

Present: President Taylor; President Pro-Tem Walsh; Members: Burry, Koss, Pfeifer, Rijnovean and Woodrow

Absent: None

Also Present: Village Manager, Spallasso
Assistant to the Manager, Pasieka
Village Clerk, Marshall
Finance Director, Wiszowaty
Building Official, Byrwa
Director of Public Safety, Woodard
Village Attorney, Ryan

President Taylor called the regular Council meeting to order at 7:33 p.m. in the Village of Beverly Hills municipal building at 18500 W. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Koss, second by Woodrow, that Council revisit a motion made at the April 17, 2006 Council meeting directing Village Administration to remove an additional \$50,000 from the 2006/07 General Fund budget and add this item to the end of the business agenda.

Roll Call Vote:

Woodrow	- yes
Burry	- no
Koss	- yes
Pfeifer	- yes
Rijnovean	- no
Taylor	- yes
Walsh	- yes

Motion failed.

Motion by Walsh, second by Burry, to move consent agenda (b), “Review and consider approval of minutes of a regular Council meeting held on April 4, 2006”, to the business agenda.

Roll Call Vote:

Motion passed (7 – 0).

Motion by Taylor, second by Pfeifer, that Council hold a budget study session following the Business Agenda items.

Walsh commented that she did not come prepared to discuss the budget tonight.

Roll Call Vote:

Koss - yes
Pfeifer - yes
Rijnovean - yes
Taylor - yes
Walsh - no
Woodrow - yes
Burry - no
Motion failed.

Taylor stated that a special Council meeting was held last night for the purpose of working on the 2006/07 budget. There were a large number of people in the audience, which was partially due to a flyer distributed to Village residents inviting them to the meeting. The flyer contained content about Village finances, which Taylor described as including a number of misleading statements. He addressed and refuted several of the items indicated in the publication.

Taylor commented on the success of the Easter Egg Hunt sponsored by Kensington Church held in Beverly Park on Saturday, April 9.

Taylor referred to an article that appeared in a local newspaper recently regarding sidewalk maintenance among other things. An agenda item before Council this evening will be to consider revising Chapter 5.05 of the Municipal Code regarding Construction, Reconstruction, Repair and Cleaning of sidewalks. Taylor clarified that any member of Council who has the support of another Council member can place an item on the agenda. Taylor commented on the decorum at Council meetings and the fact that he is obliged to run an orderly meeting.

PUBLIC COMMENTS

Greg Mitchell of 18275 Kirkshire questioned why Council member Rijnovean was seen putting a flyer in residents' mailboxes when it is against federal law for anyone but a mail person to do so. He urged Council to gather all the facts and said that you can know the price of everything but the value of nothing.

Rijnovean responded that she did not place the flyers on the inside of the mailboxes. She distributed flyers because she is concerned about the financial state of the Village.

Kathleen Berwick of 31381 Kennoway Court remarked on the large turnout at last night's special Council meeting and stated that the overflow of people sitting in the lobby could not hear the speakers. She suggested that speakers be asked to come to the lectern and face the audience so that they can be heard. Berwick also suggested that an amplifier be located in the lobby or that special Council meetings be broadcast on cable television.

Bill Gale of 31871 Beverly Court was present at the last Council meeting and described a robbery that occurred at his home. Since that time he has discussed how residents can protect their property with the two detectives on his case. Gale related that Sgt. Wink has developed and presented a program on crime prevention and property identification to several civic groups and a local radio station. He recommended that Sgt. Wink be invited to make this presentation at a Council meeting for the benefit of Beverly Hills residents.

Koss remarked that it is important that people do not think that Beverly Hills is immune to these kind of activities. She thought it was a good idea to have someone from the public safety department come before Council occasionally and share crime prevention tips with residents.

Sharon Tischler of 21415 Virmar Court announced that she received notification from the Secretary of State's office that the candidate filing deadline for the November 7 Village election has been moved to August 15. Instructions on filing as well as candidate petitions are available from the Village and Township Clerks.

Tischler stated that identity theft has been a recent topic of concern. She and the Township Supervisor have decided to offer free document shredding to Township residents on Saturday, May 20, 2006 from 10 a.m.- noon on this site. People can bring boxes of material and can watch them being shredded. If this is a successful endeavor, the Township will provide the service again in the fall.

Tischler commented that we live in a relatively safe community, but crimes of opportunity do occur. The Public Safety Department has done an outstanding job of trying to bring this to people's attention.

Robin Whitelaw of 31309 Cline Drive was present on behalf of Kensington Church to thank Council for allowing the church to hold an Easter egg hunt in Beverly Park. It was nice to do something for the community, and everyone who came had a good time. Beverly Park was a perfect place to have the event. She thanked members of the community who offered to help and thanked area merchants for their donations. Whitelaw stated that Kensington Church is interested in hosting this event on an annual basis with Council's approval.

Ron Berndt of 31384 E. Rutland stated that he does not believe that the Village is in a crisis. The Michigan economy is suffering, but Beverly Hills overall is a fortunate community in terms of resources, people, and a high median income. Efforts to instill panic may be good intentioned but are misguided. This is a time for prudent action. Beverly Hills is an older community and part of a growing metropolitan area that is associated with the urban center. With that will come problems with an aging population, aging housing stock, increase in crime rates, traffic congestion, and failing infrastructure. Berndt contends that it is time to be careful about how the Village spends money and about decisions that are made. The Village has time for thoughtful consideration and to let wisdom guide it instead of fear.

Taylor stated that people have commented recently on the number of houses on the market in the community. A real estate friend of his has prepared a report on the sale of homes in Beverly Hills since 2004. Copies of the report will be made available to interested residents.

Soter Art Liberty of 20850 W. Thirteen Mile Road disagreed with the concept that the Village should wait for a crisis and not look ahead. He commented on the concept of zero budgeting.

Bunker Kelly of 21526 Corsaut noted that Council comments appear at the end of the published agenda. Kelly commented on what he believes to be a lack of accomplishments at last night's budget meeting. No cuts were made to the budget until a motion was approved at 11 p.m. to direct administration to find an additional \$50,000 in savings in the 2006/07 budget.

Kelly stated that the eight people who prepared the flyer spent a lot of time and effort in an attempt to put forward accurate facts.

Gladys Walsh stated that she does not want members of the public to believe that they cannot come forward to express their opinions or put together facts that they believe to be true. Everyone has to keep well informed on the issues. She promoted respect for everyone even if there is disagreement with their opinions.

Rijnovean asked on behalf of a neighbor how to handle an issue related to the investigation of a recent robbery at this person's home. Ryan advised Rijnovean that this was a public safety matter that should be handled by a phone call or visit to Director Woodard. If the resident is not satisfied, he or she can contact the Village Manager.

Rijnovean left the Council chamber.

CONSENT AGENDA

Motion by Pfeifer, second by Walsh, to approve the consent agenda as follows:

- a. Review and consider minutes of a special Council meeting held on March 23, 2006.
- b. Review and file bills recapped as of Monday, April 17, 2006.

Motion passed (6 - 0).

BUSINESS AGENDA

REVIEW AND CONSIDER SEEKING ESTIMATES FOR BASKETBALL AND TENNIS COURT IMPROVEMENTS AT BEVERLY PARK

Burry stated that the Parks and Recreation Board has notified Council that it intends to seek estimates for the repair and refurbishing of the Beverly Park tennis and basketball courts. Improvements to the tennis and basketball courts are items identified in the 1998 Park Master Plan to be addressed with remaining park millage funds. The Parks and Recreation Board will be involved with obtaining estimates and will prepare a scope of work before coming back to Council for approval to go out for bids.

Rijnovean returned to the Council table.

Spallasso clarified that the Parks and Recreation Board intends to seek estimates in order to determine what is affordable before preparing specifications and going out for bids.

Motion by Burry, second by Koss, to approve the Parks and Recreation Board request to seek estimates on the cost of tennis and basketball court improvements.

Robert Walsh of 20655 Smallwood Court stated that he is troubled with an advisory board setting up to go out for bids on a project that is between \$50,000-\$100,000. Council should approve projects. Administration goes out for bids, opens sealed bids, reviews bids and does the background check, and comes to Council with a recommendation for approval. He emphasized that it is the responsibility of administration to go through the bid process and not an advisory board.

Burry responded that the Parks and Recreation Board is asking to seek estimates on tennis and basketball court improvements. The Board will come back to Council with a recommendation and request approval for administration to go out for bids.

Woodrow stated that tennis and basketball court improvements are priority projects that previous Councils over the last four or five years have reviewed and approved to be undertaken if money is available from the park dedicated millage. From his standpoint, the Parks and Recreation Board has the authority from previous councils to have this project bid.

Burry stated that, according to the Charter, the Parks and Recreation Board must come to Council for approval before going out for bids.

Gladys Walsh stated that the villagers elected the Council to make decisions. The Village Manager is the supervisor of the park, and he should not be relinquishing his duties. The Parks and Recreation Board has done an excellent job of overseeing park improvements, but it does not have the latitude to spend money. Walsh referred to a previous cost estimate from Hubbell, Roth & Clark for complete reconstruction of the courts as well as an alternative project cost and list of work to be performed.

Walsh stated that Boards have to be cognizant of what they are supposed to be doing. She read from the Resolution to Create a Parks and Recreation Board, Section 4, Objectives and Function.

Ron Berndt of 31384 E. Rutland remarked that this agenda item is to review and consider seeking estimates for basketball and tennis court improvements at Beverly Park. He has heard an informative discussion about the Charter. Requesting approval to seek estimates before preparing bids meets the required standards, so this appears to be a resolved issue. Berndt thanked the Parks and Recreation Board for its hard work to improve the park and for pursuing needed improvements to the tennis and basketball courts, which are used extensively. He hopes Council can move forward and give residents something for their recreational dollar.

Frank Worrell of 32123 Bellvine Trail stated that the Charter gives the Village Manager the title of park superintendent. The Park Board should define the scope of work and present it to the Village Manager, who will draw up specifications and prepare the scope of work for bids. The Manager can participate in a review of the bids with the chair of the Parks and Recreation Board and present a recommendation to Council.

Spallasso responded that this is what the request before Council is about. The Parks and Recreation Board will determine what is needed and the costs involved. If everyone is in agreement, Village administration will put a proposal together and come to Council with the plan and request authorization to go out for bids. Council will award the contract.

Soter Art Liberty thought there was a definite scope of work when the priority projects were established following approval of the park millage.

Bunker Kelly commented on the procedures to be followed in terms of going out for bids on Parks and Recreation projects.

Roll Call Vote:
Motion passed (7 – 0).

SECOND ANNOUNCEMENT OF VACANCY ON THE CABLE BOARD

Pfeifer made the second announcement of a vacancy on the Birmingham Area Cable Board created by the resignation of Georgeann Mach, whose term was to expire on June 30, 2008.

A subcommittee consisting of Pfeifer as chairperson, Koss and Rijnovean will meet on Tuesday, May 2, 2006 at 7:00 p.m. to review applications and make a recommendation to Council on an appointment to the Cable Board. Applications will be accepted for this position until Wednesday, April 26 at 4:30 p.m. Pfeifer urged interested residents to apply for the position. The Cable Board meets on the third Wednesday of each month at 7:45 a.m. in the Village municipal building.

REVIEW AND CONSIDER MOVIE NIGHT AT BEVERLY PARK

The Beverly Hills Club came before the Parks and Recreation Board requesting to sponsor a Movie Night in Beverly Park on Saturday, May 27, 2006. The Board is recommending that Council approve this event.

Burry stated that the Movie Night will be held at no cost to the Village. The Beverly Hills Club has submitted a proper Certificate of Insurance covering liability for the event. The Club will provide a crew to clean up the pavilion and park following the event.

Motion by Burry, second by Koss, to accept the generous offer of the Beverly Hills Club to sponsor a Movie Night in Beverly Park on Saturday, May 27, 2006.

Walsh stated that, in this particular instance, the Parks and Recreation Board is pointing out that they can make recommendations on how the park is used. Walsh remarked that there does not seem to be consistency in terms of directing people with requests for use of the park to either the Parks and Recreation Board or to Council.

Roll Call Vote:
Motion passed (7 – 0).

REVIEW AND CONSIDER ROAD SALT PURCHASE THROUGH THE STATE OF MICHIGAN'S BID PROGRAM MiDEAL

The Village of Beverly Hills has an opportunity to participate in a statewide purchasing program as a member of the State of Michigan's MiDEAL (Michigan Extending Agreements Locally), operated by the Department of Management and Budget. Participation in the state program requires that the Village agree not to seek independent bids for road salt needs. Traditionally, the best prices have been from Detroit Salt Co. and Morton Salt Company. For the 2005/06 season, the Village paid \$31.68 per ton to Morton Salt compared to the state's program, which was \$27.17 per ton. The state does not know what this year's prices will be

until it solicits bids. It is assumed that the state program will provide lower prices than if the Village were to bid this independently.

Administration recommends filing a requisition with the State of Michigan no later than April 30, 2006 in order to be included in its road salt solicitation for the 2006/07 winter season. The amount of 700 tons will be submitted as the Village's total season requirements with 50 tons being requested for early delivery. The state has a requirement to purchase a minimum of 70% of the seasonal backup quantity. Our seasonal backup quantity would be 650 tons, which means we must commit to purchasing 490 tons. The Village's average usage over the past three years was 565 tons per year.

Motion by Walsh, second by Pfeifer, that the Beverly Hills Village Council authorize the Village Manager to submit a Road Salt Requisition to the State of Michigan for the 2006-2007 winter season to purchase road salt. The Village will commit to an early delivery requirement of 50 tons and a seasonal backup amount of 650 tons for a total 2006/2007 requirement of 700 tons.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER VILLAGE MANAGER'S CONTRACT

Council and Renzo Spallasso have come to an agreement on a contract to continue his term as Village Manager for a two-year period. A contract has been prepared and is before Council for approval.

Council members had comments and questions on specific contract provisions, which were addressed by Ryan and Spallasso. It was clarified that the Personnel Committee will be developing goals and objectives and a performance review schedule for the Manager for this year.

The contract states that the employee will be provided with an automobile by the employer or a car allowance by mutual agreement of the parties. Ryan commented that Council and Mr. Spallasso will agree on what adjustments should be made once a public services director is employed. Council has agreed in closed session that the public services director position will have full time use of a vehicle. Spallasso requested that Council clarify his contract to either state that he receive the use of a vehicle or a vehicle allowance of no less than \$500 per month.

Pfeifer made a motion to delete reference to a car allowance from the contract, which failed for lack of a second. Burry stated that Spallasso is asking for either a vehicle or a vehicle allowance of at least \$500 per month. Rijnovean made a motion that the employee will be provided with an automobile by the employer or with an appropriate car allowance. The motion did not receive a second.

Wisowaty reported on his research comparing costs of vehicle ownership versus providing a car allowance. He outlined the data reviewed and concluded that, based on the last three years, the cost of the Manager's vehicle totaled \$507.00/month.

Motion by Burry, second by Koss, that Council approve the employment contract with Renzo Spallasso to continue his term as Village Manager for a two-year period with a change in the language to indicate that the employee will be provided with an automobile by the employer or a vehicle allowance of at least \$500/month.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER REVISING CHAPTER 5, SECTION 5.05 OF THE MUNICIPAL CODE, CONSTRUCTION, RECONSTRUCTION, REPAIR AND CLEANING OF SIDEWALKS

Walsh stated that, in the spirit of attempting to limit taxation of residents, she will provide background on the current ordinance regarding sidewalk maintenance and propose an amendment to that ordinance.

Walsh provided a chronological sequence of events beginning in June of 2002 to recount how an ordinance in place in 1994 was amended in December of 2002. The ordinance adopted on December 16, 2002 provided that the responsibility for maintenance of existing and new sidewalks would be borne by the Village. This was an amendment to an ordinance that provided that it was the responsibility of the abutting property owner to maintain the sidewalk. Under that ordinance, if the homeowner did not make sidewalk repairs determined by the Village to be necessary, Council could direct the Village Manager to proceed with the required work and assess the cost against the homeowner.

The amended ordinance (No. 312) appeared to be associated with a pathway funding proposal that designated 0.1 mill for sidewalk repair and maintenance. A ballot proposal to finance the Village pathway plan failed in March of 2003. Walsh believes that the funding became a burden on the Village when the pathway ballot proposal failed.

Walsh referred to points of law that have been raised regarding a municipality's responsibility to maintain sidewalks in the public right-of-way. She believes that there is agreement that sidewalks have to be maintained and that the Village is ultimately responsible for sidewalk maintenance. A letter dated September 17, 2001 from Village Attorney Tom Ryan addressed sidewalk and bike path liability. He states in the letter that a Michigan municipality may not delegate the duty to maintain its sidewalks nor can it delegate the accompanying liability or breach of that duty.

Walsh quoted from a General Law Village Act, which states that the Council has control of all sidewalks in the public streets and may build, maintain and repair such sidewalk. Council may require owners or occupants of lots and premises to build, rebuild and maintain abutting sidewalks and may, by ordinance or resolution, prescribe the expense thereof to be paid by the owner or the occupant.

Walsh stated that the April 6, 1994 sidewalk ordinance acknowledged the Village's statutory liability in terms of sidewalks. She read from a section entitled, "Failure to Comply", which addressed a resident's liability in the event of their failure to repair the sidewalk abutting their property.

Walsh quoted from Village Charter Section 2.2: *In addition to the powers possessed by the Village under the Constitution and statutes of the State of Michigan, and those set forth throughout this Charter, the Village shall have power with respect to and may, by ordinance or other lawful acts of its officers, provide for the following, subject to any specific limitation placed thereon by this Charter:*

(r) The requiring of an owner of real property within the Village to maintain sidewalks abutting on such property, and if the owner fails to comply with such requirements or if the owner is unknown, to construct and maintain such sidewalks and assess the cost thereof against the abutting property in accordance with provisions of Chapter 11 of this Charter;

Walsh does not recall any mention of the Charter during the discussion of Ordinance No. 312. She referred to the Charter paragraph addressing snow and ice on sidewalks:

(t) The compelling of owners of real property within the Village to keep sidewalks abutting upon their property clear from snow, ice or other obstructions, and if the owner fails to comply with such requirements, to remove such snow, ice or other obstructions and assess the cost thereof against the abutting property in accordance with provisions of Chapter 11;

Walsh stated that the item before Council this evening is to consider an amendment to Chapter 5.05 of the Municipal Code that will provide that it is the responsibility of the abutting property owner to maintain the sidewalk.

Village Attorney Ryan clarified that Beverly Hills is a Charter village and not a General Law village and is governed by MCL 78.

Ryan stated that he was the Village Attorney when Section 5.05 of the Municipal Code was amended by Ordinance No. 312. The law was clarified at that time in that a municipality is ultimately responsible for sidewalk maintenance. Ryan never advised Council in 2001 that the Village could not have the property owner help with maintenance. It is a policy issue. It was a conscious decision of Council in 2002, which was not illegal, immoral or unethical, to change the ordinance so that the responsibility for maintaining sidewalks would be borne by the Village. If Council wants to change it back, it can do so.

Ryan recalled that he made a suggestion in 2002 that all the sidewalks be designated as seasonal pathways to remove any requirements for snow removal. Council chose not to do this.

Council discussed amending the sidewalk ordinance. There was a consensus that it is the homeowners' responsibility to maintain the sidewalk abutting their property. Koss suggested that the Village maintain the grinding of sidewalk "step toes" when necessary with the scarifier purchased in 2002.

Spallasso recommended that Council retain \$10,000-\$15,000 of the \$35,000 budgeted for sidewalk maintenance to be used for sidewalk grinding in order to prevent hazardous safety situations. Spallasso also suggested that Council may want to set aside money for an inventory program to survey sidewalk conditions as a basis for initiating a special assessment district for

sidewalk repairs. The engineering and administration of the program would also be assessed to the benefiting property owners.

Tom Bourne of 16100 Buckingham concurred with the position that sidewalks are the responsibility of residents.

Lawrence Needham of 15588 Kirkshire affirmed that he has been an advocate of changing the current ordinance to require property owners to maintain sidewalk that abuts their property.

Jeff Pynnonen of 31724 Allerton views sidewalks as a community resource and sees nothing wrong with the community paying for the cost of sidewalk repairs.

Bob Walsh of 20655 Smallwood Court stated that he supports the movement back to requiring residents to assume the cost of replacing or repairing sidewalk that abuts their property. He agrees with the Village maintaining its practice of grinding sidewalk to extend its use. Walsh suggested that the Village not require seasonal maintenance of sidewalk on the basis that the Village would be free of the associated liability as long as it leaves the sidewalk alone.

Ron Berndt of 31384 E. Rutland expressed the view that the current ordinance respects the unique circumstances of this Village. Most of the sidewalks are on the east side of the Village in the area where the residents can least afford to bear the full brunt of sidewalk repair. He believes that the infrastructure should serve the general public. He is in opposition to placing the burden on people who have sidewalks and giving a free pass to all those who do not have a sidewalk in front of their home.

Kathleen Berwick of 31381 Kennoway Court stated that she lives on an unpaved road with no sidewalks and does not want to pay for sidewalks benefiting people who live on the east side of the Village. She would like to see sidewalks installed on major roads.

Norm Downey of 23042 Nottingham Drive agreed that sidewalks are the responsibility of the abutting homeowner.

Motion by Walsh, second by Koss, to request Village administration to provide draft ordinance language that would amend Municipal Code Chapter 5, Section 5.05 Construction, Reconstruction, Repair and Cleaning of Sidewalks to reflect that it is the responsibility of abutting property owners to maintain the sidewalk.

There was discussion of the motion by members of Council and the public. Ryan remarked that statute allows sidewalks to be designated as seasonal pathways or sidewalks, which would affect the snow removal requirements of the ordinance. It was agreed that this policy issue would be addressed by Council at the time of the first reading.

Roll Call Vote:

Motion passed (7 – 0).

SET PUBLIC HEARING DATE OF MAY 2, 2006 TO REVIEW AND CONFIRM 2005 ASSESSMENT ROLLS FOR DUST AND OTHER MISCELLANEOUS ASSESSMENTS

Council set a Public Hearing date of Tuesday, May 2, 2006 during a regular Council meeting at 7:30 p.m. in the municipal building for the purpose of reviewing and receiving residents' comments on the proposed assessment rolls for dust control, weed cutting and other miscellaneous assessments to be added to the 2006 taxes for the Village of Beverly Hills. Copies of these rolls are available in the office of the Village Clerk for inspection. Written comments may be submitted prior to the meeting.

SET PUBLIC HEARING DATE OF MAY 2, 2006 TO REVIEW AND APPROVE CHANGING THE COMMON LOT LINE BETWEEN 19777 AND 19745 BEVERLY ROAD ON A REQUEST FROM ANTHONY AND JENNIFER ROMA

Council set a public hearing date of May 2, 2006 for the review and approval of changing the common lot line between 19745 and 19777 Beverly Road as requested by Anthony and Jennifer Roma.

REVIEW AND CONSIDER AUTHORIZING OAKLAND COUNTY TREASURER TO REQUEST, ON THE VILLAGE'S BEHALF, APPROVAL FROM THE STATE TAX COMMISSION TO USE A COMPUTERIZED DATABASE FOR 2006 TAX ROLL

In 2002 the Village began utilizing a computerized tax system through Oakland County. Public Act 505 of 2002 "Computerized Tax Roll" allows the Oakland County Treasurer to obtain permission for the use of a computerized tax roll by a local unit. Because the Village uses the Oakland County BSA-Tax system, the County is willing to apply to the State for approval on our behalf upon adoption of a resolution approved by the Village Council on or before May 1, 2006. Oakland County will make the application on our behalf along with all other requesting communities for certifying the 2006 summer tax collection.

Motion by Burry, second by Rijnovean, that the Village of Beverly Hills Council adopt a Resolution stating that Beverly Hills complies with all requirements of the State Tax Commission for use of a computerized database for the tax roll and authorizing the Oakland County Treasurer, on the Village's behalf, to request approval from the State Tax Commission to use a computerized database as the tax roll.

A copy of the Resolution in its entirety is on file at the Village office for public review.

Roll Call Vote:

Motion passed (7 – 0).

APPROVE REGULAR COUNCIL MEETING MINUTES HELD ON APRIL 4, 2006

The following corrections were made to the minutes of the April 4, 2006 Council meeting:

1) On page 7, paragraph 2, add: "Walsh also asked for interpretation of the language in Section 6.3 that states, "However, other than the enactment of an ordinance, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Council consent thereto, and all of the members absent file their written consent."

Ryan stated that he will provide the answer to Walsh's question by the end of this week.

2) In the motion on page 11, delete the words 'Warwick, Kinross, Southfield Road'.

Motion by Walsh, second by Pfeifer, to approve the minutes of a regular Council meeting held on April 4, 2006 as amended.

Roll Call Vote:

Motion passed (7 – 0).

REPORTS – MANAGER

Spallasso reported that the Water Main Replacement Project is almost completed as far as new pipe in the ground. Final connections to homes are underway and will probably be completed by the end of this week. Replacement of concrete and asphalt approaches will be next with restoration and cleanup to follow. Spallasso again thanked all of the affected property owners for their patience during this construction period.

A pre-construction meeting is tentatively scheduled on May 4 for the joint municipal and township parking lot project. Council will be kept informed of the construction schedule. Council received memos tonight addressing current budget issues.

Walsh asked if Southfield Township agreed to pay its share of the joint parking lot project. Southfield Township Clerk Sharon Tischler stated that the parking lot project was an agenda item at the recent Township Board meeting. The Trustees were advised that Council accepted a bid to go forward with the program, and the Board is aware of costs incurred for its share of renovating the parking lot.

Burry asked questions on a memo from administration dated April 18, 2006 regarding 2006/07 budget reductions, which were addressed by Spallasso and Wiszowaty.

Burry asked if residents who came before Council last fall with concerns about high grass and deep ditches as a result of the water main project have had those issues resolved. Spallasso responded that issues have been resolved to the extent possible last fall. He has not received complaints about problems in the areas that were addressed. The final restoration phase of the project is approaching. Spallasso indicated that all areas will be inspected before the project is finalized and the contractor receives final payment.

Burry asked for an update on the hiring of a public services director. Spallasso responded that he hopes to finalize the budget process before bringing that individual into service. In answer to an inquiry, Spallasso stated that he has been advised not to circulate a potential employee's resume until that employee has agreed to accept the position. He will schedule a meeting to introduce this person to the Personnel Committee.

COUNCIL

Burry reported that the Finance Committee is doing a great job. They are collecting facts, looking at processes, and will be making comparisons with other municipalities. The Finance

Committee will be assessing the Village's long term financial condition and what can be done to improve it.

Woodrow reported on the speakers and topics addressed at a recent Governmental Forecast Luncheon sponsored by the Birmingham-Bloomfield Chamber of Commerce. Woodrow referred to comments made by the Council President at the beginning of the meeting noting that the Agenda does not call for Council comments before the start of the meeting.

Woodrow stated that he was under the impression that Council was going to continue its efforts to finalize the budget document at this meeting. Council took action last night at a special Council meeting directing administration to locate an additional \$50,000 in savings in the 2006/07 budget. Administration presented a written proposal for further budget reductions to Council this evening, but members of Council chose not to take action on it. Village Administration must publish notice of the May 2, 2006 Public Hearing along with a budget summary on Thursday, April 20. Woodrow questioned whether administration will publish the budget in the form it was at the end of last night's meeting or a budget based on further reductions contained in the April 18, 2006 memo to Council. Woodrow thanked administration for the time they have spent on preparation of the budget.

Rijnovean thanked administration for its work on the budget.

Koss also understood that Council was going to discuss the budget following completion of the regular agenda items this evening. She stated that she would not have voted to direct administration to look for further reductions in the budget if she thought that Council was not going to consider and vote on those changes before the budget was published.

Spallasso stated that administration will publish the maximum millage rate in the notice of public hearing because a budget can be decreased once published but not increased.

Walsh stated that she did not understand when voting to add a budget session to the agenda that the only topic intended to be discussed was further budget reductions as directed by Council.

Motion by Woodrow, second by Koss, to instruct administration to publish the budget that was on the table at 11:00 p.m. at the April 17, 2006 special Council meeting, which does not incorporate changes included in the April 18, 2006 memo from administration.

Attorney Ryan interjected that Ms. Koss made a motion earlier in the meeting to add discussion of the budget to the agenda, and that motion failed. If Council wants to discuss the budget, one of the two people who voted against that motion would have to make a motion to add discussion of the budget to the agenda.

Motion by Burry, second by Koss, that Council discuss the budget reductions that have been presented to Council in a memo dated April 18, 2006 from Finance Director Wiszowaty.

Pfeifer stated that she would vote against the motion because the budget discussion is not on the published agenda. She does not think Council is prepared to discuss the budget tonight. The motion was withdrawn.

In response to an inquiry, Ryan stated that the Village will publish the maximum millage rate that can be levied subject to the Headlee Amendment. The millage rate can go down from there but cannot be increased.

Council Comments (continued)

Pfeifer commented that the Finance Committee is being deliberate and rational in its preparation of a document that will present a comprehensive picture of how the Village functions from a financial point of view.

Pfeifer reported on a memo she received from Baldwin Public Library providing an update on registered patron information. Pfeifer announced that the Birmingham Area Cable Board will meet tomorrow morning, April 19 at 7:45 a.m. She referred to two articles that appeared in the Eccentric newspaper last Thursday regarding recent telecommunication legislation and the stand of the Cable Board on related issues.

The Birmingham Area Seniors Coordinating Council (BASCC) will be sending out invitations for its upcoming fund raiser, No Show Glow. Pfeifer stated that all three candidates for the School Board election attended the BASCC Board meeting today. She urged people to vote in the Annual School Board Election on May 2, 2006.

Taylor consulted with Council members on a date for the next budget study session. Council will meet on Tuesday, April 25 at 6:30 p.m. Koss indicated that she will be out of town on that day.

Taylor announced that the new date of a benefit for the “Recovery Court” program will be May 11, 2006. He commented on a presentation made by a Plante & Moran regionalization committee at the last Mayor’s meeting regarding the feasibility of establishing full fire authority. Taylor commented on his duties to the community and his support of public input.

Motion by Pfeifer, second by Woodrow, to adjourn the meeting at 10:52 p.m.
Motion passed (7 – 0).

Dave Taylor
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary