

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

Absent: None

Also Present: Village Manager, Murphy
Public Services Director, Spallasso
Assistant to the Manager, Pasieka
Village Attorney, O'Brien
Director of Public Safety, Woodard

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

APPROVE MINUTES OF MONDAY, JULY 16, 2001 COUNCIL MEETING

A change was made on page 5, third paragraph, to correct the spelling of the name 'Bennish'.

MOTION by Pfeifer, supported by Walsh, that the minutes of a regular Council meeting held on Monday, July 16, 2001 be approved as amended.

Motion passes unanimously.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court alerted Village residents who have an alarm system service to verify with the company that a call for emergency service will go to the proper agency. She is aware of a recent incident where an alarm going off in Beverly Hills was routed to Franklin, which also has a 48025 zip code, rather than to the Beverly Hills Public Safety Department. Tischler suggested that this reminder be included in the Villager newsletter as a public service message.

APPROVE TRANSFER OF LIQUOR LICENSE FOR BRADY'S TAVERN

Robert Berg, operations manager for Brady's Tavern, has arranged to purchase the restaurant from the current owners. In order to complete this transaction, he is requesting to transfer the liquor license from Brayne Enterprises to his business, BDSPC, Inc.

Craig stated that Village staff has reviewed this request, and background checks were done by the public safety department. Chapter 38 of the Village Charter outlines the standards for recommendation to the Liquor Control Commission. Staff review finds the petition in compliance with the ordinance. The LCC requires local legislative approval before transferring the on-premises license.

RESOLVED by Craig, supported by Pfeifer, that the Village of Beverly Hills Council approve the request from BDSPC, Inc. to transfer ownership of a 2001 Class C licensed business located at 31231-31239 Southfield Road, Beverly Hills, MI, 48025, Oakland County from Brayne Enterprises, Inc.

Robert Berg, manager of Brady's since 1994, and attorney Kelly Allen came forward to address questions from Council. In answer to an inquiry, Spallasso stated that sewer problems at this property have been resolved.

Roll Call Vote:

Resolution passes unanimously.

CONSIDER COMMITTEE RECOMMENDATION TO FILL VACANCY ON THE BIRMINGHAM AREA CABLE BOARD

Pfeifer stated that a committee of herself as chair, Domzal, and Stearn met prior to tonight's Council meeting to consider an application to fill one of the two vacant seats on the Birmingham Area Cable Board. It was the consensus of the committee to recommend that Council appoint Carol Woodard of 32750 Bellvine to this position.

MOTION by Pfeifer, supported by Craig, to appoint Carol Woodard of 32750 Bellvine to the Birmingham Area Cable Board for a term to expire on June 30, 2004.

Motion passes unanimously.

FOURTH ANNOUNCEMENT OF A VACANCY ON THE BIRMINGHAM AREA CABLE BOARD

Pfeifer stated that one of the available seats on the Cable Board has been filled, and there is one vacancy remaining for a Beverly Hills representative to serve on this board. Pfeifer made the fourth announcement of a vacancy on the Birmingham Area Cable Board and encouraged interested residents to pick up an application for a position on this board.

Applications will be accepted until Wednesday, August 15 at 5:00 p.m. A committee of Pfeifer as chair, Stearn, and Walsh will meet to review applications on Monday, August 20, 2001 at 7:00 p.m. prior to the Council meeting.

THIRD ANNOUNCEMENT OF VACANCY ON THE ZONING BOARD OF APPEALS

Munguia made the third announcement of a vacancy on the Zoning Board of Appeals because there were no applications received as a result of the first two announcements. The deadline for receiving applications will be Wednesday, August 15, 2001 at 5:00 p.m. A committee of Munguia as chair, Downey, and Pfeifer will meet at 7:15 p.m. prior to the August 20, 2001 Council meeting to review applications and recommend an appointment to this position.

APPROVE CONTRACT WITH THE CITY OF SOUTHFIELD FOR 13 MILE ROAD RESURFACING

Before Council for approval is a cost participation agreement between the Village and the City of Southfield for the resurfacing of 13 Mile Road from Evergreen to Southfield Roads. The City of Southfield is administering this program. Walsh explained that Southfield was able to receive favorable unit costs on this work because the project was bid in conjunction with a number of other asphalt projects that went out for bids. The City of Southfield awarded the contract to the low bidder for this segment, Angelo Iafrate Construction Co.

