

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

Absent: None

Also Present: Village Manager, Murphy
Assistant to the Manager, Pasieka
Village Clerk, Marshall
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. The Pledge of Allegiance was recited by all in attendance.

APPROVE MINUTES OF SPECIAL COUNCIL MEETING HELD ON JANUARY 14, 2002

A change was made on page 5, last paragraph, to add “It was agreed that the major concern of those who were dissenting was with safety.”

Motion by Craig to approve as amended the minutes of a special Council meeting held on January 14, 2002.

Motion passed unanimously.

APPROVE MINUTES OF REGULAR COUNCIL MEETING HELD ON JANUARY 22, 2002

On page 11, paragraph three add the sentence, “Pfeifer indicated that the CDBG funds have been depleted, and BASCC is having to tap other funds in order to cover the shortage.”

Motion by Pfeifer to approve as amended the minutes of a regular Council meeting held on January 22, 2002.

Motion passed unanimously.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

Frank Worrell of 32123 Bellvine Trail referred to a public hearing on the Pathways Plan held at Berkshire School during the regular Council meeting of October 1, 2001. Residents who spoke were asked to limit their comments to three minutes. He questioned why there was no time restriction placed on comments from people who attended the Council public hearing on the 14 Mile Road Corridor plan held on January 22, 2002. Worrell indicated that the Charter states that Council is to give the public a reasonable opportunity to be heard.

Stearn responded that the difference was the size of the crowd. There was a very large number of people in attendance at the October 1, 2001 Council meeting, which was the reason for holding it at Berkshire School.

Worrell questioned why Council held a meeting in the offices of consulting engineering firm Hubbell, Roth & Clark in August. He maintains that it is not good judgment to hold a Council meeting in the facility of a supplier. Worrell believes that the Village Charter says that meetings held away from the regular meeting place are to be advertised in the local newspaper. He does not think that this was done.

Worrell read in the Birmingham Eccentric newspaper that the cost of constructing the Pathway Plan will be \$600,000. Based on his experience, Worrell estimates the cost of this project to the Village to be \$2-\$3 million. The Pathways Plan has been referred to as conceptual. He contends that it represents a construction project.

Worrell stated that he has reviewed Village budget material and has determined that the Village has spent more money on the preparation of the Pathways Plan than has been budgeted, which is a violation of Chapter 21 of the Municipal Code. He believes that there were over expenditures by the planning consultant on this project and on the 14 Mile Road Corridor Study. Worrell suggested that the Village wait until 14 Mile Road is reconstructed by the County Road Commission before pursuing a redevelopment plan for that corridor.

Worrell concluded by saying that he appreciates the work that Council does and wished them a Happy New Year.

Stearn acknowledged that there was a communication issue with the Village planning consultant firm relative to the cost of developing the Pathways Plan. A system has been implemented since that time to monitor project costs. The consulting firm will present the Village with a proposal for approval, which cannot be exceeded without a change order for additional work. Stearn added that the information he received indicates that there has been no Charter violation.

REVIEW AND CONSIDER FIVE YEAR CAPITAL IMPROVEMENT PLAN (2002-2006)

Walsh stated that the five-year Capital Improvement Plan (2002-2006) prepared by Village administration and the Finance Committee is before Council for review and approval. Murphy will present an overview of the plan.

Murphy stated that the five-year Capital Improvement Plan highlights the proposed and expected projects for the Major and Local Streets, Water and Sewer Fund, General Capital Improvement Fund, and dedicated millage (Acacia Interceptor and Beverly Park) for fiscal years 2002-2006. The plan also provides a review of fiscal year 2001 projects.

Projects pending grant or other financial approval are also included in the plan. Village staff will address the pending applications in the annual budget to reflect responses to grant applications.

Equally important when reviewing the impact of capital projects is the timing of project development on the impacted budget year. The pending projects are listed in the originating fiscal year; however, expenses may be realized in subsequent budgets in the case of multi-year projects. That will appear in the annual budget as necessary.

The Capital Improvement Plan was developed using the current Street Inventory and Condition Survey and the Water Main Study. Pending studies that will improve this report in the future are the Ditch Maintenance Report due in Spring of 2002, information regarding the Storm Water Management Plan, and the Evergreen-Farmington rehabilitation program.

Murphy stated that the plan suggests a possible exposure in the Water and Sewer Fund. Current water and sewer rates allow for about \$113,000 a year in capital improvement funding. A study indicates a need for as much as \$500,000 a year for water main replacement, resulting in an annual shortfall of \$387,000. Village staff is taking a look at current funding sources to address this matter including re-directing General Fund appropriations, inter-fund loans against fund balances, bond issues, or future millage requests. The Capital Improvement Plan has been reviewed and approved by the Finance Committee.

There followed questions and comments from members of Council on the five-year Capital Improvement Plan. Murphy estimated increases in water and sewer rates from the City of Detroit and decreases in State Revenue Sharing and Gas & Weight Taxes. There were members of Council who took issue with particular items in the plan but were in support of the plan as a whole. The importance of a viable capital improvement plan was emphasized. Council commended Murphy on a good report.

Motion by Walsh to approve the Village of Beverly Hills Five Year Capital Improvement Plan dated January 8, 2002 as submitted.

Motion passed unanimously.

REVIEW AND CONSIDER CONTRACT FOR PARK IMPROVEMENTS

Before Council for consideration are bid results for the CMI grant related Beverly Park improvement project. Domzal reviewed that this will be phase one of a two-phase program. The Beverly Park Master Plan provides for long term improvements. The first phase of these improvements is being financed through a Clean Michigan Initiative grant from the state and matching funds from the Village (a portion budgeted and some raised privately). The grant money including matching funds total approximately \$300,000 and must be spent on the projects specified in the grant application. These improvements include the new park entranceway, fence along Beverly Road, parking lot improvements, and playground equipment.

The second phase will include additional improvements, which are currently being discussed and prioritized by the Parks and Recreation Board. The projects will be financed through a 0.25 millage for five years to be dedicated for park capital improvements. The consulting engineering firm of Hubbell, Roth & Clark (HRC) is preparing preliminary plans and cost estimates. This is part of an ongoing plan to refurbish Beverly Park at an anticipated total cost of approximately \$900,000.

Fifteen bidders responded with fourteen being complete proposals. The proposals were evaluated by Hubbell, Roth & Clark. The bids came in under the engineer's estimated cost of \$543,000, with the low bid from Summit Transport in the amount of \$474,576.00. The Parks and

Recreation Board at its January 24 meeting reviewed the bid sheets and considered three alternate proposals for playground equipment.

Village staff recommends that Council accept the proposal of Summit Transport for Beverly Park improvements with alternate number three for the play equipment in the total amount of \$474,576.00. A review done by administration and HRC confirms that Summit Transport is capable of doing this project.

Domzal remarked that Council received a letter from C&H Services, the second lowest bidder, raising a question about the responsiveness of the bid from Summit Transport with respect to subcontracting the installation of playground equipment. The issues cited have been addressed and will be managed in the course of the Village's contract with Summit Transport.

Council questions on the bid proposal were addressed by Murphy. Munguia asked about the timing. Murphy stated that a copy of the schedule submitted by Summit is included with Council's material. The work is expected to begin on April 15, depending on the weather. There is a six to eight week lead time on play equipment and on the archway material.

Downey commented that he is pleased with the residents' strong activity and support of the park. He is satisfied with the response of competitive bids and commends the staff and Parks and Recreation Board on doing a good job.

Craig remarked that the total contract price will exceed the current revenue available by \$47,000. However, revenue will be coming in from the park millage in August and September. He will support borrowing money from the General Fund balance to cover this difference if needed until the millage collections are received. Council members concurred.

In answer to an inquiry from Pfeifer, Murphy assured Council that the importance of the Memorial Day Carnival in Beverly Park was related to Summit Transport. They will attempt to achieve some completion of the project by that time. This will be a topic of discussion at a pre-construction meeting tentatively scheduled for February 12, pending approval of the contract.

Stearn congratulated the Parks and Recreation Board and the Friends of Beverly Park group on finally being able to see some progress in the park.

Chad Stellar, representing C&H Services, stated that he is the author of the letter sent to Council regarding the bid from Summit Transport. His contention is that Summit Transport is non-responsive to the bid request that the playground equipment be installed by employees of the manufacturer. Stellar stated that his company is a capable and licensed installer. If he had bid to install the equipment themselves or to use the same installer that Summit proposes, the bid price of C&H would have been significantly less than it was.

Stearn asked Murphy if it is his opinion that the bid from Summit Transport is responsive to the request. Murphy responded that the staff and consultant's review suggests that it is a responsive bid.

Motion by Domzal to resolve to accept the proposal from Summit Transport for Beverly Park improvements as bid, including alternate number three for playground equipment, in the total amount of \$474,576.00 subject to the following conditions:

- 1) The contract is subject to Summit Transport meeting all Village of Beverly Hills standard contract requirements.
- 2) All issues raised by C&H Services will be addressed by Village staff including the matter of playground equipment installation.
- 3) Administration is authorized, if necessary, to effect an inter-fund loan from the General Fund for payment of this contract on a short term basis as bridge financing to the maximum amount of \$50,000. Any additional amount will have to be approved by Council.

Roll Call Vote:

Motion passed unanimously.

REVIEW AND CONSIDER HOMEOWNERS ASSOCIATION REQUEST TO AMEND NOTTINGHAM SUBDIVISION STREET SIGNS

The Village has received a request from the President of the Nottingham Forest Improvement Association to replace the subdivision's interior street signs and posts at its own expense. The proposed signs are approximately the same size as the standard Beverly Hills signs with reflective lettering. It is understood that the Association will be responsible for replacement signs and posts when they are destroyed or damaged.

In response to an inquiry, Public Safety Director Woodard stated that he endorses the proposal for replacement signs in Nottingham Forest.

Stearn suggested that Council consider a policy that would require uniformity of signage along major roads.

Resident Patricia Greening of 19289 Riverside Drive commented on the green color of the proposed signs and suggested that the Village street signs be of a uniform color.

Motion by Walsh to approve the request of Nottingham Forest Improvement Association to replace the interior street signs and posts in the subdivision as indicated in Scott Grady's letter of January 14, 2002, subject to final approval by the Village Engineer.

Motion passed unanimously.

SET PUBLIC HEARING DATE OF 2-19-02 TO REVIEW AND CONFIRM 2001 SPECIAL ASSESSMENT ROLL FOR THE SOUTHFIELD ROAD ASSESSMENT DISTRICT

Council set a public hearing date of February 19, 2002 to review and confirm the 2001 Special Assessment Roll for the Southfield Road Assessment District.

APPROVE BILLS

MOTION by Pfeifer to approve bills for payment in the following amounts from a period of 1/23/02 through 02/04/02:

\$321,065.81	General Fund
13,848.09	Major Road Fund
23,753.16	Local Road Fund
1,853.72	Capital Projects Fund
10,699.46	Dedicated Millage
142,669.29	Water/Sewer Operation Fund
6,189.76	Water/Sewer Improvement Fund
<u>48.48</u>	Trust & Agency Fund
<u>\$520,127.77</u>	Total

Questions on the bills were addressed by administration.

Motion passed unanimously

LIAISON’S REPORTS

Downey stated that the Pathways Advisory Committee will meet on Tuesday, February 12 at the Village municipal building at 7:30 p.m.

Pfeifer announced that the Birmingham Area Seniors Coordinating Council will hold its regularly scheduled board meeting at the BASCC office on February ~~13~~ **19** at 1:30 p.m. The next Birmingham Area Cable Board meeting will be held on Wednesday, February 20 at 7:45 a.m. in the Village municipal building.

Munguia reported that the Zoning Board of Appeals will meet next Monday night, February 11.

Stearn attended the last Planning Board meeting of January 23. The Planning Board is looking for clarification of the motion made by Council regarding the 14 Mile Road Corridor Study. Stearn suggested that anyone interested in providing input on the Southfield Road corridor study attend an upcoming Planning Board meeting.

MANAGER’S REPORT

Murphy stated that Village staff is reviewing FY 2002 DNR Michigan Natural Resources Trust Fund and Michigan Land and Water Conservation Fund grant packages to see if the Village Park Master Plan is consistent with the funding goals and criteria. Village staff will present its review to the Parks and Recreation Board and Village Council before proceeding. If it appears that a project fits the criteria, the application will come to Council before the deadline of April 1.

The Southeast Michigan Council of Governments (SEMCOG) is hosting a work session on Friday, February 8, regarding the new law on Municipal Liability for Basement Flooding recently approved by the State Legislature. Village staff will provide Council with more information following the work session.

Pfeifer asked if staff would put together attendance records for the Village boards and committees.

PUBLIC COMMENTS

Shelly Taub, Oakland County Commissioner representing District 12, commented that she has been a county commissioner for ten years serving the Township of Bloomfield, Keego Harbor, Sylvan Lake, Orchard Lake and a piece of West Bloomfield. She announced that she is a candidate for the 40th District, explaining that this district has expanded to include Orchard Lake and Keego Harbor. Taub commented on her experience that would qualify her for the position, including service on the county finance committee and parks board.

Taub informed Council that Oakland County Parks has a great staff that would be willing to assist the Village. Their grant writers are available to the community free of charge. She also mentioned that assistance is available for downtown planning.

Sharon Tischler of 21415 Virmar Court offered clarification on one of the bills approved by Council this evening. Tischler suggested that it would have been helpful if the Village's Capital Improvement Plan was displayed for the viewing audience.

COUNCIL COMMENTS

Downey commended administration for posting the Council meeting agenda on the Village web site (villagebeverlyhills.com). He mentioned that Village committee and board applications are also available on the web site. Downey encourages residents to participate in their local government.

Pfeifer referred to the public hearing on the 14 Mile Road Corridor Plan held at the last Council meeting of January 22. A motion was made at that meeting to refer the report to the Planning Board for further study. She questions whether Council should act on a major issue of this type on the same evening as the public hearing without spending more time assimilating what was said. She suggested that perhaps Council revisit this issue and its direction to the Planning Board.

Domzal commented that he remains concerned about the Village's commercial signage. He maintains that the lack of standards for commercial signs does our Village a disservice. He has reviewed the Sign Ordinance and thinks that the letter of the ordinance can be met without providing the kind of signage that is desired in our community. As the Village begins to think about Southfield Road redevelopment, he may suggest that the Planning Board incorporate review of the commercial sign standards.

Domzal described the Douglas Evans nature preserve as 18 of the loveliest acres in the Village. He encouraged residents to explore it and realize how the Rouge River is part of our community. Domzal distributed an article from the Detroit Free Press about fitness to make the point that local decisions on parks and pathways and the health benefits they provide do make a difference.

Domzal expressed the view that the five people running for Village Council represent a well qualified slate of candidates. The Village is well served by all the people who have stepped forward, and he looks forward to a good discussion on the vision of the Village.

Munguia commended the public works department on clearing the snow off the roads in a timely manner during last week's snow storm. He commended homeowner associations for beautifying their neighborhoods with new street signs, but also suggests that standards for signage be established. He proposed looking at the condition of existing street signs in the Village.

Munguia announced that after six years he will not seek another term on Council. He acknowledged County Commissioner Shelly Taub and thanked her for dropping by.

Craig stated that this Village is a nice place in which to live and raise a family. It is a place where people get to know some of their neighbors, making them feel like a part of a much larger family. Last Friday, Lois Zamler passed away after a long battle with cancer. Craig gave a moving tribute to Lois Zamler and her family, noting that all four of her married children now live in Beverly Hills with their families. Council's condolences go out to the family of Lois Zamler.

Stearn referred to a weekend Detroit Free Press article about annual prices of homes in area communities. As of January 1, 2002, Birmingham has an average home value of \$240,000; Beverly Hills has an average home value of \$263,000. Over a six year period, homes in Birmingham have appreciated about 45%, whereas homes in Beverly Hills have appreciated at a rate of almost 52%.

Stearn learned from a current issue of *Salaries and Wages for Municipal Officials* that Beverly Hills, with a population of just over 10,000 people, pays its Council members \$300 a year. Farmington pays its Council members \$1,800 a year. There is no community that pays its council members less than Beverly Hills. Stearn believes that this is a tribute to the people who sit at this table and who are running for Council because they are receiving only the satisfaction of doing a good job and giving back to the community.

The next Council meeting will be Tuesday, February 19 due to President's Day.

Motion by Walsh to adjourn the meeting at 9:02 p.m.

Motion passed unanimously.

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary