

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

Absent: None

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

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

Downey introduced the Honorable Susan M. Moiseev of the 46th District Court. Judge Moiseev acknowledged her colleagues present in the audience, Judge Stephen Cooper and Judge Shelia Johnson. Judge Moiseev administered the oath of office to newly elected Council members Dave Domzal, Doyle Downey, and Dan McCleary.

President Downey called the meeting to order at 7:35 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

ADDITIONS TO AGENDA – APPROVE AGENDA

Motion by Pfeifer, seconded by Schmitt, to approve the agenda as published.

Motion passed (7 – 0).

ELECTION OF PRESIDENT AND PRESIDENT PRO-TEM

Downey called for nominations for Council President.

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

Roll Call Vote on nomination of Downey:
Downey was unanimously elected Council President.

Downey asked for nominations for President Pro-Tem of Council.

Schmitt nominated Hugh Woodrow for the office of President Pro-Tem. There were no other nominations.

Roll Call Vote on nomination of Woodrow.
Woodrow was unanimously elected President Pro-Tem.

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

Downey received a letter dated March 16, 2003 from Nanci Freedman of 32460 Evergreen Road. Freedman thanked all residents who voted in the election last week regardless of how they voted, stating that such a large turnout is a credit to our Village. Freedman expressed concern with

comments made by Council President Doyle Downey in the March 14, 2003 Eccentric newspaper, in which he said that the percentage by which the sidewalk millage was defeated “was (not) a referendum on sidewalks. It was a referendum on taxes.” Freedman expressed strong disagreement with this comment and outlined a variety of reasons why Villagers defeated the millage proposal. In conclusion Freedman wrote, “Before the election, several Council members stated that, once Villagers voted, whatever the outcome, the sidewalk issue would be put to rest. I urge the remainder of Council to recall your respective promises and respect the will of the people of Beverly Hills.”

Another letter dated March 15, 2003 was received from Betty M. Brooks of 16156 Locherbie, a 50-year resident of the east side of the Village who wanted sidewalks on major roads for the safety of our children. She referred to an editorial that appeared in the March 15, 2003 Detroit News entitled “Sidewalks Remain a Key to Remaking the Suburbs”.

Rose McLennan of 19977 Sunnyslope commented on the record number of eligible voters who cast ballots at the last election. She thanked citizens for turning out and for voting their conscience last Monday. McLennan urged the newly elected Council members to work together to create a plan for a balanced budget for the next fiscal year and for the future and to choose priorities based on the Village’s needs.

Norm Downey of 23042 Nottingham Drive expressed concern about the Acacia sewer project. He believes that taxpayers need an explanation as to why \$1 million of the dedicated millage for sewer and road improvements is scheduled to build sewers in the City of Birmingham.

Paul Kleppert of 20855 W. 14 Mile Road commented on the outcome of the millage proposal on the March 10 ballot and offered several recommendations for Council consideration. There are existing sidewalks in the Village that are difficult to use due to obstructions and overhanging limbs. He asked Village administration to review these problem sidewalks and make sure that all existing sidewalk is useable. Kleppert asked administration to identify areas of sidewalk that are unsafe. He encouraged prompt maintenance of existing sidewalks and suggested that Council reverse its new policy to fund sidewalk maintenance and proceed with sidewalk repairs as it has done in the past.

Kleppert affirmed that the safety of children is a major factor in the proposal to construct sidewalks on major roads in the Village. Council approved the Pathways Plan. The millage proposal was a funding method for implementation of that plan as recommended by an advisory group appointed by Council. The voters indicated that they do not support the millage. Kleppert believes that there is a large group of residents who need and want sidewalks and who voted for the millage. He asked Council to listen to the groups who want sidewalks.

Mike Freedman of 32460 Evergreen Road congratulated the newly elected members of Council and thanked all residents who voted in the election. He stressed that Council members are elected at large to represent all of Beverly Hills. Freedman stated that the concept that the defeat of the millage issue was only a referendum on taxes is offensive. The villagers rejected the idea of sidewalks for a variety of reasons.

Ingrid Haddock of 32780 White Oaks Trail congratulated the newly elected Council members. She stated that the Committee For Sidewalks thanks the residents who supported the millage proposal during the election. They understood that the message of safety and connectivity is vital to the future of Beverly Hills. Haddock commented that many area communities see the value of having a walkable community. She referred to a recent Detroit Free Press article stating that sidewalks are one of the major components of smart growth in new urban thinking because they make communities less dependant on cars and create clusters of activity. Many older communities understand that, if they are to compete with new communities, they must think ahead into the future.

Bunker Kelly of 21526 Corsaut Lane congratulated members of Council who were elected last Monday. He thinks that most of the voters turned out because they care about our Village and they are concerned about the direction of the Council. Kelly believes that the vote was about leadership and vision. Council needs to listen to all sections of the Village and formulate an outline of the community's strengths and weaknesses and form a partnership with citizens with a vision for the future of the Village. Kelly will support Council in working towards these goals. He asked those residents who feel the same way to join him and a group of villagers for a better Beverly Hills. Kelly proposes to ask residents if they have ideas that will make our Village better and to share those ideas.

Jill Sickles of 17171 Kinross commented that a new homeowners association has been formed, the East Beverly Homeowners Association. It encompasses Beverly Road to 14 Mile Road and Southfield Road to Pierce. Sickles urged East Beverly Hills residents to join their homeowners association.

CONSENT AGENDA

Motion by Mooney, seconded by Pfeifer, to approve the Consent Agenda as follows:

- a. Review and consider minutes of a regular Council meeting held on Monday, March 3, 2003.
- b. Review and file bills recapped as of Monday, February 10, 2003.

Motion passed (7 – 0).

BUSINESS AGENDA

FIRST ANNOUNCEMENT OF VACANCY ON THE PLANNING BOARD

Schmitt announced that there is a vacancy on the Planning Board following Dan McCleary's election to Council. There will be a second announcement on April 7, and applications for the position will be received until Thursday, April 17. Schmitt encouraged residents interested in serving on the Planning Board to submit an application. They are available at the municipal offices or on the Village web site (www.villagebeverlyhills.com).

REVIEW AND CONSIDER GIFT OF LANDSCAPING IMPROVEMENTS AT RIVERSIDE PARK

Woodrow stated that the Parks and Recreation Board is interested in improvements to Riverside Park and unanimously supports a project funded by the West Beverly Homeowners Association for landscape improvements to that area.

Lillian Dean, coordinator of the Healthy Lawn and Garden Program for the Southeastern Oakland County Water Authority (SOCWA), was present with Ann Bernardini, president of the West Beverly Homeowners Association. Dean referred to a written report outlining the Riverside Park Landscape Improvement Project.

Beverly Hills is an active participant in the Rouge River Subwatershed Management Plan and Program. The area-wide plan for this section of the Rouge River calls on all municipalities to maximize community benefits in terms of public access and using and enjoying the river. The Riverside Park Landscape Improvement Project has been designed to help Beverly Hills meet these goals and to serve as an area-wide demonstration project with benefits for other Rouge River watershed communities. One of the objectives of the project is to enhance current recreational uses of the Park through removal of poisonous and invasive plants and through the planting of attractive native trees and shrubs. Dean stated that a group of volunteer gardeners and staff from the SOCWA program have assisted with site assessment and native shrub/tree selection. Village resident Howard Knorr prepared an inventory of the trees in the park. She remarked that the proposed planting date will involve the fifth graders at Beverly Elementary School.

The West Beverly Homeowners Association has offered to support the project financially. Ann Bernardini stated that the Homeowners Association views this project as an extension of its association goal to help improve the area with financial assistance and volunteers.

Dean addressed questions from Council members. She clarified that the written proposal identifies a range of plantings to be considered. The plan will be discussed and refined. The intent of the planting is to improve the existing areas where there are shrubs and keep those pathways open. There will be no change in the use of the park. Council supported the project and thanked the West Beverly Homeowners Association for its involvement.

Mike Freedman of 32460 Evergreen stated that he is an adjacent property owner and would like to be involved in the project. Dean encouraged his involvement.

Motion by Woodrow, seconded by Pfeifer.

Resolved that the Village Council accepts the generous contribution from the West Beverly Homeowners Association to proceed with the Riverside Park Landscape Improvement Project.

Motion passed (7 – 0).

REVIEW AND CONSIDER FIVE YEAR CAPITAL IMPROVEMENT PLAN

In order to provide effective financial planning and budgeting for the Village's capital needs, administration has prepared an updated five-year capital improvement plan (2003-2007) consistent with the Village's long-term capital goals. The plan highlights the proposed and expected projects for Major and Local Streets, Water and Sewer, General Capital Improvement Projects, and dedicated millage (Acacia and Beverly Park) funds for fiscal years 2003 through 2007. The plan also provides a review of fiscal year 2002 projects.

Woodrow noted that copies of the five-year capital improvement plan can be obtained at the Village offices.

Motion by Woodrow, seconded by Domzal.

Resolved that Council accepts the Five-Year Capital Improvement Plan for the Village of Beverly Hills (2002/03 to 2007/08) as presented by administration.

Woodrow pointed out that the Capital Improvement Plan recognizes that there is an anticipated shortfall in funding for the Acacia Drain project. Administration is working on a means to obtain the necessary funding to complete all necessary work. Woodrow also noted that the reserve for fire truck is under funded. The amount allocated to that fund should be increased in anticipation of purchasing a new apparatus when it is time to retire a fire truck. Woodrow remarked that this is a good plan and administration is working on covering these shortfalls.

Murphy presented a brief outline of the Five-Year Capital Improvement Plan and addressed questions and comments from Council and residents.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER BID RESULTS FOR 2003 SOUTHFIELD ROAD LANDSCAPING MAINTENANCE

Village administration secures 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. Six contractors were invited to bid on this service for the 2003 summer season. Two bids were received with a difference of \$429.00 between the quotes. The low bid from Johnson Landscaping is for \$4,106.00. This company has successfully performed this service for the Village for the past eight years and has been maintaining the sprinkler systems in the business district area and at the Village municipal building.

Motion by Pfeifer, seconded by Mooney.

Resolved that the 2003 landscape contract in the amount of \$4,106.00 to cover the landscaping maintenance work required in the Southfield Road Business District be awarded to Johnson Landscaping.

Roll Call Vote:

Motion passed (7 – 0).

SET PUBLIC HEARING DATE OF APRIL 21, 2003 FOR DRINKING WATER REVOLVING FUND APPLICATION

The Village is making application to the State for a low interest loan (2.5%) available through the Drinking Water State Revolving Fund for financing of the water main program. Woodrow set a public hearing date of April 21, 2003 for the Drinking Water State Revolving Fund application. Anyone interested can review a copy of the Project Plan at the Village offices or at the Baldwin Public Library.

PUBLIC COMMENTS

Bob Walsh of 20655 Smallwood Court asked if there will be another public notice in the Eccentric newspaper regarding the Drinking Water State Revolving Fund application. Murphy answered that a notice will be published in the Eccentric stating that the public hearing will be held on April 21, 2003 at 7:30 p.m. in the Village Council chambers.

REPORTS

MANAGER

There was a large turnout on election day with a significant number of absentee ballots requested and returned. Murphy thanked Ellen Marshall and her election workers for their fine effort this election season. He reported that approximately 30 residents came in on March 5th to sign up for summer pavilion rental.

Murphy announced that Oakland County will conduct a special test of the Tornado Siren Warning System tomorrow, March 18 at 10:30 a.m. March 16 through March 22, 2003 is Severe Weather Awareness Week.

Domzal commented that there have been inquiries from residents about the Acacia Sewer Project in terms of under funding and the apportionment of cost between Birmingham and Beverly Hills. He suggests that Council receive a short presentation on Acacia issues at an upcoming Council meeting and discuss alternative recommendations with respect to long term funding.

Murphy responded that he has asked Ryan to review the agreement between Birmingham and Beverly Hills, which created the district and determined the apportionment of cost. He stated that there are unknowns in terms of local improvements to our system. Council can discuss alternatives, but numbers are not available that would provide more direction.

COUNCIL COMMENTS

McCleary was pleased to see the high voter turnout at the March Election and hopes that residents continue to be involved. He commended the election workers on doing a great job. McCleary thanked the voters for their support, and he looks forward to serving the Village.

Schmitt supports the request that administration follow up on resident Norm Downey's concerns with regard to the Acacia sewer project. He thanked the people who worked on the Riverside Park Project including Stan Pasioka, Lillian Dean, Howard Knorr, Ann Bernardini, Carl Johnson, and Andrea Brink. Schmitt congratulated the newly elected Council members. He advocates everyone pulling together after a contentious election.

Woodrow thanked the West Beverly Homeowners Association for its contribution to the beautification of Riverside Park. He congratulated Domzal, Downey and McCleary on their election to Council and thanked Council member for their support in electing him President Pro-Tem.

Mooney welcomed McCleary to Council and congratulated Downey and Woodrow on their election to the positions of President and President Pro-Tem. Mooney commented that she drove by the park today and was pleased to see so many children in the play area.

The Groves High School garage sale will be held at Berkshire School on Saturday, April 5 from 9 a.m. to 3 p.m. Donations can be dropped off at Berkshire from 4-8 p.m. on Thursday, April 3 and from noon until 6 p.m. on Friday, April 4.

Pfeifer announced that the Birmingham Area Coordinating Council will hold its fund raising event, BASCC in the Glow, on Thursday, April 24 at the Townsend Hotel. The Birmingham Area Cable Board will meet this Wednesday, March 19 at 7:45 a.m. The Board will discuss an increase in Comcast's fees.

Pfeifer commented on the good response to the recent Village election. She thinks that one of the reasons for this was that absent voter ballot applications were mailed to some residents. Pfeifer would like a discussion during budget deliberations on the cost of mailing absent voter ballots to eligible voters.

Domzal congratulated Downey and Woodrow on being elected President and President Pro-Tem of Council. He suggested starting the healing process in the Village following a divisive election. Domzal is prepared to move towards finding ways to work together on the 98% of the things on which all Village residents agree, and he invites everyone to join in this effort.

Downey welcomed new Council member Dan McCleary and congratulated Hugh Woodrow on being elected as President Pro-Tem. He thanked Council for the vote of confidence by electing him Council President. Downey reminded members that he will be making liaison assignments for this Council session, and any particular preferences should be conveyed to him by the end of the week.

Downey stated that the Village decided not to apply for a 2003 Community Tree Planting Grant from the National Tree Trust and Michigan Department of Natural Resources. The Parks and Recreation Board did not think that the Village was appropriately prepared to support this program and fulfill the requirements for accepting 300 seedlings for planting in the park and other public property.

Downey mentioned the recent Village Election and talked about being a village and working together. He saw the future leaders of this Village getting involved in the community, and he saw a lot of people who care about Beverly Hills working to make it better. While there is one item that people do not agree on, there are many other items that the Village can work on together.

Motion by Pfeifer, seconded by Woodrow, to go into closed session to discuss labor negotiations.

Motion passed (7 – 0).

Council had a brief recess at 9:04 p.m. and met in closed session at 9:11 p.m.

Motion by Schmitt, seconded by McCleary, to return to open session at 9:36 p.m.

Motion passed (7 – 0).

Council discussed scheduling a work session on Tuesday, March 25 at 5:30 p.m. in the Council chambers.

Motion by Schmitt, seconded by Domzal, to adjourn the meeting at 9:45 p.m.

Motion passed (7 – 0).

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary