

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

Absent: None

Also Present: Public Services Director, Spallasso  
Assistant to the Manager, Pasioka  
Village Clerk, Marshall  
Director of Public Safety, Woodard  
Village Attorney, Ryan

### **ADDITIONS TO AGENDA – APPROVE AGENDA**

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

Motion passed (7 – 0).

### **PUBLIC COMMENTS**

Norm Downey of 23042 Nottingham Drive stated that residents are waiting for an explanation as to why \$1 million of the dedicated millage for sewer and road improvements is scheduled to build a sewer line in the City of Birmingham. He cannot understand an allocation for a sewer that is used exclusively for Birmingham residents. Downey maintains that Chapter 20 of the Michigan Drain Code states that apportionment shall take into consideration the benefits to accrue to each public corporation and also to the extent to which each public corporation contributes to the conditions that make the drain necessary. Downey believes that Birmingham reaps all the benefits and contributes all of the conditions that make the drain necessary; therefore, Birmingham should pay 100% of the cost. He asserts that allocation of sewer cost is only applicable when there are multiple users of the sewer.

President Doyle Downey clarified that Norm Downey is referring to an established drainage district and a contract between Beverly Hills and the City of Birmingham based upon that district. This is not an item before Council for consideration. N. Downey has received a letter from Village Attorney Ryan addressing this matter.

Ryan provided a history of this drainage district. Beverly Hills and Birmingham petitioned for a Chapter 20 Drain from the Oakland County Drain Commissioner about 40 years ago. The Drain Commissioner is in charge of this drainage district. The Drain Board met on a petition filed by both communities in the late 50's or early 60's and determined through methods recognized by engineering standards throughout the country that Beverly Hills would receive approximately 70% of the benefit of the drainage district by area and by runoff and Birmingham would receive approximately 30% of the benefit. Birmingham and Beverly Hills have entered into a working agreement to jointly administer this drain project in order to save 30%-35% in administrative costs that would be charged by the County to undertake a Chapter 20 Drain Project.

Ryan commented that Norm Downey is referring to a phase of the Acacia sewer project that will be constructed in the City of Birmingham. While Birmingham may be upstream of Beverly Hills,

the Village is still connected to Birmingham by this drain project that was established jointly by the two municipalities. There is nothing that warrants any further Council discussion.

Nanci Freedman of 32460 Evergreen congratulated the newly elected members of Council. Based on the strong voter turnout at the March 10 Election, Freedman asked Council to reconsider its position on mailing applications for absentee ballots to residents 60 years and older as a regular practice of Village elections. She thinks that strong voter turnouts should be encouraged.

Deborah Lujahn of 32807 Red Oaks Trail related that she and her husband purchased a home in Beverly Hills in the spring of 2001 and received their first water bill in January of 2002 in the amount of \$2,087.00. Lujahn has sent numerous letters to the Village Water Department requesting information concerning this bill. Their meter was checked and was determined to be working properly. Lujahn contends that it is impossible that she, her husband and child could have used that much water between September 11, 2001 and December 7, 2001. Lujahn distributed a packet of information to Council concerning this matter. She asked that the Village refrain from putting a tax lien on their home and that Council consider recalculating what is owed based on their average daily use of water.

Spallasso commented that a surprising amount of water can go through the system if there is a leaky tank. The Lujahn's meter has been tested and was found to be working properly. Administration cannot take any action in terms of recalculating a water bill without Council authorization.

John Mooney of 19111 Devonshire referred to a recent article that appeared in the Observer & Eccentric newspaper regarding the leadership of this Council. He does not believe that the defeat of the ballot proposal in the March Election is reflective of the citizen's rejection of the leadership of the Village. Mooney stated that he has been a close observer and sometimes participant in how this Council has operated over the past 18 years. He is extremely impressed with the effort and accomplishments of this council and preceding councils that have addressed issues of utmost importance to the community and maintains that the Village is a better place today than it was 10 years ago. People sitting on these Councils have initiated many improvements and have contributed to the finest community in Oakland County. Mooney proceeded to refute comments that appeared in the newspaper article and misstatements made prior to the Election.

Bunker Kelly of 21526 Corsaut Lane raised questions relative to a few items in the proposed budget that he hopes will come up during budget deliberations. He questioned how residents can offer feedback into the budget process. Kelly thinks that the voters have questions and doubts about the Village's leadership and that many want to participate in the decision making. He has put together a web site, [www.abetterbeverlyhills.org](http://www.abetterbeverlyhills.org), to serve as a forum and opportunity for people to share thoughts and ideas with Council and administration.

Mike Freedman of 32460 Evergreen expressed the view that Council does a good job. He commented on the decisive defeat of a dedicated millage to implement the Pathways Plan. Freedman remarked that, although residents may have different viewpoints, we are all in this together.

John Mooney of 19111 Devonshire commented further on the campaign conducted by those in opposition to the sidewalk dedicated millage.

### **RECOGNITION OF PUBLIC SAFETY OFFICER OF THE YEAR**

Mooney stated that each year a Beverly Hills Public Safety Officer is recognized as “Officer of the Year”. She introduced Public Safety Director Karl Woodard to present the award.

Director Woodard stated that the Public Safety Officer of the Year program began in 1997 and is promoted by Department members who nominate fellow officers for this honor. After consideration by an award panel, the nominee is sent to his office for final approval. This year’s process resulted in three nominees, Sgt. Jon Schultz, Officer Dan Gosselin, and Officer Mike Miles, all of whom are deserving of recognition.

This year’s recipient is Mike Miles. Miles has worked for the Department since August of 1997 as a sworn officer after working as a department aide for one year. Miles attended Oakland Community College for two years and received his firefighter certificate from a cadet program with the Waterford Fire Department. Since coming to the Department, Miles has continually displayed a healthy work ethic and motivated attitude towards police and fire work. He is named in 13 congratulatory thank-you letters from citizens. He has been awarded one individual commendation, two unit citations, one certificate of merit, and one life saving award. In addition to his public safety duties at the Village, Miles volunteers for the coaching staff of the Groves High School Junior Varsity football team.

Miles was nominated by Officer Howard Shock, last year’s Officer of the Year. Shock stated that “Mike Miles enters each shift with the opinion that one officer can make a difference. He is motivated by his desire to serve the community.”

Woodard presented a plaque to Officer Mike Miles, Officer of the Year 2002, for his outstanding dedication to the Public Safety Department and his exceptional commitment to the Village of Beverly Hills, helping to make it a safer place in which to live and work. Officer Miles thanked the Department for the great honor.

### **RECOGNITION OF VILLAGE ELECTION INSPECTORS**

Village Clerk Ellen Marshall recognized the Village Election Inspectors for their untiring efforts on Election day this year. For the second year in a row, the annual Village Election resulted in a recount. The Oakland County Board of Canvassers sent a group of people to the Village office to physically recount every ballot processed on Election Day. Marshall affirmed that we passed with flying colors! This year, 28 election inspectors processed 3,755 voters. Marshall thanked each election inspector by name.

On a sadder note, Marshall expressed condolences to the family of Dorothy Watson, who was an Election Inspector for the Village for at least the last eight years. She passed away two weeks ago after a brief illness. The election inspectors who she worked with faithfully year after year will miss her.

### **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 on Monday, March 17, 2003.
- b. Review and file bills recapped as of Monday, March 24, 2003.
- c. Review and file bills recapped as of Monday, April 7, 2003.
- d. Review and consider grant application for Department of Public Safety in-car videos.
- e. Review and consider grant application for Department of Public Safety fire equipment.

Motion passed (7 – 0).

## **BUSINESS AGENDA**

### **REFER JAHN CONSTRUCTION'S REQUEST FOR CLUSTER OPTION, SITE PLAN APPROVAL AND PRIVATE ROAD FOR THE PROPOSED ORCHARD VILLAS TO THE PLANNING BOARD FOR REVIEW**

Council is in receipt of a request for a proposed development submitted by James C. Merritt, principal member for Jahn Construction, L.L.C. on property located on Lahser Road just south of 14 Mile Road. The Planning Board will be asked to consider the request for development under the Cluster Option of the Zoning Ordinance, review the plans and make a recommendation to Council.

Motion by Domzal, seconded by Pfeifer, that plans for a proposed development submitted by James C. Merritt, principal member for Jahn Construction, L.L.C. be referred to the Planning Board for review and recommendation.

Roll Call Vote:

Motion passed (7 – 0).

### **SECOND ANNOUNCEMENT OF VACANCY ON THE PLANNING BOARD**

Domzal announced that there is a vacancy on the Planning Board to fill the balance of Dan McCleary's term to expire on June 30, 2005. The deadline for submitting applications for this position will be Thursday, April 17, 2003 at 5:00 p.m. Applications are available at the municipal offices or on the Village web site ([www.villagebeverlyhills.com](http://www.villagebeverlyhills.com)). A subcommittee will convene on Monday, April 21 at 7:00 p.m. to review applications and make a recommendation to Council on this appointment. Domzal encouraged interested residents to submit an application for this position.

Rose McLennan of 19977 Sunnyslope asked about necessary qualifications for appointment to the Planning Board.

### **REVIEW AND CONSIDER REQUEST BY THE JAYCEES TO HOLD ANNUAL EASTER EGG HUNT ON SATURDAY, APRIL 19, 2003**

Motion by Schmitt, seconded by Woodrow.

Resolved that Council approve the request from the Birmingham Area Jaycees to conduct their 14<sup>th</sup> Annual Easter Egg Hunt at Beverly Park on Saturday, April 19, 2003, waiving all fees for the use of the park. In addition, the Village will support the Jaycees with a

\$500 check from funds available in account 101-747-894 (Community Action: Special Events).

Todd Mortlock, President of the Birmingham Area Jaycees, thanked the Village for its continued support of this event. He outlined the activities that will take place as part of the Easter Egg Hunt.

Roll Call Vote:  
Motion passed ( 7 – 0).

**REVIEW AND CONSIDER GYPSY MOTH CONTRACT RENEWAL**

Before Council for consideration is the renewal of a three-year contract with biologist Stephen Metzger to monitor the Gypsy Moth egg mass levels in the Village. Spraying is initiated if egg mass levels reach threshold levels. The last time spraying was required in the Village was 1996.

Motion by Woodrow, seconded by Domzal.  
Resolved to accept the terms of the three-year Gypsy Moth Population Monitoring Services agreement with biologist Stephen Metzger for the years 2003-04, 2004-05, and 2005-06 for a sum of \$2,000 annually, plus an additional \$1,000 if spraying is required. Money for this service is available in the Public Works: Gypsy Moth Spray account #101-441-939.

Questions from Council members were addressed by administration. Continued monitoring of Gypsy Moth infestation is advised.

Roll Call Vote:  
Motion passed (7 – 0).

**SET DATE FOR PUBLIC HEARING TO REVIEW AND CONFIRM 2002 ASSESSMENT ROLLS FOR DUST AND OTHER MISCELLANEOUS ASSESSMENTS**

Motion by Pfeifer, seconded by Mooney, to set the date of Monday, April 21, 2003 for a public hearing to review and confirm 2002 Assessment Rolls for dust and other miscellaneous assessments.

Motion passed (7 – 0).

**BUDGET – RECEIVE TENTATIVE BUDGET AND SET PUBLIC HEARING DATE FOR 5-5-03**

Village administration has prepared and distributed to Council a proposed budget for the 2003-2004 fiscal year.

MOTION by Pfeifer, seconded by Mooney, to set a public hearing date of May 5, 2003 on the fiscal year 2003/04 budget.

Domzal remarked that the budget is also a management tool. Objectives were established last year for the current fiscal year, and the proposed budget establishes new objectives. He

suggested that it would be appropriate for Personnel Committee activities to be coordinated with the budget process in terms of measuring performance objectives set forth by our departments over the past year.

Mooney mentioned that the tentative budget is available for review at the Village offices.

Motion passed (7 – 0).

#### **DISCUSSION ITEM – PUBLIC SAFETY ANNUAL REPORT**

Director of Public Safety Woodard presented the Department of Public Safety 2002 Annual Report, which reflects the experiences, trends and accomplishments of the Department in narrative sections and statistical summaries. Copies of the Annual Report are available at the Public Safety Department building and at the Village offices for public review.

The Calls-for-Service remained generally unchanged for 2002 over last year's requests (4,615 from 4,627). Part A Index Crimes are the more serious crimes including murder, forcible sexual offenses, robbery, aggravated assault, home invasion, larceny, auto theft and arson. These crimes decreased in Beverly Hills by 45% in 2002 over 2001 incidents (110 from 200). Much of this is due to a 50% reduction in larceny reports. Woodard outlined ways that property owners can help prevent larcenies. Statistics for these eight categories are reported to the FBI through the state of Michigan and will be published nationally in August, 2003.

Part A Non-Index crimes are represented by assaults, kidnapping, vandalism, weapons offenses, forgery/fraud/embezzlement, other sex offenses, narcotics, etc. These crimes decreased in 2002 by 4.5% from 2001 incidents (128 from 134). While assaults and vandalism decreased, there were increases in fraud and narcotics.

Part B crimes saw an increase in 2002 of 9.4% from 2001 incidents (198 from 181). There were increases in OUIL cases (from 30 to 41); other areas saw decreases including bad check cases, non-violent family offenses and liquor law violations.

Total traffic accidents in the Village were down by 8% from 2001 with property damage and personal injury both showing decreases for the year. There were no fatal accidents in the Village. Fire emergency calls increased 48% in 2002. There were no civilian fire fatalities this year in Beverly Hills. Emergency Medical calls-for-service increased by 6% over 2001 requests.

Alarm calls-for-service, a majority of which are false alarms, decreased in 2002 by 11% (690 to 614). Woodard remarked that the Council passed an updated alarm ordinance that became effective for enforcement on January 1, 2003. This category will receive continued scrutiny for an anticipated downturn at those locations which have been of a nuisance nature.

Council members commended Director Woodard and the entire Public Safety Department staff for its performance over the last year.

## **PUBLIC COMMENTS**

Norman Rubin of 31020 Rivers Edge Court asked if the Public Safety Department Annual Report and the Village's proposed budget for 2003/04 will be available for review on the Village web site. He was informed that the PSD Annual Report will be posted on the Beverly Hills Department of Public Safety web site ([www.beverlyhillspolice.com](http://www.beverlyhillspolice.com)). The proposed 2003/04 Village budget will not be on the Village's web site but is available for review at the Village offices.

Bunker Kelly of 21526 Corsaut addressed comments made earlier in the evening relative to the election rhetoric. He urged residents to work together to build a strong, healthy, and wise Village.

## **REPORTS**

### **MANAGER**

In the Village Manager's absence, Spallasso recognized the Public Works Department for a job well done during the recent snow and ice storms.

### **COUNCIL**

McCleary thanked the Public Safety Officers for their fine efforts throughout the year. He thanked the Birmingham Area Jaycees for the great job that they do with the Easter Egg Hunt.

Mooney congratulated Officer Mike Miles for being awarded the title of Officer of the Year. She noted that two items in the Consent Agenda deal with Public Safety Department grant applications. Mooney commended Director Woodard for his efforts in going after grant money.

Mooney is the Council liaison to the Birmingham Public Schools. She will keep Council and the community updated on the School District bond proposal that will be coming up next year.

Pfeifer announced that the Birmingham Area Seniors Coordinating Council will hold its annual membership meeting and luncheon on April 15, 2003 prior to the BASCC Board meeting. She reminded everyone that the annual fundraiser, BASCC in the Glow, is scheduled for April 24 at the Townsend Hotel.

Pfeifer reported that Birmingham Area Cable Board members held a spirited discussion at their last meeting with the representative from Comcast regarding the recent rate increase. She read an excerpt from the minutes of the March 19 meeting: "Hollinshead stated that he thinks it is time for this Board to send a message to Comcast corporate headquarters in Philadelphia indicating that this consortium does not endorse the recent rate increase. Hagaman suggested that the Board draft a letter to our representatives in Washington stating its position on the rate increases. Other consortiums in the area may choose to join in this effort. She will contact the Eccentric newspaper reporter and request coverage on this issue." The next meeting of the Cable Board will be held on Wednesday, April 16 at 7:45 a.m.

Schmitt stated that he was appointed as Council liaison to Southfield Township in an effort to improve communication between the two government bodies.

Schmitt referred to an article in the Sunday edition of the Observer Eccentric newspaper featuring the wood carving talents of resident Don Greening. Schmitt remarked that Don Greening built and donated the bridge at the Beverly Park pond. Schmitt mentioned that a gazebo will soon be erected in Beverly Park near the pond as a result of private donations.

Schmitt commented on the water bill status presented to Council earlier in the meeting by Deborah Lujahn. He suggested further investigation into this situation and a possible mechanism by which to resolve these types of occurrences.

Domzal stated that the Planning Board will be meeting on Wednesday, April 9 to review a proposed cluster option development submitted by James Merritt. The Board will continue its review of proposed amendments to the Village Zoning Ordinance designed to incorporate the recommendations and guidelines of the Commercial Site Development Handbook into regulations and standards that can be enforced through the Zoning Ordinance.

A joint meeting of the Council and Planning Board is scheduled for May 14, 2003. The topics of discussion will include proposals for planning consultant services, the 14 Mile Road Corridor Study, Southfield Road Corridor Study, and how to proceed with updating the Village Master Plan.

Domzal commented that we live in a safe community thanks to the fine job done by Director Woodard and the Public Safety Department. He noted that the Village spends about 60% of its operating revenue on the Public Safety Department. Domzal suggests that Council allocate time to talk about the public safety operation and long-term trends.

Domzal thanked Village Clerk Ellen Marshall and the Election Inspectors for doing a great job during a difficult election.

Downey shared information with Council on a SEMCOG training opportunity that is available next week. He commented on recent innovative ideas that suggest to him that the Village may want to reconsider its bidding/design/build procedures.

Downey encouraged Village residents to become involved in the community and to participate on Village boards.

Motion by Domzal, seconded by Woodrow, to adjourn the meeting at 9:13 p.m.

Motion passed (7 – 0).

**Doyle Downey**  
**Council President**

**Ellen E. Marshall**  
**Village Clerk**

**Susan Bernard**  
**Recording Secretary**