

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

Absent: None

Also Present: Village Manager, Murphy
Assistant to the Manager, Pasieka
Director of Public Safety, Woodard
Finance Director, Wiszowaty
Village Clerk, Marshall

ADDITIONS TO AGENDA – APPROVE AGENDA

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

Motion passed (7 – 0).

PUBLIC COMMENTS

There were no comments from the public.

CONSENT AGENDA

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

- a. Review and consider minutes of a regular Council meeting held on June 2, 2003.
- b. Review and consider minutes of a special Council meeting held on June 5, 2003.
- c. Review and file bills recapped as of Monday, June 16, 2003.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER 2002/2003 FISCAL YEAR BUDGET AMENDMENTS

Pfeifer stated that it is necessary to make adjustments to the 2002/03 budget as the Village is nearing the end of the fiscal year. The State Uniform Budgeting Act requires that Council reallocate budget appropriations in any department that exceeds the budget amount approved without changing the total budgeted amount. Proposed budget amendments also reflect transfers or reserves from the General Fund to other operating funds.

Council is in receipt of worksheets outlining adjustments needed to the 2002/03 adopted Village budgets for the General, Major Road, Local Road and Water & Sewer Operating Funds. Questions and comments on the budget amendments were addressed by Pfeifer and Murphy.

Motion by Pfeifer, seconded by Woodrow.

Resolved to authorize Village Administration to transfer or reserve monies as stated in the memorandum from the Village Finance Director dated June 13, 2003.

Roll Call Vote:

Motion passed (7 – 0).

Motion by Pfeifer, seconded by Schmitt.

Resolved to amend the 2002/2003 General Fund, Major Road Fund, Local Road Fund and Water & Sewer Operating Fund budgets as noted in the memorandum from the Village Finance Director dated June 13, 2003.

Roll Call Vote:

Motion passed (7 – 0).

THE 2002/2003 VILLAGE BUDGET AMENDMENT MEMO IS ON FILE AT THE VILLAGE OFFICES FOR PUBLIC REVIEW.

The auditors have recommended that the Village budget for all special revenue funds during the budget process. Three additional special revenue fund budgets were included for the following funds during the 2003/04 fiscal year budget process: Retiree Health Care Fund, Vacation Reserve Fund, and Sick Leave Reserve Fund. The Village did not budget for these items in the 2002/03 fiscal year. The following resolutions adopt budgets for these three funds.

Motion by Pfeifer, seconded by Woodrow.

Resolved that the Village of Beverly Hills Council adopt the 2002/03 Retiree Health Care Budget in the amount of \$321,591 for revenues and \$271,000 for expenditures.

Roll Call Vote:

Motion passed (7 – 0).

Motion by Pfeifer, seconded by Mooney.

Resolved that the Village of Beverly Hills Council adopt the 2002/03 Vacation Reserve Budget in the amount of \$25,200 for revenues and \$2,300 for expenditures.

Roll Call Vote:

Motion passed (7 – 0).

Motion by Pfeifer, seconded by Domzal.

Resolved that the Village of Beverly Hills Council adopt the 2002/03 Sick Leave Reserve Budget in the amount of \$14,200 for revenues and \$0 for expenditures.

Roll Call Vote:

Motion passed (7 – 0).

SET PUBLIC HEARING DATE OF JULY 8, 2003 ON REQUEST FROM JAHN CONSTRUCTION FOR CLUSTER HOUSING DEVELOPMENT AND PRIVATE ROAD

At its June 11, 2003 meeting, the Planning Board reviewed a site plan from Jahn Construction for a six-unit cluster housing development at 32549 Lahser Road. Domzal outlined the proposal and summarized outstanding issues to be addressed in a revised site plan. The Planning Board will hold a public hearing on this proposal on Wednesday, June 25, 2003. Council set Tuesday, July 8, 2003 for a public hearing on the site plan and private road for the Orchard Villas Development.

SECOND READING OF ORDINANCE #315 AMENDING CHAPTER 3 OF THE MUNICIPAL CODE, BEVERLY HILLS RETIREMENT

Woodrow conducted the second reading of Ordinance #315 to Amend Chapter 3, Section 3.08, Retirement System Established, of the Village of Beverly Hills Municipal Code. The proposed ordinance amends sections addressing war service credit, voluntary retirement, straight life pension, deferred retirement, expense fund, assignments prohibited, and provisions to assure qualification under the Internal Revenue Code. The ordinance amendments are consistent with State Law, contract negotiations with the Beverly Hills Public Safety Department, and with the Internal Revenue Code. Copies of the Ordinance are on file for public review at the Village offices.

Woodrow mentioned that a question raised at the first reading relative to specific wording in the War Service Credit section has been addressed, and the proposed language is appropriate.

Motion by Woodrow, seconded by McCleary, that the Village of Beverly Hills Council adopt Ordinance No. 315, An Ordinance to Amend Chapter 3, Section 3.08, Retirement System Established, of the Village of Beverly Hills Municipal Code.

Motion passed (7 – 0).

REVIEW AND CONSIDER PROPOSALS FOR ASPHALT RESURFACING

Bids were received for the construction of the 2003 bituminous resurfacing program. The low bid was submitted by Summit Transport, Inc. of Brighton, Michigan for a total cost of \$382,425.00. The Village is familiar with this company, which was the low bidder for the Beverly Park Improvement Project. References were checked by consulting engineers Hubbell, Roth & Clark and found to be satisfactory.

Motion by McCleary, seconded by Mooney.

Resolved to award Contract R-03-03, 2003 Bituminous Resurfacing Program to Summit Transport, Inc. of Brighton, Michigan for the low bid amount of \$382,425.00, contingent upon contractor submitting all proof of insurance and bond coverage and favorable verification of references.

Questions from Council relative to funding for this project and to the overall road paving program were addressed by Murphy.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER RECOMMENDATION FROM RETIREMENT BOARD

The Retirement Board met on May 20, 2003 and reviewed the actuarial valuation report as of December 31, 2002, the purpose of which is to measure the Beverly Hills Public Safety Department Retirement System's funding progress and determine the contribution rate for the ensuing fiscal year. Due to the recent state of the economy and unfavorable investment experience, the Pension Fund has lost \$4 million in the last couple of years. Woodrow

emphasized that the System remains fully funded and is doing well in comparison with funds of other communities in the area.

Based on recommendations from the Village actuarial firm, the Retirement Board recommends to Council that the Village contribute to the Pension Plan in the amount \$54,203 within this calendar year. Murphy outlined the issues that play into meeting actuarial goals for funding the pension plan.

Council weighed a number of relevant factors to determine whether it could defer contributing to the pension fund at this time in anticipation that losses may be offset by market gains in the next quarter.

Motion by Woodrow, seconded by Schmitt, to table consideration of a Village contribution to the Beverly Hills Department of Public Safety Retirement System until the Council meeting of September 2, 2003.

Ayes - Downey, McCleary, Mooney, Pfeifer, Schmitt, Woodrow

Nays - Domzal

Motion passed (6 – 1).

REVIEW AND CONSIDER PROPOSALS FOR SLED HILL IMPROVEMENTS

Schmitt stated that the Park Master Plan and the dedicated park millage provide for improvements to the sled hill. Last year consulting engineers Hubbell, Roth & Clark obtained contractor bids for the sled hill work at costs in excess of \$70,000. The Parks and Recreation Board rejected those quotes due to high costs and has scaled back the project. The current proposal is to have a handrail on the sled hill professionally installed and to purchase material with the plan that boy scouts and volunteers will provide the labor to build new steps and install landscaping.

Pasieka has obtained competitive bids for the handrails based on HRC drawings and specifications. The low bid was from American Fence Company in the amount of \$11,276.00. References have been checked and the reports have been positive. The project has the support of the Parks and Recreation Board. Money has been budgeted for this work.

Motion by Schmitt, seconded by Mooney.

Resolved that American Fence Company of Oak Park be awarded the Beverly Park Sled Hill Fence Project contract in the amount not to exceed \$11,276.00 contingent on receiving the appropriate bonds and insurance to complete the job in accordance with the plans and specifications developed by Hubbell, Roth & Clark. Funds for this Park Master Plan item are available in Capital Park Site Improvements: account 408-900-985.00.

Questions on the project were addressed by Pasieka.

Roll Call Vote:

Motion passed (7 – 0).

PUBLIC COMMENTS

Amarjit Chawney of 32850 Longbow Court, commented that he is the developer of Woods of Turnberry Subdivision on Lahser Road, a subdivision of 11 quality homes. He related that he provided a tree preservation easement at the time he developed this subdivision. Chawney related circumstances that led to the removal of a large tree on a remaining building site in the subdivision. It was his judgment that the tree was too close to the foundation of the house and would not survive.

Chawney was contacted today by the Village building official, who directed him at the request of the Village Manager to send a \$5,000 check to the Village for violation of the tree preservation and maintenance easement agreement. He distributed drawings showing the proposed residence and the location of the tree.

Downey encouraged Mr. Chawney to speak with administration following the meeting or contact staff during normal business hours to attempt to resolve this matter. If Chawney does not feel that the outcome is satisfactory, Council is the final arbiter.

Sharon Tischler of 21415 Virmar Court, Southfield Township Clerk, clarified that Southfield Township Board meetings are not televised by Comcast because the Township is not part of the cable consortium in this area. Her comment was in response to a statement made at the last Council meeting.

REPORTS

MANAGER

Murphy reported that the House Appropriations Committee considered the budget bill last week and reported it out without any further changes to State Shared Revenue. That means that our reduction in State Shared Revenue will not change by formula. There is still an issue of the State meeting revenue estimates, which administration will continue to follow.

The Senate Natural Resources and Environmental Affairs Committee recommended approval of the bill that establishes a new administrative fee for the National Pollution Discharge Elimination System program. The administrative fee will affect Beverly Hills directly and indirectly. Directly: the State will assess the Village with a \$6,900 fee for the Acacia Drain RTB. The Village will also likely see an assessment in the future on the Storm Water discharge permit. Indirectly: it is likely that the DWSD Waste Water Treatment Plant will assess its \$260,000 fee against wholesale and retail customers. Beverly Hills can expect an increase as a result.

Murphy stated that an inspection of Beverly Park found over 60 diseased Ash trees with about 30 of the trees located within the wet-woodlands along the path. The rest of the diseased trees are in various locations throughout the park. Village staff expects to receive proposals for the removal of the trees in the near future. Even with the removal, there is a significant population of Ash trees at Beverly Park that will require future attention. We expect to conduct an inspection of the Douglas-Evans Nature Preserve where there is another significant population of Ash trees.

Pfeifer mentioned that problems with the emerald ash borer have been experienced in her subdivision. There was concern that diseased trees would endanger other Ash trees. Two

arborists have been consulted, and it was learned that the damage is done at this point in the year. For this reason, Pfeifer suggests that the Manager consider contracting to have the diseased trees in the park removed in the winter in order to realize a considerable savings.

Pfeifer remarked that the June 2 regional update from SEMCOG indicates that the organization has recently published community profiles, a synopsis of the 2000 census. These volumes are available free-of-charge to SEMCOG members. Murphy will obtain copies for the Village files.

Mooney observed that a section of fence at the south end of Acacia Park cemetery on Southfield road has been missing for over a month. She asked Murphy to make the appropriate phone calls to remedy this situation.

Mooney questioned the status of the park survey mailed to residents in the last Villager newsletter. Pasieka will provide a copy of the survey results to Council members.

COUNCIL

Schmitt stated that the Parks and Recreation Board will meet on Thursday, June 19 at 7:30 p.m. in Beverly Park. The area fireworks display will take place at Lincoln Hills on Thursday, July 3. Suggested parking is at Seaholm or Berkshire.

Schmitt expressed the view that it is time that Beverly Hills take a look at becoming a city. This issue has been investigated several times. Beverly Hills became a village in 1958. The status of the village was reviewed in 1968, 1977 and a cursory review in 1986. Schmitt listed a number of things that have changed since the last comprehensive investigation of this issue took place. He noted that there may be additional advantages from the state, which were not available previously or were overlooked. Schmitt discredited a few urban legends associated with becoming a city.

Schmitt is not sure it is to our advantage to become a city, but it does not cost anything to investigate a change to city status. He thinks that Council has a fiduciary responsibility to residents to explore this topic.

Schmitt stated that the River Rouge Clean Up took place on Saturday, June 7. A debt of thanks for their efforts is owed to Lillian Dean from SOCRRA, Stan Pasieka, and Andrea Brink. An individual who deserves tremendous credit for his hard work is Howard Knorr, a dedicated resident who organized people to work on cleaning up the river banks.

Last Saturday a group of Council members including Dan McCleary and his daughter Emily, Janet Mooney, Dave Domzal's wife Theresa, and Phil Schmitt stained the newly erected gazebo at Beverly Park.

Schmitt reminded everyone that this Sunday, June 22 is the Village Woman's Club Garden Walk. People can meet at Beverly Park any time after 10:00 a.m.

Domzal reported on the Planning Board meeting held on Wednesday, June 11. It was an opportunity to meet the new planners Brad Strader and Caryn Wenzara from Langworthy, Strader and LeBlanc. Domzal thinks that the transition to the new planning firm will be smooth. Domzal briefed Council on interesting ideas presented at the last Planning Board meeting relative to incorporating guidelines contained in the Village's site development handbook for non-residential property into regulations. The planners suggested incorporating design regulations in one design standards chapter of the ordinance.

Domzal noted that an issue to consider will be how the new ordinance will affect existing non-residential property. He will urge discretion as design standards are implemented for non-residential structures and commercial buildings. There should be some discretion on the part of the Planning Board and Council in terms of reviews and approvals in order to provide a transition.

The 14 Mile Road corridor plan was another topic that was discussed at the Planning Board meeting. The planning consultants will provide graphics showing alternative layout concepts for residential dwellings in the study area. Strader suggested an alternative to proceeding with an overlay district. It was suggested that the Village could create a zoning district and adopt an ordinance but not rezone property until a developer submits a good project. Domzal thinks that a creative approach may move the Village forward on this issue.

Mooney reported that the Birmingham Board of Education administration has been authorized to proceed with legal steps for three ballot questions for a vote on September 30, 2003. The first proposal will be for a bond issue of \$102.8 million to address the needs of the district's elementary and middle schools. The second proposal is for a bond issue of \$32 million for physical education and athletic improvements at the high schools. The third proposal will ask voters to authorize a levy of up to 1 mil annually for 10 years to establish a sinking fund.

Mooney commented on the experience of staining the gazebo with Phil Schmitt last Saturday. She presented him with a "big dripper" award. The gazebo looks great.

Pfeifer will attend the monthly board meeting of the Birmingham Area Seniors Coordinating Council tomorrow afternoon, June 17, at 1:30 p.m. The Birmingham Area Cable Board will meet on Wednesday, June 18 at 7:45 a.m. at Village Hall.

Pfeifer thanked members of Council who gave up their time last weekend to stain the gazebo near the pond in Beverly Park. She appreciates the work of Council, the Parks and Recreation Board and administration in facilitating this project.

Pfeifer reminded the public that the next Council meeting will be held on Tuesday, July 8.

Downey asked that the Manager continue to provide Council and the public with updates and information on the emerald ash borer.

Downey stated that Governor Granholm will address the SEMCOG assembly in a couple of weeks. There are a number of community issues to be discussed.

Downey highlighted a letter from a resident regarding the future of the 14 Mile Road corridor. He commented on the important recreational services provided by the Beverly Hills Little League.

Downey stated that the entryway signs are not all in place because the project was designed to extend over a two-year period. Murphy remarked that consideration of the balance of the program will come before Council at its July 8 meeting.

Motion by Mooney, seconded by Domzal, to adjourn the meeting at 9:02 p.m.

Motion passed (7 – 0).

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary