

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, Pasioka
Director of Public Services, Spallasso
Director of Public Safety, Woodard
Village Attorney, Ryan

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

ADDITIONS TO AGENDA/APPROVE AGENDA

The agenda was approved as published.

PUBLIC COMMENTS – CONSENT AGENDA AND ITEMS NOT ON THE BUSINESS AGENDA

Fritz Heuser of 31119 Sleepy Hollow understands that a considerable increase in water and sewer rates is being passed onto the Village from the City of Detroit. He asked if residents who water their lawns can request a separate water meter that does not include sewer charges. This has been requested and discussed by Council in previous years.

Downey stated that setting water rates is part of the budget process that Council has begun. Allowing separate meters for lawn sprinkling is not under consideration at this time but is something Council may choose to discuss in the future. Spallasso invited Heuser to call his office for further information.

Sharon Tischler of 21415 Virmar Court stated that she brought what she perceived to be a violation of the Village Charter to Council's attention at the last Council meeting. She mentioned that a Council member abstained from voting on a resolution at the March 4 Council meeting without being excused by the unanimous consent of Council members present. A motion made on March 18 to amend the March 4 meeting minutes to note that Council members were asked if there was an objection to the abstention was nullified on the advice of the Village Attorney. Tischler questioned Council's course of action with regard to this issue.

Village Attorney Ryan responded that he was in attendance at the meeting when this technical violation occurred, and he takes the blame. He knows the Charter but did not disrupt the meeting to call for a vote because it did not appear that there would be unfavorable consequences. He will suggest to the Village Manager and Council President procedures to handle this in the future if there are matters that necessitate Council members to recuse themselves from an issue.

Tischler expressed concern because abstentions take place with some regularity. She views the governing body as being elected by the residents to vote on issues for the betterment of the community based on those officials reviewing the issue and taking a stand. She is concerned that several members of Council could abstain from voting on issues.

Ryan responded that disqualification is allowed in the Charter. Council will make a decision each time the situation arises.

CONSENT AGENDA

Domzal requested that Item b, Review and file bills recapped as of Monday, April 1, 2002, be removed from the consent agenda.

MOTION by Pfeifer, seconded by Mooney, to approve the consent agenda as follows:

- a. Review and consider minutes of a regular Council meeting held Monday, March 18, 2002.

Motion passed (7 – 0).

BUSINESS AGENDA

SET DATE FOR PUBLIC HEARING TO REVIEW AND CONFIRM 2001 ASSESSMENT ROLLS FOR DUST AND OTHER MISCELLANEOUS ASSESSMENTS

MOTION by Woodrow, seconded by Pfeifer, to set a public hearing date for April 15, 2002 to review and confirm 2001 assessment rolls for dust and other miscellaneous assessments.

Motion passed (7 – 0).

REVIEW AND CONSIDER AORN'S REQUEST TO USE VILLAGE SIDEWALKS AND STREETS FOR FUN RUN

The Association of Operating Room Nurses (AORN) has requested to hold a 5K Fun Run/Walk on Saturday, June 8, 2002 in the Village of Beverly Hills. In addition to requesting the use of the streets and sidewalks near Beverly Park for the race, AORN has a tentative reservation to use the park pavilion for pre- and post-race activities from 6:30–10:30 a.m. The organization has received the support of the Public Safety staff and Village Administration for this event.

MOTION by Lison, seconded by Mooney, that the Village of Beverly Hills Council approves a request from the Association of Operating Room Nurses (AORN) to hold a 5K Fun Run in the Village on June 8, 2002 contingent upon receiving appropriate certificate of insurance.

Stearn questioned the policy limits on event insurance required by the Village. Ryan stated that the Village usually requests a minimum of \$1 million in a certificate of insurance.

Murphy noted that AORN representatives are aware that the pavilion may not be available on June 8 depending on the status of the park improvements.

Motion passed (7 – 0).

REVIEW AND CONSIDER PARKS & RECREATION BOARD’S RECOMMENDED PARK IMPROVEMENT PRIORITY SCHEDULE

Domzal stated that the Parks and Recreation Board developed a priority list of continuing park improvements at its March 21 meeting. These are the improvements that will follow the CMI-grant related project. The Board reviewed cost estimates prepared by Hubbell, Roth & Clark for the priority projects and discussed funding available through dedicated park millage and grant applications. There was agreement that priorities could be adjusted depending on receipt of grant funds. Before Council for consideration is the priority list of improvements recommended by the Parks and Recreation Board as follows:

Priority	Description	Cost
1.	Sled Hill Improvements (Fall 2002)	\$40,625
2.	Existing East Pavilion Upgrades	\$148,327
3.	Ball Diamond Upgrades	\$158,000
4.	Pond Area Improvements	\$126,250
5.	Basketball & Tennis Court Upgrades	\$93,750

Domzal stated that the estimated cost for these projects is approximately \$570,000. He reviewed the funding available for the continuing projects and the ongoing CMI grant improvements, which will cost approximately \$470,000.

The funds available from the Clean Michigan Initiative grant are about \$200,000. The local match for this grant from the Capital Improvement Fund is \$95,000. Donations raised for park improvements total \$57,000. The brick sales program has brought in about \$12,000. The first installment of the millage is about \$105,000. Domzal noted that about \$40,000 in engineering fees have been paid to date. This totals about \$430,000 available for park improvements. Future tax revenue anticipated in years 2002-2005 will bring in approximately \$444,000. Total funding available is \$900,000. The engineering costs for park improvements will total \$150,000-\$200,000.

Domzal noted that the original budget for park master plan improvements did not anticipate the amount for engineering fees. Consideration was given to using HRC to serve in the capacity of engineer and construction manager. Although it is money well spent, it reduces the total amount of money available.

MOTION by Domzal, seconded by Woodrow, that the following priorities be established for the next round of improvements for Beverly Park: 1) Sled Hill Improvements, 2) Existing East Pavilion Upgrades, 3) Ball Diamond Upgrades, 4) Pond Area Improvements, 4) Basketball and Tennis Court Upgrades.

Murphy remarked that administration has made application for a grant for pond area improvements and is looking into a grant application for baseball diamond upgrades as well.

Pfeifer asked for clarification on the grant application for pond improvements. Murphy stated that the Village does not need the \$56,000 matching funds in hand to make application for the grant. The Village has two years to initiate the project if the grant is received.

Stearn disagreed with the proposed priority list and some of the cost estimates submitted by HRC. He cannot justify as reasonable cost estimates listed in the HRC document for pond improvements. He referred to the \$15,000 cost for a 12-foot gazebo. Stearn thinks that the pond area needs improvement, but that the basketball and tennis court upgrades should be a higher priority.

Stearn referred to the adopted Park Master Plan, which states that specific improvements came to the forefront during the course of planning Beverly Park. Some of those improvements are underway such as improving curb appeal, parking lot paving, and a separate pedestrian and vehicular entrance. Other improvements listed in the Park Master Plan are: substantial improvements to the playground and court facilities, upgrade pathways throughout the park to achieve barrier free access on the route system, implement the under drain system, draft and implement a tree maintenance plan. Some of these issues are not on the proposed priority list.

Stearn thinks that the five priorities listed by the Parks and Recreation board are good projects. However, the most important priorities should be determined considering that the Village may be short a minimum of \$200,000 for completion of the park improvement program.

Mooney maintains that the list of park master plan improvements read by Stearn are not priorities that are etched in stone. They were projects recommended a number of years ago. The priority list established by the Parks and Recreation Board was prepared with input from the Village Manager and designed to coordinate with availability of funding. It was agreed that the priority list is subject to change depending on available money and receipt of grants.

Domzal added that some of these estimates are soft costs. There are options in terms of pavilion upgrades and further decisions to be made. The suggested priorities further refine the park master plan. Council will be voting on these projects individually. Murphy affirmed that the cost estimates are conservative and that they will be firmed up before going out for bids on any of the projects.

Woodrow remarked that the Council can accept or reject bids if the numbers are not acceptable. Pfeifer stated that everything on the list will be coming back to this table. Council asked for priorities from the Parks and Recreation Board. She emphasized that this priority list is flexible.

Roll Call Vote:

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

Motion passed (6 – 1).

REVIEW AND CONSIDER PROPOSALS FOR COUNCIL ROOM AUDIENCE CHAIRS

Woodrow stated that administration has done research on replacing the audience chairs in the council chambers. The current chairs are 28 years old and are worn. The Public Safety Department

will use the old chairs in their training room. The chair that is proposed to be purchased was on display.

Motion by Woodrow, seconded by Lison.

RESOLVED that Council approve the purchase of 40 chairs for the Council room at a total cost of \$5,868.

Woodard stated that the proposed chair from Steel Equipment Company of Pontiac is offered through the Oakland County cooperative bid program. Alternative chairs were considered under other purchase programs, but this was the preferred chair.

Stearn questioned the source of funding for this purchase. Murphy answered that Council originally budgeted \$30,000 for video booking capture system equipment for the Public Safety Department. Between the time that a budget amount for this system was approved and the release of the equipment, it was determined that that program would not be conducted by the County. As a result, Council spent some of that money renovating the Council chambers leaving approximately \$15,000. Murphy indicated that there is another line item for furniture with \$2,000 that has yet to be expended.

Stearn expressed the view that this is a lot of money to spend on chairs.

Pfeifer remarked that she has been listening to complaints from audience members about the uncomfortable chairs for years.

Roll Call Vote:

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

Motion passed (6 – 1).

SECOND ANNOUNCEMENT OF VACANCIES ON THE PARKS & RECREATION BOARD AND PLANNING BOARD

Domzal made the second announcement for vacancies on the Parks and Recreation Board and the Planning Board as a result of Janet Mooney and Hugh Woodrow taking seats on Council. The last day to submit an application for a position on these boards will be Friday, April 5, 2002 at 5:00 p.m.

A subcommittee of Woodrow as chairperson, Domzal and Downey will meet at 7:00 p.m. on Monday, April 15, 2002 to review applications and make a recommendation to Council on an appointment to the Parks and Recreation Board. A subcommittee of Stearn, as chairperson, Lison

and Mooney will meet at 7:15 p.m. on April 15 to discuss candidates and recommend an appointment to the Planning Board.

BUDGET – RECEIVE TENTATIVE BUDGET AND SET PUBLIC HEARING DATE FOR MAY 6, 2002

Village administration has prepared and distributed to Council a proposed budget for the 2002-2003 fiscal year. Downey remarked that the budget document submitted by the Village Manager represents a more streamlined budget than in prior years including narratives that reflect the policy of the Village. Council will be reviewing the budget at upcoming meetings before approval.

MOTION by Lison, seconded by Pfeifer, to set a public hearing date of May 6, 2002 on the fiscal year 2002/03 budget. .

Motion passed (7 – 0).

Domzal appreciates the effort that has gone into the format of the proposed budget. The Village staff has done a great job.

REVIEW AND FILE BILLS RECAPPED AS OF MONDAY, APRIL 1, 2002

Domzal had questions on bills related to the Cable Board, which were addressed by Pfeifer.

MOTION by Lison, seconded by Pfeifer, to file the bills recapped as of Monday, April 1, 2002.

Motion passed (7 – 0).

DISCUSSION ITEMS

BUDGET WORK SESSIONS

Downey distributed forms that he prepared for Council to complete prior to the first budget session. The purpose of this exercise is to obtain a consensus of Council on issues and policy action they would like to address over the course of the year. Downey suggests that members spend some time deciding what is important to them so that the budget will reflect what Council thinks is important.

MOTION by Mooney, seconded by Pfeifer, to schedule Council work sessions to review the 2002/03 budget on April 9, 2002 and April 22, 2002 at 5:30 p.m.

Motion passed unanimously.

REPORTS

MANAGER

In the coming weeks, Village staff expects to meet with representatives from the Oakland County Drain Office to discuss our current sewer maintenance contracts in light of the recently enacted PA 222 (the sewer system trespass-nuisance law). It is likely that Village Council will see a new

contract in the coming months for review and consideration. Along with the contractual amendments, Village staff is preparing information for our residents explaining how the new law works and what their rights and responsibilities are with regard to sewer system back-ups.

The Volunteer Appreciation Dinner is scheduled for June 13th at the Birmingham Country Club. Village staff expects to send out invitations in May.

Stearn asked Murphy to revisit the Village's reinsurance policy for sewer backups. Murphy understands from our liability pool carrier that the Village may not need its current reinsurance policy in light of the change in law. He will take a look at this.

Pfeifer stated that there is a SEMCOG meeting on April 12 in Novi regarding water and sewer rates and what the county is doing about it. Murphy responded that staff is aware of the meeting and a couple of other programs that are similarly situated. He will have further discussions with Pfeifer on this.

COUNCIL

Pfeifer reported that the Birmingham Area Cable Board met on March 20 and devoted a large part of the meeting to reviewing subscriber complaints and assessing liquidated damages against Comcast for defaults of the Franchise Agreement and/or Consumer Protection Ordinance.

The Attorney for the Cable Board will be reviewing FCC Form 394 recently received by all four member communities in electronic form. Unlike previous transfers of the franchise that have occurred in this consortium, this will be a change of control. The franchise holder will not change. Comcast requests the consent of the consortium communities to the merging of AT&T Broadband with Comcast.

The Cable Board will make a recommendation to the member communities on the request for transfer of control after a due diligence review of the information submitted as part of Form 394. The municipalities have 120 days to reject, approve, or approve with conditions the transfer of control. Beverly Hills will receive the recommendation from the Cable Board for action at its June meeting. A representative of the Cable Board will attend that meeting at the request of Council.

In response to an inquiry, Pfeifer does not believe that a formal motion to refer Form 394 to the Cable Board is required. The Board is in the process of reviewing the document and will forward a recommendation to Council.

Pfeifer informed Council that it is anticipated that the FCC will not require franchise fees on Internet services in the future. This will represent a drop in revenue for the Cable Board.

Pfeifer stated that the Birmingham Area Seniors Coordinating Council (BASCC) is going through membership renewals. The organization will hold its annual fund raising event "BASCC in the Glow" on April 25.

Pfeifer commended the Beverly Hills Public Safety Department for the recent arrest made in connection with an attempted bank robbery. She commented on the excellent response time of our Public Safety Department.

Stearn commended Tom Ryan on being an excellent Village attorney and noted that, for him to take blame where he should not, is an exceptional quality.

Lison commended the Public Safety Department and particularly Deputy Director Art Smith, Lieutenant Steve Standfest, and Detective Ted Wink for their role in apprehending a known bank robber. Their response time was excellent.

Lison applauded Village Clerk Ellen Marshall for her professionalism and expertise during the process of a recount conducted by the Oakland County Election Committee in the Village on March 21.

Mooney commented on a tremendously successful Easter Egg Hunt sponsored by the Jaycees last Saturday in Beverly Park.

Domzal reported that there will be a meeting of the Pathways Advisory Committee on April 16. He is succeeding Doyle Downey as chair of this subcommittee. He has reviewed the materials and thanked Downey and the Committee for doing a lot of work in moving this program forward.

Domzal announced that the Suburban Mobility Authority for Regional Transportation (SMART) will be going to the voters this fall for a renewal and increase in the millage. He asked that the citizens follow the issues and become informed on this important matter of public transportation. He cautioned that there has been discussion on a light rail system, which is not a part of the SMART system or millage renewal.

Domzal thinks the signage in the Village is coming together well and progress is being made. He referred to the Road Commission of Oakland County signage and Village identification signs. He is looking forward to receiving the next proposal from the Planning Board on entryway signs.

Domzal mentioned that there has been much publicity on the SOCRRA matter regarding funds that have been set aside for redevelopment of property in Rochester Hills. He commends Murphy and Ryan for the approach they have been taking on behalf of the Village on this highly controversial and politicized matter. It is a good middle-of-the-road approach of being involved yet not spending an excessive amount of time and money on the issue.

Downey mentioned that the June 13 Volunteer Appreciation Dinner is a recognition event held every other year to celebrate the hard work of Village volunteers.

Downey attended a SEMCOG meeting where regional transportation and regional sewer issues were addressed. It is estimated that there is between \$14-\$26 billion in sewer infrastructure repairs in the Southeastern Michigan area. Downey realizes that there are a lot more infrastructure projects that will need to be undertaken in the future that are not funded now.

Downey noticed the new fence at Beverly Park and remarked that it's great to see the park improvements coming along. He commended the Public Safety Department on its fine work.

PUBLIC COMMENTS

Cynthia Rubin of 31020 Rivers Edge Court asked for an update on any traffic situations that resulted from the Our Lady of Albanians Church service on Sunday. Woodard reported briefly on this topic.

MOTION by Lison, seconded by Mooney, to adjourn the meeting at 8:50 p.m.

Motion passed (7 – 0).

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary