South Huron Industrial for calcium chloride in the amount of \$0.42/gallon for seasonal dust control service for 2001 and to accept the bid from Highway Maintenance Co. for \$0.35/gallon for asphalt emulsion applications.

Council comments were addressed by Spallasso.

Roll Call Vote:
Motion passes unanimously.

ACCEPT RESIGNATION FROM COLLEEN WAYLAND, VILLAGE TREASURER

Council is in receipt of a letter from Colleen Wayland stating that she is resigning her position as Village Treasurer to spend time with her family. She has returned from a maternity leave and will work full time until March 16. Pfeifer spoke highly of Ms. Wayland's work ethic and contributions to the Village staff.

MOTION by Pfeifer, supported by Walsh, to accept with regret the resignation of Colleen Wayland as Village Treasurer effective March 16, 2001.

Motion passes unanimously.

APPOINT VILLAGE TREASURER

Pfeifer stated that it is Council's obligation to appoint a Village Treasurer. It is the recommendation of administration to appoint Peggy Baniszewski to this position effective March 19, 2001. Baniszewski has been with the Village since 1997 and has demonstrated her capabilities in the performance of her duties as Water Department Clerk. She has been training for the treasurer position.

RESOLVED by Pfeifer, supported by Walsh, to appoint Peggy Baniszewski to the position of Treasurer of the Village of Beverly Hills effective March 19, 2001.

Roll Call Vote:
Resolution passes unanimously.

RATIFY COLLECTIVE BARGAINING AGREEMENT BETWEEN THE VILLAGE AND THE BEVERLY HILLS MUNICIPAL EMPLOYEES ASSOCIATION (AFSCME)

Spallasso outlined changes and additions in the terms of the agreement with the AFSCME Union.

RESOLVED by Pfeifer, supported by Stearn, that the Village of Beverly Hills Council ratify the Agreement as presented between the Village and the Beverly Hills Municipal Employees Association (AFSCME).

Stearn commended both parties for their cooperation in controlling insurance costs for Village employees.

Roll Call Vote:

Resolution passes unanimously.

APPROVAL OF BILLS

MOTION by Pfeifer, supported by Kennedy, that the bills from a period of 2/21/01 through 03/05/01 be approved for payment in the following amounts:

\$125,251.30	General Fund
8,133.61	Major Road Fund
10,090.18	Local Road Fund
92,636.39	Combined Sewer Overflow Fund
3,211.18	Capital Projects Fund
12,523.06	Water/Sewer Operation Fund
<u>96.96</u>	Trust & Agency Fund

\$251,942.68 Total

Motion passes unanimously.

LIAISON'S REPORT

Craig reported that the Village has received 29 applications for the village manager position. The executive search consultant from the Michigan Municipal League will select the ten most qualified candidates and submit a list of finalists to Council members following the March 12 Election. Council will hold a study session following the March 19 Council meeting to consider the applicants. Interviews may be scheduled for the end of this month.

Downey stated that he attended last week's Planning Board meeting as alternate liaison. The Planning Board reviewed a new ground sign for Woodside Athletic Club. The sign did not comply with ordinance requirements and was tabled to allow the applicant an opportunity to submit a revised plan.

The Planning Board reviewed a request from Nextel Communications to collocate 12 antennas on the support structure of the water storage tank located on 14 Mile Road between Greenfield and Pierce. It is also proposed to construct an accessory equipment building on the site. The

Zoning Ordinance addressing wireless communication facilities and services allows this proposal to be treated as a permitted principal use rather than a special land use requiring a public hearing.

A revised site plan including the additional information requested by the Planning Board will be reviewed at the March 14 meeting. The Planning Board agreed to notify the neighborhood homeowner association in that area that it will consider this request for collocation.

The Planning Board is undertaking a study of the 14 Mile Road corridor from Southfield to Greenfield Roads. A public discussion will be held on Wednesday, March 28 for the purpose of hearing input from the area residents on this topic.

The Pathways Plan has been completed. The Planning Board is in the process of preparing a transmittal letter to Council. The board also finalized its priority projects and budget request for the 2001/2002 fiscal year.

Pfeifer reported that Requests for Proposals to upgrade the council chambers with audio/video equipment for cable broadcasts were received and reviewed on Friday, March 2. Technical advice was received from Jim Gillis of Bloomfield Community Television. It is anticipated that a recommendation will be forwarded to Council for review at the next meeting before it is submitted to the Birmingham Area Cable Board.

Pfeifer stated that she has volunteered to participate on a subcommittee of the Cable Board appointed to revise the Interlocal Agreement between the City of Birmingham and the Villages of Beverly Hills, Bingham Farms, and Franklin. This revised Agreement is a necessary follow up to the By-Laws recently adopted by the Cable Board. She will keep Council advised.

As Parks and Recreation Board liaison, Stearn urged residents to vote in the March 12 Election. He noted that only about 1,600 people voted in the last election out of 8,000 registered voters.

Kennedy commented that she has been the Beverly Hills Council representative to the Birmingham Coalition for the past three years. She believes that it is important that the Village Council continue its representation to this organization.

MANAGER'S REPORT

Spallasso reported that he will meet tomorrow afternoon with representatives from the City of Birmingham and the Road Commission for Oakland County to discuss the design for constructing that portion of the Acacia Relief Sewer that will go under Fourteen Mile Road in advance of the rest of the relief sewer project. This work is being done in conjunction with the reconstruction of 14 Mile Road from Greenfield to Southfield to avert the need to dig up the road again in a few years when the Acacia project is underway in that area.

PUBLIC COMMENTS

Lawrence Needham of 15588 Kirkshire thanked Elaine Kennedy for her years of great service to the Village. She served on two Village boards and on Council and was involved in many other time consuming activities. He hopes that she will return to serve the Village.

Craig commented that there will be a reception following the next Council meeting to honor retiring Council members and welcome new members of Council.

Janet Mooney of 19111 Devonshire thanked Kennedy for everything she has done for the Village and for being an advocate of Beverly Park. Mooney hopes that Kennedy remains involved in Village affairs.

John Mooney of 19111 Devonshire commented that Elaine has participated in Village government as a member of the Zoning Board of Appeals and the Planning Board before being elected to the Council. She has been the Village's representative to the South Oakland County Mayor's Association and to the Birmingham Coalition. Kennedy has attended many Village functions. Mooney stated that Kennedy has been a fine leader and he deeply regrets that she is not running for re-election.

Jack Harmon of 32320 Bellvine thanked Elaine Kennedy for her involvement in the Village and her support of the park and the community. It is people like her who make Beverly Hills the community it is.

Patricia Greening of 19289 Riverside stated that she and her husband are seniors who dearly love the park. They have met and enjoyed many people in the Village because of their park activities. The Greenings urge residents to please vote "yes" for Beverly Park.

COUNCIL COMMENTS

Council members stated that they have enjoyed working with Elaine Kennedy and thanked her for her years of service to the Village. She has been a great representative of the Village and will be missed.

Munguia recognized council candidate Art Liberty in the audience. He wished Colleen Wayland the best of luck in her future endeavors. The Greenfield-Beverly Homeowners Association will meet tomorrow night in the council chambers at 7:30 pm. All Village residents are welcome.

Pfeifer reminded residents that absentee ballots are still available for Monday's Council Election. The Village office will be open on Saturday from 10 am to 2 pm to accept absentee ballots.

Pfeifer questioned whether Council is obligated to appoint a new village manager if it does not find the person it is seeking among the applications received. Craig responded that Council could opt to continue advertising for the position if the current candidates do not meet its standards. Spallasso would continue serving as interim manager.

Downey referred to two recent dispatches to Council. He reminded administration to be thoughtful in drafting its communications to Council.

Walsh commented on the importance of the General Fund balance. Last May, Council levied the maximum amount of millage that it could under the Headlee Amendment, which was 10.4

mills. He made the point that the Village has a fund balance to work with, but it will not last forever.

Walsh referred to an article in the March 1, 2001 issue of the Eccentric newspaper about the park millage proposal. It quotes park supporters as saying that the park is a neglected jewel with equipment that no longer meets safety standards of the Consumer Product Safety Commission. In answer to an inquiry, Spallasso stated that he has not seen a report confirming this statement. Kennedy clarified that park equipment constructed today would have to meet current safety standards.

Kennedy thanked those present tonight who feel passionately about the Village. Opposing views have been expressed. She is proud of the people who have come forward to improve the park. She also affirmed that the Village has and will continue to have financial needs that must be met in order to retain the current level of service. Kennedy quoted a passage from the book “Evensong” by Gail Godwin that she feels epitomizes the residents of Beverly Hills: “Duty makes us do things well – Love makes us do things beautifully”.

Craig reminded residents who are going to be out of town on Election Day to obtain absentee ballots. He noted that the Villager newsletter was mailed to all residents. It contains information about the millage proposal and the candidates. A “Meet the Candidates” forum was held last Monday evening in the Council chambers. It will be rebroadcast six more times on cable channel 15 before the election.

Beverly Hills will be co-hosting the annual South Oakland County Mayor’s Association dinner meeting on Wednesday, March 14. All council members are invited.

Craig recused himself as a member of Council and passed the gavel to President Pro-Tem Kennedy in order to speak as a private citizen. Craig spoke in favor of the park millage and expressed the view that proposed park improvements will contribute to the quality of life in the Village. He asked all residents to come out and vote on Monday.

MOTION by Stearn, supported by Walsh, to adjourn the meeting at 9:06 pm.

Motion passes unanimously.

Andrew Craig
Council President

Ellen Marshall
Village Clerk