The amount budgeted for this project is \$160,000, which was a preliminary estimate based on resurfacing existing pavement. The figure was not revised to reflect all items including paving of two-foot shoulders. The estimated cost of the Village's share (50%) of the project is \$231,300.00.

RESOLVED by Walsh, supported by Pfeifer, to approve the agreement with the City of Southfield to resurface 13 Mile Road from Southfield to Evergreen Roads for an amount not to exceed \$231,300.00.

Domzal expressed concern with a paragraph in the contract that states, "Any proposed project cost increase of 20% or more over the estimated project cost must be approved in writing by the City and the Village." Domzal questioned the need to reference a 20% project cost increase considering that the contract includes a 10% contingency amount.

Spallasso clarified that this particular paragraph is included in the contract for the sole reason that it is the City of Southfield's policy to allow its administration the authority to issue change orders on a contract for up to a 20% increase over the estimated project cost without council approval. Spallasso expects this project cost to come in under budget. He affirmed that he will come back before Council for approval if there are any increases above the \$231,300 estimated project cost.

Additional questions and comments from Council were addressed by Spallasso. It is possible that the project will begin the third week of August. The work will be completed in approximately three weeks under traffic conditions. One lane will remain open during construction.

Roll Call Vote:
Resolution passes unanimously.

AWARD CONTRACT #R-01-01 – 2001 BITUMINOUS RESURFACING PROGRAM

Walsh stated that priorities for the bituminous resurfacing program extending from 2001-2008 are based on an engineering report that rates the condition of Village streets and estimates the cost for repair of the pavement. The proposed 2001 bituminous resurfacing program will cover approximately 3.8 miles with the majority of the work to be done on Beverly, Pierce, and Riverside.

Five contractors submitted bids for this project ranging from a high bid of \$779,068 to a low bid of \$553,143. The low bid was submitted by Cadillac Asphalt Paving Co. This company has done work in the area.

RESOLVED by Walsh, supported by Pfeifer, to award contract #R-01-01 for the construction of the 2001 Bituminous Resurfacing project to Cadillac Asphalt Paving Co. for the low bid amount of \$553,143.00. This award shall be contingent upon the contractor submitting all bonds and insurance coverage as required in the contract document.

Questions from Council on the project were addressed by Spallasso. The resurfacing project will be done on a combination of major and local roads and will involve some ditching, particularly along Beverly and Pierce. The resurfacing will be completed within this construction season. Spallasso will report on a schedule after meeting with the contractor.

Roll Call Vote:

Resolution passes unanimously.

CONSIDER RESOLUTION APPOINTING DELEGATES TO THE MERS ANNUAL MEETING

The 55th annual meeting of the Michigan Employees' Retirement System will be held from September 26-28, 2001 at the Hyatt Regency in Dearborn. The Village sends an employee delegate selected by the employees through a secret ballot election. Barbara Fix was elected to be the employee delegate this year and Betty Burgess is the alternate delegate.

The officer delegate is appointed by Council. As in the past, the Village will not be appointing an alternate.

RESOLVED by Craig, supported by Walsh, that the Village of Beverly Hills Council appoint Robert Wiszowaty to be the officer delegate representing Beverly Hills at the 55th Annual MERS meeting in Dearborn.

Roll Call Vote:

Resolution passes unanimously

APPROVE AGREEMENT WITH BASCC TO ADMINISTER 2001/2002 FUNDS

Council is being asked to consider approval of a contract with the Birmingham Area Seniors Coordinating Council (BASCC) to administer 2001-2002 Community Development Block Grant (CDBG) funds. The program that BASCC will administer will involve making funds available to eligible Beverly Hills residents for home repair projects.

Domzal remarked that there is a proviso in the contract that the Village of Beverly Hills is held harmless from any liability with regard to home repairs. He recommends approval of the contract with the proviso that there be evidence of liability insurance on the part of BASCC.

RESOLVED by Domzal, supported by Downey, that the Village of Beverly Hills contract with the Birmingham Area Seniors Coordinating Council (BASCC) to administer Community Development Block Grant Funds for the Home Chore/Home Repair program for the Village of Beverly Hills during the 2001-2002 program year in an approximate amount of \$14,000, with the proviso that BASCC show evidence of liability insurance.

VILLAGE OF BEVERLY HILLS CDBG CONTRACTAMOUNT:

HOME CHORE	\$5,948.00	ADMINISTRATIVE AMOUNT	\$1,011.16
DISPATCH WAGES	\$2,615.00	ADMINISTRATIVE AMOUNT	\$0.00
HOME REPAIR	\$5,358.00	ADMNISTRATIVE AMOUNT	\$910.16

Stearn reviewed that, during this year's budget deliberations, Council discussed allocating 20% of the Village's CDBG funds towards its planning consultant fees. He questioned when Council should be acting on this.

Murphy explained that the contract under consideration relates to administering funds approved by Council last October. Council will have the opportunity to review the distribution of Village CDBG funds for the coming year in October of 2001.

In answer to an inquiry, Murphy reported that Village staff met with BASCC representatives regarding the outstanding CDBG balance. The senior organization has provided an up-to-date accounting of funds and is compliant with Oakland County's Community Development Office. Murphy related that administration will meet with them again in September to talk about funding levels for next year. Administration will be prepared to present funding alternatives to Council at that time.

Roll Call Vote:
Resolution passes unanimously.

APPROVAL OF BILLS

MOTION by Pfeifer, supported by Walsh, that the bills from a period of 7/17/01 through 8/6/01 be approved for payment in the following amounts:

\$371,803.80	General Fund
17,949.88	Major Road Fund
25,402.52	Local Road Fund
9,709.00	Drug Law Enforcement Fund
16,369.71	Capital Projects
1,356.52	Dedicated Millage
148,091.45	Water/Sewer Operation Fund
<u>3,873.59</u>	Trust & Agency Fund
<u>\$594,556.47</u>	Total

Questions on the bills were addressed by administration.

Motion passes unanimously.

LIAISON'S REPORTS

Domzal commented that those who attended the July 22 Concert in Beverly Park had a good time. The next concert is scheduled for Sunday, August 26 at 4:00 p.m. He mentioned that a sign has been erected near the park entrance announcing upcoming Beverly Park improvements.

Domzal reported that there was discussion at the July Parks and Recreation Board meeting on the general plan for the improvements to be funded by the Clean Michigan Initiative grant program. This is the time for making decisions on what those park improvements will look like. Consulting engineering firm Hubbell, Roth & Clark will receive input and direction from the

Parks and Recreation Board that will be incorporated into a plan that will come before Council for approval before going out for bids on the projects.

Domzal thinks it is important to keep Council and the public informed as to recommendations being made relative to park improvements. The Parks and Recreation Board has recommended that bituminous paving be used to improve the Beverly Park parking lot. This was determined to be most cost effective after other surfaces were investigated.

There was discussion of the new entranceway configuration and placement. It is proposed that the archways over both the vehicle and pedestrian entrances be constructed of aluminum, which will be less expensive than wrought iron and require less maintenance. The color will be black. There was agreement that some trees will have to be removed in order to construct the new entranceway so that it will be a predominant, attractive feature.

Domzal stated that the Finance Committee met on July 17. Committee members are anxious to begin work on a number of projects. Sequencing of financial activities to coordinate with the budgeting process was a topic of discussion. It is planned to schedule a joint meeting of the Council and Finance Committee in September.

Pfeifer reported that the Birmingham Area Cable Board met on July 18. The following officers were elected for the coming year: Bob Borgon, chairperson; Dave Devereaux, vice-chairperson; Ken Brower, treasurer, and; Ray Lacroix, secretary.

Pfeifer displayed a sample of the material to be used to construct the new council table. The control room is under construction.

MANAGER'S REPORT

Murphy stated that the registration deadline for the Michigan Municipal League Annual Conference is August 24. Village staff will make arrangements for those Council members who plan on attending. Reservations will be made for Pfeifer, Murphy and possibly Domzal. The conference runs from September 11 through September 14 in Battle Creek.

Staff received word from the DNR that the State Legislature passed the supplemental appropriations bill providing funding for the Village's CMI-related Beverly Park improvements. The bill awaits the Governor's signature. Funds should be available to the DNR within 30 to 60 days. The DNR will contact the Village when the funds become available. Depending on the timeline and the weather, the CMI-related improvements can begin as early as this fall.

The October 1, 2001 Council meeting will be held at Berkshire Middle School to accommodate the Pathway Master Plan public hearing. Staff will include the announcement in the next Villager newsletter due out in September and will make arrangements to inform the public of the venue.

Murphy is sorry to inform Council that former Council member Richard Haggerty passed away on July 26, 2001. Mr. Haggerty served on the Council from 1988 through 1992 and served on

the Parks and Recreation Board for 10 years before serving on Council. Our thoughts and prayers are with his family.

The next Concert in the Park is scheduled for Sunday, August 26 at 4:00 p.m. and will feature the Birmingham Concert Band.

Spallasso reported on the status of the water main replacement program. Notices will be distributed to affected property owners before the end of this week. The project will probably start within a week to ten days. Spallasso noted water main breaks were experienced last week, which will probably prompt him to come before Council to request additional funding to expand the water main replacement program to cover work on Sylvan Lane.

PUBLIC COMMENTS

There were no comments from the public.

COUNCIL COMMENTS

Members of Council offered their condolences to Richard Haggerty's family. Condolences were offered to Bob Wiszowaty and his family on the passing of his father.

Council members congratulated Carol Woodard on her appointment to the Birmingham Area Cable Board.

Downey commented that one of his Georgetown South neighbors who lives near Detroit Country Day School mentioned that he has been awakened at night by the lightening detection system on the school grounds. The suggestion was made that the school consider disabling the system on non-school days.

Downey encouraged members of Council, administration and the public to keep an eye out for graffiti in the Village and notify Village staff of its location so it can be removed.

Domzal remarked that the Village is attempting to invite the public to participate in its boards and committees. He suggests that there be coordination to assure that existing board and committee members are involved in the selection process for new members.

Referring to a recent memo directed to Council, Domzal complimented Director Woodard on working out a compromise with representatives of Our Lady of Albanians Church with regard to its annual festival. The Village would like to promote festive activities throughout the community without having them occur at the expense of neighbors. Hopefully, all parties will live up to the commitments that have been made.

There will be a public hearing on the Pathway Plan on October 1, 2001. Domzal urges all residents to let their voices be heard on this important issue. Residents' comments will be important in terms of formulating public policy.

Craig commented that the new park sign looks great. Craig stated that he has always been impressed by the people who volunteer to serve on Village boards and committees. He urges

everybody who has an interest in participating in local government to request an application and get involved in the community.

Craig noted that there was a heavy rainfall recently that resulted in standing water at the intersection of 13 Mile and Southfield Roads. He was happy to hear that there were no system failures experienced in the Village. This can be probably attributed to the Village's ongoing efforts to improve its sewer system.

Stearn announced that there is currently a critical shortage of blood in Oakland County. He asked residents to consider contacting the Red Cross and giving blood.

There will be a Council study session on Monday, August 27 for the purpose of discussing strategies and vision for the Village.

Stearn reminded people that there is a water shortage due to the hot, dry weather. Residents with even number addresses should water their lawns on even numbered days and those with odd-number addresses should water on odd numbered days in order to conserve water. He questioned whether the Village has an enforcement mechanism for the water ban.

Spallasso stated the Village does have an ordinance that could be enforced. He does not think it will be necessary because Beverly Hills residents, like others in the general area, are complying with the voluntary watering restrictions for the most part.

Stearn stated that he has been running along the perimeter of the Village during the last couple of weeks in order to better understand the recommendations of the Pathway Plan. He encouraged members of Council to drive, walk, or run along the major roads that are addressed in the plan, because it will provide insight on whether the Village does or does not need pathways in some of these areas.

MOTION by Craig, supported by Downey, to adjourn the meeting at 8:37 p.m.

Motion passes unanimously.

Todd S. Stearn
Council President

Ellen E. Marshall
Village Clerk