

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

Absent: None

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

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

Motion by Mooney, seconded by Pfeifer, to amend the agenda to move Business Agenda item c, “First reading of an ordinance”, to the third topic under Discussion Items.

Ayes – Domzal, Downey, Mooney, Pfeifer, Schmitt and Woodrow
Nays – Stearn
Motion fails (6 – 1).

Motion by Stearn, seconded by Domzal, to approve the agenda as published.

Motion passed (7 – 0).

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

Cynthia Rubin of 31020 Rivers Edge Court objected to printed material regarding pathway issues appearing in school publications on the basis that educational facilities should take a neutral position on matters that are not school related. Rubin expressed the view that printed material issued by the schools that has the appearance of advocating a position not held by all taxpayers is insensitive.

Sharon Tischler of 21415 Virmar Court referred to a request made at the last Council meeting that members receive copies of Southfield Township Board meeting minutes. She indicated that the Village Manager receives a copy of Township Board meeting minutes. A question from Tischler regarding an invoice on the list of bills before Council for review this evening was addressed by Pfeifer. Tischler expressed the opinion that items listed on the published Council meeting agendas do not always adequately describe the topic to be discussed.

A number of residents were present to voice their position on the upcoming millage proposal to finance new sidewalks on major roads within the Village. The following residents expressed opposition to the ballot proposal and urged its defeat:

Nanci Freedman
Larry Needham

32460 Evergreen Road
15588 Kirkshire

Mike Freedman	32460 Evergreen
Bunker Kelly	21526 Corsaut
Leanne Toth	21605 W. 13 Mile Road
Norman Rubin	31020 Rivers Edge Court

Those who spoke in favor of the millage proposal and advocate construction of sidewalks on major roads were as follows:

Mike Disner, Vice-President of Groves High School Student Congress	
Allison Smith	31104 Old Stage
Paul Kleppert	20855 W. 14 Mile Road
Bruce Wayne	25 Riverbank
Dennis Page	30470 Lincolnshire East
Pam Murdock	30414 Georgetown

Dan McCleary of 19610 Wilshire, Council candidate for the March Election, commented that he looks forward to everyone's support.

Nanci Freedman of 32460 Evergreen Road introduced herself as a candidate for Council and commented that her views on community issues will be included in the League of Women Voters material available prior to the election.

CONSENT AGENDA

Motion by Domzal, seconded by Pfeifer, to move item b, review and file bills as of January 27, 2003, to the end of the business agenda and to approve the Consent Agenda as follows.

- a. Review and consider minutes of a regular Council meeting held on January 21, 2003.

Motion passed (7 – 0).

BUSINESS AGENDA

FINAL ANNOUNCEMENT OF A VACANCY ON THE RETIREMENT BOARD

Stearn made the final announcement of a vacancy on the Retirement Board. The last day to submit an application for this position is Friday, February 7 at 5:00 p.m. The Retirement Board meets quarterly on Tuesday evenings and oversees the Public Safety Officers Retirement Fund. Applications are available at the Village office or can be downloaded from the Village web site (www.villagebeverlyhills.com).

SET PUBLIC HEARING DATE OF 2-18-03 TO REVIEW AND CONFIRM 2002 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 landscaping maintenance and water for the sprinkling system to the property owners on the west side of Southfield Road.

Motion by Woodrow, seconded by Pfeifer, to set a public hearing date of February 18, 2003 to review and confirm the 2002 Special Assessment Roll for the Southfield Road Business Assessment District.

Motion passed (7 – 0).

FIRST READING OF AN ORDINANCE TO AMEND CHAPTER 5 OF THE MUNICIPAL CODE RELATING TO CONSTRUCTION, RECONSTRUCTION, REPAIR AND CLEANING OF SIDEWALKS

Motion by Mooney, seconded by Schmitt, to table this agenda item to a future meeting.

Roll Call Vote:

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

Motion passed (4 – 3).

ACCEPT RESIGNATION OF ROBERT SCHNEIDERS AND MAKE FIRST ANNOUNCEMENT OF VACANCY ON THE PLANNING BOARD

Motion by Schmitt, seconded by Mooney, to accept the resignation of Robert Schneiders from the Planning Board with regret and set February 27, 2003 as the deadline for receiving applications to fill the vacancy.

Schmitt made the first announcement of a vacancy on the Planning Board. Council members thanked Bob Schneiders for his contributions to the Village.

Motion passed (7 – 0).

REVIEW AND FILE BILLS RECAPPED AS OF MONDAY, JANUARY 27, 2003

Schmitt requested an itemized statement in connection with an invoice from Birchler Arroyo in the amount of \$1,150.

Motion by Schmitt, seconded by Stearn, to remove an invoice from Birchler Arroyo for planning services in the amount of \$1,150 from the list of bills.

Pfeifer clarified that the bill from Birchler Arroyo includes the \$900 monthly retainer for planning services plus an additional \$250 for a focus group meeting on the 14 Mile Road Corridor Study.

Roll Call Vote:

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

Motion passes (4 – 3).

A question from Domzal on an invoice from Hubbell, Roth & Clark was addressed by Pfeifer and Murphy. Domzal asked to see more detailed itemization on the bills.

Motion by Pfeifer, seconded by Mooney, that the list of bills payable from 1/14/03 through 1/27/03 be approved as amended.

Roll Call Vote:

Motion passed (7 – 0).

DISCUSSION ITEMS

ATTORNEY ATTENDANCE AT COUNCIL MEETINGS

Village Attorney Ryan related that he has been retained for almost two years as legal counsel for the City of Orchard Lake Village. He attends their meetings on the third Monday of the month, which makes him unavailable to attend the second Beverly Hills Council meeting each month. The City of Orchard Lake Village is aware that Beverly Hills is Ryan's first priority, and they agreed to him missing two meetings a year. Ryan is available to the Village Manager by cell phone if there is a problem during the Beverly Hills Council meetings that he does not attend.

Ryan stated that he is a sole practitioner and does have some professional constraints. He thinks that it is important that he attends as many Beverly Hills Council meetings as possible for the sake of continuity and to provide an institutional knowledge of the Village. Ryan is in the process of trying to find someone who could fill in occasionally when he cannot be present at a Council meeting.

Council discussed the Village Attorney's attendance at Council meetings. It was suggested that consideration be given to changing the regular Council meeting day to Tuesday next year. A Council member proposed that the Village Attorney attend meetings on an "on call" basis and be available to review an issue when requested and provide a written legal opinion. Two members preferred that an attorney be present at every Council meeting. The majority of Council members

were amenable to Mr. Ryan attending one Council meeting a month with agenda items scheduled accordingly.

Lawrence Needham of 15588 Kirkshire suggested that someone volunteer to be the parliamentarian at Council meetings.

VILLAGE STATUS REPORT

Murphy stated that the General Fund status report will be the first of three reports. A presentation will be made at the February 18 Council meeting on the dedicated millage funds, which include the Acacia Drain project and the Beverly Park millage. The Enterprise and Special Revenue funds will be addressed at the first Council meeting in March.

Murphy presented an update and explanation of the Village's revenue sources and the major expense categories in the General Fund.

Murphy addressed questions from Bunker Kelly of 21526 Corsaut Lane about state revenue sharing cutbacks and projected increases in health care costs.

Mike Freedman of 32460 Evergreen Road questioned the status of the Public Safety Pension Fund, which was addressed by Stearn.

PUBLIC COMMENTS

Bruce Wayne of 25 Riverbank, Planning Board member, referred to Council's action at last month's meeting directing administration to solicit proposals from consulting firms for general planning services. He questioned the Planning Board's role in selection of a planning consultant.

Downey encouraged Wayne to discuss this with him or Council liaison Schmitt after the meeting.

REPORTS MANAGER

Four residents have submitted petitions for three Council seats. The four candidates are Dan McCleary, Dave Domzal, Doyle Downey, and Nanci Freedman. The League of Women Voters is offering to host a candidate's night during the week of February 24th. The League's questionnaire responses from the candidates will appear in the next Villager newsletter.

There was a recent article in the Eccentric newspaper regarding the Village's efforts in handling the Emerald Ash Borer situation. As an update, Murphy stated that the Village is working to partner with the forestry divisions of either the City of Birmingham or the City of Southfield for inspection and removal services.

Pfeifer asked that Murphy share any information gathered on the Emerald Ash Borer with Village property owners who are facing the same problems.

Murphy has received information from Village Attorney Ryan that Beverly Hills prevailed in a recent Court of Appeals decision on litigation regarding cell towers on school property.

In answer to an inquiry from Mooney, Murphy stated that the new Village entryway signs will be installed when weather permits.

COUNCIL

Council members thanked the Manager for presenting a General Fund status report.

Schmitt commented that he would like to see the landlord/tenant ordinance on the agenda for consideration. He reminded people who have not registered to vote that they can do so until February 10 to be eligible to vote in the Monday, March 10 Election.

Schmitt mentioned that people who think that construction of sidewalks along Evergreen Road will destroy the beauty of the area should look at the sidewalk installation done on Beverly Road immediately east of Evergreen. Sidewalks were constructed by the Village with sensitivity to trees and the terrain.

Mooney reminded residents that recycling bins are available for purchase at the Village office. She commended the participants of the Groves High School Home Tour who made it such a successful event.

Mooney remarked that she requested moving the agenda item to consider an ordinance amendment that would provide a seasonal designation for pathways to a discussion item. She does not think that Council is in a position to have a first reading of the ordinance this evening. The item was tabled but will appear again until it is resolved.

Domzal referred to a document prepared by Stan Pasieka as part of his master's thesis for a public administration degree. Domzal suggested that some of the report recommendations be considered in future Council agendas: 1) Establishing a procedure to review the contract with the Baldwin Public Library to insure that the Village is receiving the proper return for its investment; 2) Review the current process of financial funding from private community organizations; 3) Clarify the roles and responsibilities of liaisons; 4) Review Village record keeping procedures; 5) Relationship between the Village and Southfield Township as far as how the two entities might work together in terms of achieving cost efficiencies.

Domzal commented on the lively discussion on the sidewalk issue. He encourages people to express their views but thinks that residents should refrain from divisive comments about the east and west side of the Village.

Pfeifer thanked the four Village residents who generously opened up their homes for the Groves High School Home Tour.

Stearn commented on a Sunday Free Press article about 2002 house values in Metro Detroit, noting that Beverly Hills' average house sale price was above that of Birmingham for the second year in a row. Over a seven year period, there has been a 57% increase in home sale prices in Beverly Hills.

Downey stated that he received an invitation from the City of Birmingham addressed to the Village inviting us to participate in their parade to be held on Sunday, May 18, 2003. The Beverly Hills Memorial Day Parade will be on Monday, May 26 this year.

Downey encouraged people who contact him via e-mail to include their name and address.

Downey commented on the research and work that went into the pathways initiative that will be on the March 10, 2003 ballot.

Motion by Pfeifer, seconded by Domzal, to adjourn the meeting at 9:55 p.m.

Motion passed (7 – 0).

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary