

Present: President Woodrow; President Pro-Tem Koss; Members: Berndt, Oen, Peddie, Pfeifer and Stearn

Absent: None

Also Present: Manager, Spallasso
Director of Public Safety, Woodard
Village Attorney, Ryan

President Woodrow called the regular Council meeting to order at 7:30 p.m. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Oen, second by Pfeifer, that the agenda be approved as published.
Motion passed.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court questioned the status of the water meter replacement program. Spallasso responded that the contractor has a year to complete the project, which should be finished by September or October.

Tischler announced that residents who are interested in receiving an absentee ballot for the August and November elections must request to be placed on a list. People can call the Township Office to request a form or mail in a signed written request to be placed on the absent voter application list.

Bill Kondak of 31269 Churchill, Parks and Recreation Board member, updated Council on the Winter Family Fun Day held in Beverly Park on Sunday, January 20. A number of people came out to enjoy the activities despite frigid weather. The costs for Winter Family Fun Day were well within the budget. Kondak thanked volunteers who assisted with planning and carrying out the event.

CONSENT AGENDA

Motion by Koss, second by Oen, to approve the consent agenda as published.

- a. Review/consider approval of minutes of the January 15, 2008 Council meeting.
- b. Review and file bills recapped as of January 21, 2008.
- c. Review and file bills recapped as of February 4, 2008.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW/CONSIDER RECOMMENDATION FROM THE PARKS & RECREATION BOARD TO MOVE THE WINTER FAMILY FUN DAY FROM THE THIRD SUNDAY IN JANUARY TO THE FOURTH SUNDAY IN 2009

Motion by Stearn, second by Koss, that the Beverly Hills Village Council approve moving the annual Winter Family Fun Day to the fourth Sunday in January beginning in January 2009.

Motion passed (7 – 0).

REVIEW/CONSIDER RECOMMENDATION FROM THE PARKS & RECREATION BOARD TO ELIMINATE CONCERTS IN THE PARK FOR SUMMER 2008

Before Council for consideration is a request from the Parks and Recreation Board that the concert series in the park be canceled this year. Reasons cited were lack of funds as well as upcoming activities to celebrate the Village's 50th Anniversary this summer.

Motion by Stearn, second by Oen, that Council concurs with the Parks and Recreation Board recommendation not to schedule a summer concert series in 2008.

It was clarified that the \$5,000 budgeted for concerts in fiscal year 2007/08 was spent on two concerts held in July of 2007. The balance remaining in the Community Action: Special Events account is earmarked for other events.

Jim O'Reilly, Parks and Recreation Board chairperson, related that the Board had a discussion in September of 2007 on whether to plan concerts for the summer of 2008. The summer concert series has been held in Beverly Park for ten or more years. O'Reilly remarked that a number of attempts were made to increase attendance by changing the day of the week, varying the type of bands, etc. Due to financial constraints and low attendance at concerts, the Parks and Recreation Board decided not to request funding for concerts in the summer of 2008. The Board intends to gauge the reaction from the community to determine whether to resume summer concerts the following year. Residents should be asked for their input on planning a successful concert.

Woodrow suggested the possibility of holding one concert this summer in conjunction with the 50th Anniversary celebration in June. Peddie will contact Jim O'Reilly to discuss scheduling a concert for the June 14 anniversary celebration.

Motion passed (7 – 0).

SET PUBLIC HEARING DATE OF FEBRUARY 19, 2008 TO REVIEW AND CONFIRM 2007 SPECIAL ASSESSMENT ROLL FOR THE SOUTHFIELD ROAD BUSINESS ASSESSMENT DISTRICT

The Village maintains the public right-of-way along the Southfield Road business district and assesses the cost of landscape maintenance and water for the sprinkling system to the property owners on the west side of Southfield Road. A public hearing was scheduled for Tuesday, February 19, 2008 to review and confirm the 2007 Special Assessment Roll for the Southfield Road Business Assessment District.

REVIEW AND CONSIDER BALLOT LANGUAGE CREATING FOUR YEAR STAGGERED COUNCIL TERMS

Council directed the Village Attorney to prepare draft language for a Charter Amendment regarding staggered Council terms to be placed on the ballot for the State Primary Election to be held on Tuesday, August 5, 2008. The Assistant Attorney General has reviewed the proposed resolution.

Koss read the Resolution and asked for comments from Council. Members suggested two changes that would clarify the intent of the proposed Charter Amendment.

VILLAGE OF BEVERLY HILLS
RESOLUTION

At a regular meeting of the Village Council, Oakland County, Michigan, held at the Village office at 18500 West Thirteen Mile Road, Village of Beverly Hills, on Tuesday, February 5, 2008, at 7:30 p.m.

The following resolution was offered by Koss and supported by Oen.

That the following Charter Amendment be voted upon by the qualified electors of the Village of Beverly Hills at the State Primary Election to be held on Tuesday, August 5, 2008 to-wit:

Section 3.5 of the Charter of the Village of Beverly Hills shall be amended to read as follows:

Elective Officers and Terms of Office:

1. Section 3.5. The elective officers of the Village shall be a village council of seven (7) members. One of said council members shall be in turn elected by the Council as village president. At each regular Village election, in November of each even-numbered year, three or four council persons shall be elected on a single ballot. Each elector shall be entitled to vote for not more than three or four candidates. All terms shall commence with the next regularly scheduled Council meeting following the election. Depending on the number of available council terms, the three or four candidates receiving the highest number of votes shall be elected to a four (4) year term for the office of councilperson. This provision shall commence in November 2008. To implement this provision, the three candidates who receive the highest number of votes at the November 2008 Village Election shall be elected to terms ending with the 2012 regular Village election. The four council candidates with the next highest number of votes shall be elected to two (2) year terms ending with the 2010 Village Election.

2. The ballot language for this proposed amendment shall be as follows:

Question: Shall Section 3.5 of the Charter of the Village of Beverly Hills be amended to delete the current provision for the election of all seven (7) council members for a 2-year term in November of each even-numbered year and to add provisions for a 4-year staggered term for council members, commencing with the November 2008 election with a transition 2-year term for four (4) members elected in November 2008?

3. That this Resolution be published in full in the Eccentric Newspaper.

4. That this Resolution be laid upon the table for thirty (30) days before final council action in accordance with the statute and such case made and provided.

Council members provided background information related to the proposed Charter Amendment. Following the State of Michigan Election Consolidation Legislation passed in 2004, Beverly Hills was no longer able to hold annual elections in March. The Village now schedules elections in November of even years conducted by the Township of Southfield. The proposed ballot question is an attempt to return to staggered terms that existed prior to the new law.

Woodrow stated that the Village had staggered two-year Council terms and annual elections for a number of years before the change in the State election law. Prior to that, there was a period in which the Village operated with all seven Council members elected to two-year terms at one time.

Bob Walsh of 20655 Smallwood Court provided some history relative to staggered terms on Council. Walsh reviewed that, in 2005, a member of the Village Council asked John Mooney, Frank Worrell and him to consider language for a Charter Amendment regarding Council terms. That committee's recommendation to Council was to continue with two-year terms with all seven members elected at the same time in a November election. It was thought that two-year terms would encourage participation by a larger number of citizens and subject Council members to stricter scrutiny by the electorate. Walsh was in support of retaining the current election process.

Berndt concurred that four years of service on Council is a lot to ask. The positive aspect is the continuity of members serving without the risk of replacing the entire Council in an election.

Woodrow stated that he received an email from the Page family indicating their support of four-year council terms.

Pfeifer listed a number of surrounding communities that have four-year council terms including Birmingham, Royal Oak, Southfield, and Franklin. Pfeifer believes that there is continuity in operating with staggered terms.

Peddie was in support of placing this decision in the hands of the electorate.

Roll Call Vote:

Oen	- yes
Peddie	- yes
Pfeifer	- yes
Stearn	- no
Woodrow	- no
Berndt	- yes
Koss	- yes

Motion passed (5 – 2).

REVIEW AND CONSIDER ONE YEAR EXTENSION OF CONTRACT WITH R.S. CONTRACTING FOR PRINTING CENTERLINES AND EDGE MARKINGS ON VILLAGE ROADS FOR 2008

Council is in receipt of a proposal from R.S. Contracting Inc. to extend one additional year of pavement marking service for the Village of Beverly Hills at the current unit prices. These prices date back to 2005 when R.S. Contracting was the low bidder for the contract. Administration considers this a good opportunity for the Village to take advantage of current unit prices in view of increasing fuel prices over the last three years.

Motion by Oen, second by Pfeifer, that the Beverly Hills Village Council accept the proposal from R.S. Contracting Inc. to provide Pavement Marking Service for the 2008 season at the 2005 bid amount of \$17,600.00 under the same conditions as the current contract. Funds for this expenditure are available in Account #202.474.933.02.

Stearn suggested that the Village go out for bids for this work to determine if there are better prices available due to the current state of the economy.

Roll Call Vote:

Peddie - yes
Pfeifer - yes
Stearn - no
Woodrow - no
Berndt - no
Koss - no
Oen - no

Motion failed (5 – 2).

REVIEW AND CONSIDER RATIFYING SETTLEMENT AGREEMENT BETWEEN THE VILLAGE AND THE MICHIGAN ASSOCIATION OF POLICE (COMMAND OFFICERS)

The Michigan Association of Police (MAP) Officers have executed the contract documents between the Village of Beverly Hills and the Command Union along with Administration. This contract is effective for a period of five years from January 1, 2005 to December 31, 2009.

Motion by Peddie, second by Oen, that the Village of Beverly Hills Council ratify the Contract with the Michigan Association of Police (Command Officers) and authorize Council President Woodrow to sign the contract documents.

Stearn commented that the current Council repaired the contract breakdown that occurred between Public Safety Officers and Command Officers. The contract lapsed three years ago on January 1, 2005. This Council made it a priority to work through the contract issues. Stearn thanked the Michigan Association of Police Officers and the Command Officers for their cooperation; concessions were made by all parties in order to work out this contract.

Kathleen Berwick of 31381 Kennoway Court questioned the content of the contract. She was informed that the contract document is available for public review at the Village office.

Roll Call Vote:

Pfeifer - yes
Stearn - yes
Woodrow - yes
Berndt - yes
Koss - no
Oen - yes
Peddie - yes

Motion passed (6 – 1).

REVIEW AND CONSIDER ACCEPTING VILLAGE MANAGER’S RESIGNATION AND RETIREMENT

Woodrow announced that Renzo Spallasso has submitted his letter of resignation and asked that Council accept his retirement as Village Manager. Spallasso has agreed to remain with the Village on a month-to-month basis upon expiration of his contract in March while Council goes through the process of locating and hiring a new Beverly Hills Village Manager.

Motion by Woodrow, second by Koss, that Council accept the resignation of Renzo Spallasso as Village Manager and authorize the Council President to sign a letter of understanding that will allow Mr. Spallasso to continue under his current contract on a month-to-month basis.

Stearn described Renzo Spallasso as an institution in this community and thanked him for years and decades of service as Public Services Director and Village Manager.

Oen thanked Spallasso for agreeing to stay on to help Council through the manager selection process. He commended Renzo for his years of dedicated service to the Village.

Spallasso commented that he has dedicated a large part of his life to the Village and received much back in terms of friendships and working together with residents of Beverly Hills.

Pfeifer recognized that, in addition to Council and residents benefiting from Renzo's tenure with the Village, he has been an exemplary liaison to surrounding communities.

Sharon Tischler commented on Renzo's long-standing history with Beverly Hills, noting that he has had a fundamental role in many Village activities and projects. It is difficult to think about the Village without the benefit of his institutional knowledge and contacts with area communities. Renzo Spallasso undertakes any job he is given to the best of his ability and has done an outstanding job for the Village.

Bob Walsh congratulated Renzo on his well deserved retirement. He has done a great job on many major projects over the years, and Village residents appreciate his years of service.

Kathleen Berwick thanked Renzo Spallasso for everything he has done for the Village from the large projects to the small tasks.

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

PUBLIC COMMENTS

None

MANAGER'S REPORT

Spallasso reported that, beginning February 1, the U.S. Department of State reduced the amount of money the Village will collect for processing passport applications from \$30 to \$25. The State Department has also increased its fees from \$67 to \$75 for applications for people 16 years of age and older and from \$52 to \$60 for applicants who are 15 or younger. Adjustments will be necessary in budgeting revenue for the upcoming fiscal year. Other passport regulations have changed, so residents should call the Village office for current information.

Notification of a cost increase has been received from Gift Bricks, the company that provides the Village with personalized paving bricks for the walkway in Beverly Park. The Village will continue to charge \$50 for a 4 x 8 brick and \$100 for an 8 x 8 brick; the amount received for fundraising purposes will be reduced by \$1.50 for a small brick and \$3 for a large brick.

The water meter replacement project is proceeding on schedule; approximately 1,500 meters have been replaced.

The water main replacement on Beverly Road between Waltham and Weston has been completed. Clean up and restoration will be done when weather permits.

The Council budget study session originally scheduled for March 25, 2008 has been postponed to April 8, 2008 at 6:30 p.m. This will be a joint meeting with the Finance Committee.

COUNCIL

Oen commented on this year's Winter Family Fun Day.

Pfeifer announced that the City Study Committee will meet on Thursday, February 7 at 7:30 p.m. in the Council chamber. Pfeifer suggested that Council consider asking Bloomfield Community Television to tape and replay the Council budget study session with the Finance Committee scheduled for April 8. This will be an agenda item for the next Council meeting.

Berndt mentioned that the regularly scheduled Zoning Board of Appeals meeting of February 11 was canceled.

Stearn thanked Dan Gosselin for providing Council with a 2007 Code Enforcement activity summary. He thanked Director Woodard for his memo dated 1/31/08 regarding the Police Operational Study Update.

Koss commented that the Finance Committee will be making a presentation at an upcoming Council meeting regarding property taxes. She advised the public that there is helpful information available on the County Assessor's office web site (oakgov.com). Koss suggested that a link to this information be placed on the Village web site and referenced in the next Villager Newsletter.

Woodrow asked Council to contact him with their comments on the letter of understanding for extending the Manager's contract on a monthly basis. The Michigan Municipal League will be contacted regarding their assistance with a manager search. This will be an agenda item for the next Council meeting. Woodrow reminded Council of a joint meeting with the Planning Board on Wednesday, February 13, 2008.

Motion by Stearn, second by Berndt, to adjourn the meeting at 8:50 p.m.

Motion passed (7 – 0).

Hugh Woodrow
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary