

Present: Council President Downey; President Pro-Tem Domzal; Members: Lison, Mooney, Pfeifer, Stearn and Woodrow

Absent: None

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

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

ADMINISTER OATH OF OFFICE TO NEWLY ELECTED COUNCIL MEMBERS BY HONORABLE SUSAN M. MOISEEV, 46th DISTRICT COURT

Stearn introduced the Honorable Susan M. Moiseev of the 46th District Court. Judge Moiseev administered the oath of office to newly elected Council members Paul Lison, Janet Mooney, Dorothy Pfeifer and Hugh Woodrow.

PLEDGE OF ALLEGIANCE

Stearn led everyone present in the Pledge of Allegiance to the Flag.

ADDITIONS TO AGENDA - APPROVE AGENDA

The agenda was approved as published.

ELECTION OF PRESIDENT AND PRESIDENT PRO-TEM

Stearn called for nominations for Council President.

Domzal nominated Doyle Downey for the office of Council President. Downey accepted the nomination. There were no other nominations.

Before stepping down as Council President, Stearn congratulated Downey, offered his assistance and wished him luck.

VOTE ON NOMINATION OF DOWNEY:

Downey was unanimously elected Council President.

Stearn passed the gavel to Downey. Downey asked for nominations for President Pro-Tem of Council.

Lison nominated Dave Domzal, who accepted the nomination.

Stearn nominated Dorothy Pfeifer to the position of President Pro-Tem of Council. Pfeifer accepted.

Stearn stated that it has been his privilege for the past year to have Pfeifer serve as President Pro-Tem. She has done a great job, and he thinks that she deserves another year as President Pro-Tem of Council.

VOTE ON NOMINATION OF DOMZAL:

Domzal	- yes
Downey	- yes
Lison	- yes
Mooney	- yes
Pfeifer	- no
Stearn	- no
Woodrow	- yes

Domzal was elected President Pro-Tem.

RECOGNITION OF ANDREW CRAIG, RANDY MUNGUIA AND ROBERT WALSH

Downey asked those honorees present to approach the lectern. He presented Randy Munguia and Robert Walsh with a plaque from the Village of Beverly Hills in grateful appreciation of their dedicated service as Council members. Downey invited everyone to remain after the meeting for a reception to honor these former Council members.

Lawrence Needham of 15588 Kirkshire thanked these three gentlemen who have done a wonderful job on Council and who have put in many hours of service to the Village.

John Mooney of 19111 Devonshire stated that he commented on Randy Munguia's service on Council at the last meeting. He did not anticipate that Bob Walsh would be leaving the Council. Mooney stated that Bob Walsh's perception of what is in the best interest of the Village is in the forefront of every decision he has made. Mooney commended Walsh for his dedicated service to Beverly Hills on various boards and on Council.

PUBLIC HEARING - MICHIGAN DEPARTMENT OF NATURAL RESOURCES GRANT

Before Council for consideration is a proposal to submit a grant application to the Michigan Natural Resources Trust Fund (MNRTF) and Land and Water Conservation Fund (LWCF), a federal program. The grant application process requires local matching funds. It is proposed to proceed with a request for a grant in the amount of \$111,100 with a recommendation that the Village provide a 51% local match of \$56,661. A public hearing must be held as part of this grant application followed by passage of a Council resolution of support for the grant.

Downey opened the public hearing at 7:47 p.m. on the MNRTF and LWCF grant application.

Pasieka presented an overview of the improvements that will take place in the park if the grant is approved. He indicated that priority for this grant money will be given to improvements related to the preservation of natural resources. The Beverly Park pond may be an area considered to be eligible for these grant funds. Pasieka outlined a proposed seven-step park pond improvement

project. It was noted that the grant application is consistent with the Park Master Plan that was submitted and approved by the Village Council and the Department of Natural Resources.

No one from the public wished to be heard; therefore, the public hearing was closed at 7:49 p.m.

PUBLIC COMMENTS – BUSINESS ITEMS ONLY

Sharon Tischler of 21415 Virmar Court referred to a Resolution on page 6 of the Council meeting minutes of March 4, 2002 under “Discussion Regarding Water and Sewer Rate Increases From Detroit Water and Sewerage Department”. There is a roll call vote from which Domzal has abstained.

Tischler read item (c) from Section 6.7 of the Village Charter, Organization and Rules of Council, which deals with abstaining from a vote. It states, in part, that “...each member who is present shall vote when the Council member’s name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office”. Tischler maintains that Domzal did not request a unanimous consent to abstain from voting on this Resolution at the March 4 meeting.

Stearn recalled asking if there were any objections from Council members, and it was unanimous that Domzal be allowed to abstain from the vote. This is not reflected in the minutes of that Council meeting.

CONSENT AGENDA

Stearn requested that Item b, Review and consider minutes of a regular Council meeting held March 4, 2002, be removed from the consent agenda.

MOTION by Lison, seconded by Domzal, to approve the consent agenda as follows:

- a. Approve minutes of special Council meeting of February 25, 2002.
- c. Approve and file bills recapped as of Monday, March 18, 2002.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER MICHIGAN DEPARTMENT OF NATURAL RESOURCES GRANT APPLICATION

Domzal noted that a presentation on the grant application was made by administration during the public hearing portion of the meeting.

Moved by Domzal, seconded by Mooney.

WHEREAS the Village Council has set aside \$56,661 in the Park Capital Improvements Account for Beverly Park Pond improvements, and

WHEREAS the Beverly Hills Council has adopted a Beverly Hills Park Master Plan, which was approved and is now on file with the State of Michigan Department of Natural Resources, and

WHEREAS the Village of Beverly Hills continues to fully support efforts to realize improvements to Beverly Park as described in the 1998 Community Park Master Plan, and

WHEREAS the Village of Beverly Hills seeks a Michigan Natural Resources Trust Fund and/or Land and Water Conservation Fund grant that provides up to 50 percent of the cost for park improvements; and

WHEREAS the Village has identified specific improvements to the pond area that are specifically identified in the grant application and is committed to using the funds as specified;

THEREFORE BE IT RESOLVED that the Village of Beverly Hills Council hereby supports the application to be submitted for a grant pursuant to the State of Michigan Department of Natural Resources, Michigan Natural Resources Trust Fund and/or Land and Water Conservation Fund programs as well as any efforts necessary to comply with said application and commits the aforementioned \$56,661 as local matching funds to be used exclusively towards the improvements as specified in the grant application.

In answer to an inquiry about local matching funds, Murphy stated that it is proposed that the \$56,661 will come from future dedicated park millage money. Approval of the grant will not occur until August of this year. If the grant is approved, the Village has two years in which to complete the project. The Parks and Recreation Board is in the process of reviewing its priorities for park improvements, and adjustments will be made as needed.

Pfeifer stated that the Village encumbered funds from next year's budget (2002-03) in the amount of \$46,000 to complete the CMI grant related park improvements. The annual dedicated millage produces about \$100,000 a year. If the Village makes application for the MDNR grant, it is required to encumber matching funds and not spend that money until the grant is approved.

Council anticipates receiving from the Parks and Recreation Board a priority list with cost estimates for the remaining Master Plan park improvements, which will have a bearing on how the Village will spread the expenditures out over the life of the dedicated millage. Pfeifer questions whether the grant for pond improvements is being sought prematurely. Her concern is that sled hill improvements addressing safety issues may not be promptly carried out if funds are tied up as local matching grant money for aesthetic pond improvements. Pfeifer thinks that the pond improvements should be made, but that the sled hill project should be a higher priority.

Lison commented that he salutes the Parks and Recreation Board and Village Manager for soliciting these kinds of proposals. The Village needs to move ahead with park reclamation and beautification. He added that improvements to the sled hill is an issue that will have to be worked out.

Domzal believes that a cash flow analysis was done that indicates that there will be adequate funds available if the Village receives this grant to do other work in the park. He thinks that Council should support administration in putting forth these grant applications.

Murphy stated that the Parks and Recreation Board will be discussing priorities for the remaining park improvements at its next meeting this Thursday, March 21. He believes that the next immediate priority will be the sled hill. The Village should be able to accomplish that project with the balance of next year's dedicated park millage. The anticipated millage money should provide the Village with an adequate amount of money in the following year to take on the pond project and/or another project. He reiterated that the Village has two years after it receives the grant to spend the money.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER APPLICATION FOR FEDERAL GRANT FUNDING FOR SCBA

During the 2001 federal budget year, Congress approved grant money for local fire departments to assist with equipment purchases in a number of categories. The Beverly Hills Public Safety Department applied for grant funding in May 2001, but did not receive a favorable response. The 2002 federal budget has increased the funding level, and the Department intends to draft a grant proposal for participation this year.

The Department's grant proposal will request funding to upgrade its existing inventory of Self Contained Breathing Apparatus (SCBA). An upgrade for integrated Personal Alert Safety System (PASS) alarms will be included in the package along with enhanced communication devices for the facemasks. The estimated grant request at this time is for a \$50,400 federal share and \$5,600 local share (10%) for a total project cost of \$56,000.

The Public Safety Department is asking for the support of Council in this Federal Emergency Management Agency grant program application.

Motion by Lison, seconded by Stearn.

RESOLVED that the Beverly Hills Village Council supports the Department of Public Safety grant application to the Federal Emergency Management Agency for the purpose of upgrading the inventory of Self Contained Breathing Apparatus and Personal Alert Safety System devices.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER PROPOSALS FOR DUST CONTROL SERVICES FOR 2002 SEASON

Spallasso stated that bids were solicited from five contractors for the Village's 2002 dust control needs. Bids were received from four vendors. This is a seasonal expenditure that is funded by the Village through the Local Road Fund at 50% of the total cost with the balance assessed to

abutting property owners. Spallasso recommends acceptance of bids for asphalt emulsion and for calcium chloride treatment from two separate companies. Questions from Council were addressed by Spallasso.

Moved by Stearn, seconded by Pfeifer.

RESOLVED to accept the bid from Highway Maintenance Co. for asphalt emulsion at the low bid price of \$0.35 per gallon for the 2002 dust control season and to accept the bid from Suburban Oil Co. for calcium chloride at the low bid price of \$0.375 per gallon for the 2002 dust control season.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER PROPOSALS FOR PAINTING CENTERLINES AND EDGE MARKINGS ON VILLAGE ROADS FOR THE 2002 SEASON

Bids were received from two contractors to provide complete pavement markings, which include centerlines, edges, and crosswalks. The recommended bid is from P.K. Contracting in the amount of \$14,160 per year for 2002, 2003, and 2004.

Moved by Woodrow, seconded by Mooney.

RESOLVED to accept the bid of P.K. Contracting in the amount of \$14,160.00 per year for 2002, 2003, and 2004 to provide the services outlined in their bid for painting centerlines and edge markings on Village roads.

In answer to an inquiry, Spallasso stated that the bid quantities reflect additional crosswalks that were recommended by the Planning Board.

Downey requested that alternative high visibility standards with respect to these markings be considered.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER PROPOSALS FOR SOUTHFIELD ROAD LANDSCAPING FOR 2002 SEASON

Village administration employs the services of a landscape contractor to maintain the business properties in the rights-of-way along the Southfield Road Business District. Costs for these services pass through the Village and are charged back to the businesses based on frontage.

Bids were solicited for the 2002 summer season from six contractors; two bids were received. The low bid was from Johnson Landscaping in the amount of \$3,628. Jerry Johnson's company has been successfully performing this service for the Village for the past eight years. Administration recommends that the Village accept the Johnson Landscaping bid for the 2002 season for work along the business district of Southfield Road.

Moved by Pfeifer, seconded by Stearn.

RESOLVED that the 2002 landscape contract in the amount of \$3,628 to cover the landscaping maintenance work required in the Southfield Road Business District be awarded to Johnson Landscaping.

Pfeifer recalled that there were complaints received during the last season regarding the maintenance of the planting beds. Administration will follow up on this.

Lison has observed that the arbor vitae at the north end of the Amoco property block the Village entrance sign and should be trimmed.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER THREE-YEAR CONTRACT WITH SBC AMERITECH

Stearn reviewed that Council approved a three year contract last year with Ameritech. The Village asked for additional clarification on that contract. The contract before Council for consideration is a clarified agreement.

Moved by Stearn, seconded by Domzal.

RESOLVED that Council authorize administration to enter into a three-year CompleteLink SBC Ameritech contract by combining Public Safety Department and administrative lines to meet required minimum contract requirements.

Pasieka addressed questions from Council on the contract.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER REQUEST BY THE JAYCEES TO HOLD ANNUAL EASTER EGG HUNT ON SATURDAY, MARCH 30

Before Council for consideration is a funding request from the Birmingham Area Jaycees for a \$500 donation to assist them in defraying some of the costs associated with the 13th Annual Easter Egg Hunt in Beverly Park scheduled for Saturday, March 30. Due to construction in the park, the Jaycees will have to relocate the event from the pavilion area to the southern end of the park. This will require rental of additional equipment.

Moved by Domzal, seconded by Pfeifer.

RESOLVED that Council approves the request from the Birmingham Area Jaycees to conduct its 13th Annual Easter Egg Hunt at Beverly Park on Saturday, March 30, 2002. In addition, the Village will support the Jaycees with a \$500 check from funds available in account #101-747-894 (Community Action: Special Events).

Stearn opposed the resolution as a matter of separation of religion and state considering that Easter is a religious holiday.

Lison commented that he does not view this as a religious event. It is a popular and well attended activity, and he thinks the Village should participate in the Easter Egg Hunt.

Roll Call Vote:

Domzal - yes
Downey - yes
Lison - yes
Mooney - yes
Pfeifer - yes
Stearn - no
Woodrow - yes

Motion passed (6 - 1).

FIRST ANNOUNCEMENT OF VACANCIES ON PARKS & RECREATION BOARD AND PLANNING BOARD

Domzal stated that there are two former board members sitting on the Council as a result of the recent Village Election. Hugh Woodrow served on the Planning Board and Janet Mooney was a member of the Parks and Recreation Board.

MOTION by Pfeifer, seconded by Lison, to accept the resignation of Janet Mooney from the Parks and Recreation Board.

Motion passed (7 – 0).

MOTION by Pfeifer, seconded by Lison, to accept the resignation of Hugh Woodrow from the Planning Board.

Motion passed (7 – 0).

Domzal made the first announcement of vacancies on the Planning Board and Parks and Recreation Board and invited interested residents to make application to the Village for these positions. Citizens can contact the Village office or avail themselves of the application form on the Village web site.

REVIEW AND CONSIDER MINUTES OF A REGULAR COUNCIL MEETING HELD ON MARCH 4, 2002

MOTION by Stearn, seconded by Lison, to approve the minutes of the regular Council meeting of March 4, 2002 with an amendment. It should be noted on page 6 that, before a vote was taken on a resolution regarding the water and sewer rate increases from the Detroit Water and Sewer Department, Council members were asked whether there was any objection to Domzal abstaining, to which there was no response.

Pfeifer commented that she cannot recall the situation.

Domzal remarked that he has never hid the fact that his law firm represents the City of Detroit in downtown redevelopment. It is a situation where there is a conflict at times. Although the Detroit Water and Sewer Department is a separate entity even if related to the City of Detroit, he felt that it was a conflict of interest to vote on this resolution. Domzal said that he will continue to abstain from any matters involving the City of Detroit or Wayne County.

Stearn stated that the motion on the table is whether to accept the minutes with an amendment, and he called for the question.

Roll Call Vote:

Downey	- yes
Lison	- yes
Mooney	- yes
Pfeifer	- no
Stearn	- yes
Woodrow	- yes
Domzal	- yes

Motion passed (6 - 1).

The motion to amend the minutes was nullified on the advice of the Village Attorney after determining that action was not taken at the March 4 Council meeting to obtain Council approval of Domzal's abstention.

MANAGER'S REPORT

Residents will see work begin in Beverly Park in the coming weeks. Weather cooperating, the contractor expects to arrive later this week to remove the tagged trees and begin staging for the project.

Approximately 20 residents came into the Village offices on March 6th to reserve the pavilion for the summer. Comparatively, 28 residents arrived on the first day for pavilion reservations in 2001. The number is down as a result of scheduled park improvements. We are not accepting reservations at the pavilion until June 15.

The Parks and Recreation Board will continue reviewing the priority schedule for the balance of the proposed park improvements as outlined in the Park Master Plan. While the priorities are not likely to focus on the revenue stream, the Board will consider strategies related to the proposed MDNR grant and a possible future grant application through the Baseball Tomorrow Fund.

PUBLIC COMMENTS

Tara Meyer and Danny Mooney of 19111 Devonshire congratulated the newly elected Village Council members and especially their mom, Janet Mooney.

John Mooney of 19111 Devonshire congratulated the newly elected members of Council and Mrs. Pfeifer on her re-election. He thanked Stearn and Pfeifer for serving as President and President Pro-Tem last year.

Mooney expressed the view that it is reprehensible to have a member of the audience who is an elected official cast aspersions upon a Council member who has consistently indicated that he represents the City of Detroit and could not vote on matters where they may be a possible conflict. Mooney related that, during the 11 years he served on Council, a unanimous consent has never been sought to allow an abstention when there was a potential conflict, as long as there was no objection to that abstention. Mooney does not think that Domzal acted inappropriately nor was there misconduct on his part.

Mooney attended the last Parks and Recreation Board meeting in his capacity as President of the Beverly Hills Little League and requested a contribution from the Village to sponsor the Little League. The Board took action to recommend that Council allocate \$1,000 to sponsor the Beverly Hills Little League. Mooney hopes that this recommendation will be brought before the Council in the near future as we head into baseball season.

Victoria King of 31231 Embassy, new resident of Beverly Hills, commented on the poor quality of life on Embassy due to the road and drainage conditions. She maintains that roads and drainage have been neglected in her area and asked Council to address this situation.

King understands that there was an engineering estimate prepared within the last year for drainage work and paving of Embassy, which would involve an assessment of \$20,000 per home. She thinks that this is an outrageous price for the homeowners to pay when the drainage and road conditions have not been maintained over the years. She asked what Council can do help people in the Coryell Estates area.

Downey stated that this is not a Council agenda item tonight. However, the voice of Coryell Estates residents has been heard by this Council. It has been recognized that drainage ditches have not received appropriate attention, and there are plans in place to address a village-wide ditching program. An engineering study due in April or May will outline the costs and priorities for this work. Downey assured the residents that their message has been heard and Council intends to do something to satisfy the residents in the near future.

Sharon Tischler of 21415 Virmar Court stated that she speaks at Council meetings as a resident of the Village and not as an elected official. Her question to Council earlier this evening had to do with Council meeting minutes and Village Charter requirements.

Mike Schick, President of the Birmingham Area Jaycees, thanked Council for supporting the 13th Annual Easter Egg Hunt. It is a tremendously successful community event, and the Village's financial assistance is greatly appreciated this year. Schick thanked Pasieka for working closely with their community service vice president to find an alternate location in the park for the event.

COUNCIL COMMENTS/LIAISON REPORTS

Mooney thanked the residents who voted in the recent election and especially those who supported her candidacy. She is pleased to be here and looks forward to her term on Council. Woodrow and she will attend a workshop tomorrow in Lansing on the basics for newly elected and veteran elected officials.

Pfeifer announced that the regularly scheduled Cable Board meeting will be held in the Beverly Hills council chambers on Wednesday, March 20 at 7:45 a.m. The Cable Board will continue to address customer complaints and their resolution with Comcast representatives. Pfeifer informed Council that the Cable Board and the communities will be considering the merger of ATT & Comcast in the near future.

Pfeifer will be attending the regular Birmingham Area Seniors Coordinating Council meeting at its headquarters at Midvale School tomorrow. BASCC will hold its annual fund raising event “BASCC in the Glow” on April 25.

Pfeifer welcomed all new Council members and looks forward to working with them all. Pfeifer made the suggestion that Council hold a town meeting with residents in the Coryell Estates subdivision area as well as residents of Kennoway and Stafford to discuss road and drainage problems on those streets. The purpose of the meeting would be to maintain a dialog between the Council and property owners on those issues and share information as to costs and financing possibilities for improvements. Pfeifer would like to see this meeting occur before Council adopts the 2002/03 budget. There were no objections from Council to this town meeting discussion.

Stearn welcomed the new Council members to the table. He expressed disappointment in the electorate, because only 11% of the voting population came out to vote. He emphasized that every vote counts and asked residents to become more involved in the community.

Stearn reminded everyone that there will be a reception after the Council meeting in honor of Randy Munguia and Bob Walsh. They both served this Council with honor and dignity.

Domzal stated that the March Finance Committee meeting was rescheduled to Tuesday, March 26. There will be a joint meeting of the Council and Finance Committee on Tuesday, April 9. The Parks and Recreation Board will meet on Thursday, March 21 at 7:30 p.m. The principal item on the agenda is prioritization of Beverly Park projects.

Domzal welcomed Janet Mooney, Hugh Woodrow and Paul Lison to the Council. He thanked Dorothy Pfeifer and Todd Stearn for their leadership in the past year. He had an opportunity to thank Randy Munguia for his service to the community at the last Council meeting. Domzal would like to extend that note of appreciation to Bob Walsh.

Domzal thinks that Pfeifer’s suggestion for a town meeting with Coryell Estates residents is an excellent idea. There is a need to place the issues on the table and discuss them with the property owners.

Domzal proposed two items to be placed on an upcoming Council agenda. There has been discussion about the Village’s contract with the Baldwin Public Library and library usage. His suggestion is to poll the community to obtain feedback on Village services. Secondly, Domzal would like Council to look at sample rental inspection ordinances and consider adopting an ordinance that would require licensing residential units in the community. The license fee should be adequate to cover the inspection services.

Woodrow expressed his appreciation for being elected to Council. He understands that there will be a recount conducted by the County Election Commission on Thursday. Woodrow hopes that he will have an opportunity to serve the community.

Downey asked council members to indicate their preferences for liaison assignments as soon as possible. He invited the public to comment on the agenda format and the way Council meetings are conducted.

Downey reported that the Pathways Advisory Committee met last week. The group has completed its recommendation on priorities for the pathways. The committee requests guidance from Council on a policy issue with respect to the length of the funding program.

Downey congratulated Planning Board member Michael Nedley and his wife Amy on the birth of their baby. At its last meeting, the Planning Board discussed the 14 Mile Road Corridor plan work program. They are recommending more interface with the City of Birmingham regarding the 14 Mile Road corridor.

As a member of the advisory board of the Birmingham Community Coalition, Downey announced that the Coalition's Board President and long-time resident of Beverly Hills Mary Van der Tuin will be moving on. He thanked her for her service on behalf of the Village Council.

The Birmingham Community Coalition will sponsor a Splash Bash at the Beverly Hills Club on April 12 at 7:30 p.m. A Summit will be upcoming to reconvene community leaders for the purpose of re-energizing and maintaining the momentum for the communities to continue building on initial accomplishments.

Downey thanked Stearn and Pfeifer for their leadership as Council President and President Pro-Tem over the past year. He thanked Council for their support in electing him as Council President.

MOTION by Lison, seconded by Pfeifer, to adjourn the meeting at 9:12 p.m.

Motion passed unanimously.

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary