

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

Absent: Schmitt

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

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

Motion carried.

PUBLIC COMMENTS

Harold Milinsky of 32467 Evergreen asked for clarification on items discussed at recent Council meetings. He understands that Council authorized an expenditure of \$5,000 for a Master Plan study. Downey clarified that a proposal was accepted from the Village planning consultant for a Village Master Plan update, which is required by law.

Milinsky asked if consideration will be given to including the Pathways Plan into the Master Plan as was indicated by a Council member. Downey responded that the Pathways Plan has been adopted by the Council. It will be decided by Council whether to consider incorporating existing sub-plans into the Master Plan. It was explained that the proposal for updating the Master Plan includes only technical updates within the framework of the current plan. The work will include updating technical statistics in accordance with 2000 census data and updating current visions, goals and objectives.

Milinsky asserted that the March election set forth the voters' choice relative to pathways, which should be a dead issue. Village Attorney Ryan reiterated that there is an approved Pathways Plan for the Village. The implementation of that plan was defeated by the electorate in March. Whether the Pathways Plan will ever be implemented is unknown.

Milinsky inquired about the city vs. village issue. Downey answered that this has been a topic of discussion at a Council meeting and that meeting minutes are available at the Village office or on the Village web site (www.villagebeverlyhills.com).

Douglas G. Bandol, resident of the Woods of Turnberry development, submitted a letter to Council and Village officers at the last Council meeting with an attached copy of a signed agreement between the Village and developer. He questioned how the Village will compel the

developer to perform everything he agreed to at the time the development was approved. Bandol stated that the two lots mentioned in his letter have been cleared of brush since the last meeting.

Murphy responded that the Village has received time lines from the developer as to when certain things would be accomplished. Those time lines have not been met, and there are outstanding issues. Murphy will meet with Village Attorney Ryan to discuss how the Village will proceed if the developer does not perform as stated.

Norman Rubin of 31020 Rivers Edge Court questioned the status of a Village rental inspection ordinance. He was informed that Council has considered a proposal for a landlord-tenant ordinance and has discussed what it wants to achieve with the ordinance. Administration was directed to bring the issue of a rental inspection ordinance before Council in September for further discussion. A report on the activities of the code enforcement officer will be presented at that time.

Kevin Good of 20760 Kennoway submitted a petition to Council regarding drainage issues on Kennoway. The petition signed by area residents states: “We the undersigned homeowners of Kennoway Circle and Kennoway Court petition the Village of Beverly Hills for the following:

1. A special meeting with the Village engineer to present all documentation relating to the existing plans for drainage of properties associated with Kennoway Circle and Kennoway Court. At this meeting the Village engineer will explain how our drainage system is supposed to work and how it is in compliance with existing municipal codes.
2. A timetable for the repair of drainage system allowing for the completion and verification for repairs no later than November 1, 2003.
3. A specific drainage maintenance schedule addressing the unique needs of non-paved streets. This maintenance schedule shall include specific benchmarks for re-trenching or re-grading and an understanding and acknowledgment that these repairs are necessary and are the result of neglect and, as such, shall require no additional fees, taxes, or assessments to the homeowners of Kennoway.”

CONSENT AGENDA

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

- a. Review and consider minutes of a special Council meeting held on June 16, 2003.
- b. Review and consider minutes of a special Council meeting held on July 21, 2003.
- c. Review and consider minutes of a regular Council meeting held on July 21, 2003.
- d. Review and file bills recapped as of Monday, July 28, 2003.

Motion carried.

BUSINESS AGENDA

SET PUBLIC HEARING DATE OF 8-18-03 ON REQUEST FROM JAHN CONSTRUCTION FOR FINAL SITE PLAN AND PRIVATE ROAD APPROVAL

Jahn Construction is proposing a six-unit cluster home development on the west side of Lahser Road south of 14 Mile Road. Council approved the preliminary site plan for this development at 32549 Lahser Road at its July 8, 2003 meeting. The Village Planning Board will review the final site plan at its next meeting and make a recommendation to Council. The next step in the process is for a public hearing and Council review and approval of the final site plan and private road.

Domzal related that the final site plan is available for public review at the Village offices as well as the Easement Maintenance Agreement. Council set the date of August 18, 2003 for a public hearing on the final site plan and private road for Orchard Villas.

REVIEW AND CONSIDER AMENDMENTS TO PERSONNEL POLICIES AND PROCEDURES MANUAL

The Village of Beverly Hills Personnel Policies and Procedures Manual was adopted by Council one year ago with the idea that it would be reviewed on an annual basis. Before Council for consideration is a proposal to incorporate five amendments that are additions to the Personnel Manual. These documents are available for public review at the Village office.

Motion by Domzal, seconded by Pfeifer.

Resolved that Council adopt five amendments to the Village Personnel Policies and Procedures Manual regarding the following topics: Accidents Involving Village-Owned Vehicles, Credit Card Policy, Lunch Hours and Scheduling Time Off, Health Insurance Portability and Accountability Act, and Soliciting on Village Property.

Comments and questions were addressed by Murphy. A change was suggested to the Credit Card Policy to have the Village Manager and not Council review bills associated with credit card billing before payment. Another change was made to state that “The Finance Director/Village Manager shall review each credit card billing...” Council concurred with these amendments.

Roll Call Vote:

Motion carried (6 – 0).

REVIEW AND CONSIDER ORGANIZATIONAL AND COUNCIL POLICIES MANUAL

The Organizational and Council Policies Manual is a compilation of policies that prior councils have enacted. Domzal believes that this document will provide for better government and consistency between past and sitting councils. He thanked Village Clerk Marshall and Manager Murphy for assembling the material. It is a living document that can be reviewed and amended from time to time. Domzal suggested that this manual is appropriate for inclusion in the Village web site since it represents Beverly Hills policies that have been adopted at public meetings by Council.

Council has received copies of the proposed manual for review. Domzal understands that there may be items that were not approved verbatim by a prior Council. Therefore, he suggests that the document be considered for approval and reaffirmation.

The major items listed in the Index include: Council Procedures, Procedures for Boards and Committees, Facilities Procedures, Right-of-Way Procedures, and General Procedures that deal with such items as use of technology, Internet and e-mail.

Domzal referred to a section of the manual that sets forth the procedure by which appointments are made to Village boards. He also mentioned provisions for forming an advisory committee, ethical standards for Village officials and Council members, and a policy dealing with gratuities such as flowers for employees or their family members who are hospitalized.

Motion by Domzal, seconded by McCleary.

Resolved that the Organizational and Council Policies Manual be adopted to the extent of adopting new policies and reaffirming existing policies; it is further resolved that the adopted policies supercede all past policies to the extent that they are in conflict with the adopted policies.

Pfeifer referred to the section establishing Village Boards and Committees. She would like to see language added that specifies qualifications required to serve on Village Boards. Pfeifer noted that the Charter provides requirements for serving on Council. A candidate must be a qualified elector and a resident of Beverly Hills for a specified amount of time. She will propose a motion requesting administration to draft a policy to this effect following Council action on the motion on the floor.

Pfeifer referred to wording in the Ethics section of the manual under Full Disclosure. She offered an amendment to the motion on the floor to add text to the following sentence: “No village officer, official or employee of the Village shall participate, as an agent or representative of the Village, in approving or disapproving, voting, abstaining from voting, recommending or otherwise action upon any matter in which he or she has a direct or indirect monetary and/or personal interest without disclosing the full nature and extent of their interest. The motion failed for lack of support.

Further comments and questions on the proposed manual were addressed by Murphy. A couple of corrections and changes suggested by Council will be incorporated into the document by friendly amendments accepted by Domzal and McCleary. A copy of the Organizational and Council Policies Manual will be on file for public review at the Village offices.

Roll Call Vote:

Motion carried (6 – 0).

Motion by Pfeifer, seconded by Mooney.

Resolved to direct administration to prepare an addition to the Organizational and Council Policies Manual to specify qualifications for individuals serving on Village Boards and Committees.

Roll Call Vote:
Motion carried (6 – 0).

REVIEW AND CONSIDER FINAL PAYMENT TO CADILLAC ASPHALT FOR CONTRACT R-01-01 C.O. #1 (02)

The Village awarded a contract to Cadillac Asphalt Paving Company in October, 2001 for the resurfacing of 3.7 miles of primarily local streets. A change order to the contract at the same unit prices was issued for the 2003 resurfacing program that included an additional 1.9 miles. The project has been completed. The final cost of both programs is \$737,911.98, which is approximately \$34,000 under the budgeted amount.

Motion by McCleary, seconded by Mooney.
Resolved to approve final payment to Cadillac Asphalt Paving Company in the amount of \$10,000 for the completion of contract #R-01-01 and C.O. #1 (02).

Roll Call Vote:
Motion carried (6 – 0).

ACCEPT RESIGNATION FROM JOHN W. SMITH AND MAKE FIRST ANNOUNCEMENT OF A VACANCY ON THE PLANNING BOARD

Domzal stated that Planning Board member John W. Smith has notified the Village that he will be leaving Beverly Hills temporarily. He has accepted a pro bono position and will be teaching at two Indian Reservations in North Dakota for the 2003 fall term. Domzal commented on the valuable knowledge and many contributions John Smith has brought to the Planning Board over the years. Council wishes him well on his sabbatical.

Domzal made the first announcement of a vacancy on the Planning Board. Applications are available at the Village office or can be downloaded from the Village web site (www.villagebeverlyhills.com).

Domzal read from the Village Policies Manual on appointment of members to boards and committees with respect to consulting with the board chairperson concerned on the chosen candidates. This provision has not been followed. Domzal offered a suggestion regarding how to involve the board chairperson in the process of interviewing candidates.

Motion by Domzal, seconded by Mooney, to accept the resignation of John W. Smith from the Village Planning Board effective August 15, 2003.

Pfeifer and Downey thanked John Smith for his 20 years of service on the Planning Board and his tremendous impact on the Village.

Motion carried.

REVIEW AND CONSIDER PURCHASE OF SIX SELF-CONTAINED BREATHING APPARATUS FOR THE PUBLIC SAFETY DEPARTMENT

The fiscal year 2003/04 budget contains funds for Self Contained Breathing Apparatus (SCBA) equipment to include new air cylinders and upgrades to existing harness units. The six new cylinders will replace out-of-date units that can no longer pass mandatory hydrostatic testing. Equipment upgrades to four remaining harness units will bring the entire inventory of 14 units up to the same level of safety and function, a project that began last fiscal year.

The prices quoted for equipment are from Apollo Fire Equipment of Romeo, Michigan, the sole and exclusive distributor of MSA breathing apparatus in this area of the state. The Public Safety Department Capital Budget contains \$9,700 for this purchase.

Motion by Mooney, seconded by Pfeifer.

Resolved that the Village of Beverly Hills Council awards the purchase of six MSA SCBA air cylinders and four MSA SCBA harness upgrade kits in the amount of \$9,607.80 to Apollo Fire Equipment of Romeo, Michigan. Funds are available for this purchase in Account #101-900-980, Capital Purchases; PS Equipment.

Roll Call Vote:

Motion carried (6 – 0).

REVIEW AND CONSIDER TREE REMOVAL PROPOSALS

Woodrow stated that there are a number of ash trees in Beverly Park infested with the emerald ash borer. The Village recently received bids for removal and disposal of 60 ash trees in the park. Three bids were received but only two were complete proposals. The bids call for the removal of 60 ash and other marked trees, grinding of all stumps located in the grassy areas, and disposal of all material in accordance with State regulations. It is believed that the number of diseased ash trees in the park has increased to 100 from the time of publishing the Request for Proposals. This amount is expected to rise to 150-160 diseased trees.

The low bid was received from J.H. Hart Forestry in the amount of \$18,000 for removal of 60 trees. It was noted that the firm is under contract with the Village for the removal and trimming of storm-damaged trees in the public right-of-way. Because the number of trees to be removed has increased, this contractor has agreed to charge his current \$95/hour rate for storm damage work for the ash tree removal project. The hourly rate for the initial bid from J.H. Hart is \$165/hour. The tree removal program would be done in the winter, and the park would be closed while trees are being removed. Woodrow stated that it is anticipated that the total amount of this project will be approximately \$30,000. This is not a budgeted item.

Motion by Woodrow, seconded by Mooney.

Resolved that the Village of Beverly Hills extend its contract with J.H. Hart Forestry for the removal of diseased ash trees in Beverly Park at a rate of \$95.00 per hour, not to exceed the sum of \$30,000.

Mooney asked if there are infested ash trees at Riverside Park or at the Douglas-Evans Nature Preserve. Murphy responded that the initial focus has been on infested ash trees in Beverly Park. The nature preserve has a significant population of ash trees that will need attention as well as

trees in the public rights-of-way. The emerald ash borer infestation in the rest of the community will be assessed.

Sharon Tischler of 21415 Virmar Court questioned the process for disposing of diseased trees, which was addressed by Murphy and contractor Judd Hart.

Roll Call Vote:
Motion carried (6 – 0).

DISCUSSION ITEM

Domzal prepared an outline for a Beverly Hills Tree Policy with the intention of promoting discussion on this topic. He characterizes the issue as follows: Beverly Hills is generally considered a “leafy” community. Due to a number of factors such as the increasing age of trees, diseases, and development (particularly sewer, water and road improvements), the quality and quantity of public and private trees in the community continues to decline. The general objective of a tree policy would be to preserve, protect, and enhance tree stock within the Village in order to preserve the character of the Village for future generations.

Domzal outlined three specific objectives: 1) Improve tree population on Village property (parks, public places and public rights-of-way); 2) Raise community awareness; and 3) Improve tree population on private property. He emphasized that the goal is not to dictate to private property owners but rather to develop a partnership between the Village and the residents to encourage replanting of trees where possible.

Domzal mentioned that Stan Pasioka investigated this issue approximately a year ago and generated the following suggestions: 1) Establish a Village tree inventory and develop a tree maintenance program; 2) Address a storm and brush clean-up policy; 3) Consider assisting residents in a cooperative tree-planting program.

Domzal asked for input on whether this is an issue Council would like to pursue and how members would approach a tree policy.

Council members generally supported looking at a policy that would encourage residents to keep as many trees as possible on their property. They were not comfortable with an ordinance that would dictate what people can do on private property. The approach of looking at a partnership arrangement with residents in terms of planting and preserving trees was favored. Raising community awareness should be a goal.

There was interest in a Village effort to add trees to the public rights-of-way. Consideration could be given to developing a contractual arrangement whereby residents could purchase trees at a reasonable cost. The suggestion was made that the Village initiate a program to replace infested ash trees removed from Beverly Park and encourage community organizations to assist with this effort.

Domzal proposed referring this matter to an advisory committee or to the Village Planning Board. He will refine his tree policy outline considering the comments and suggestions made tonight and present a specific proposal to Council for consideration.

PUBLIC COMMENTS

There were no comments from the public.

REPORTS

MANAGER

The July concerts in the park held on the last three Wednesdays were a resounding success. Cynthia Nagle and the Parks and Recreation Board should be commended for their hard work and effort. Teen Band Night is scheduled for Wednesday, August 20th.

Murphy reported that the Village's proposed water main project will likely receive funding from the Drinking Water Revolving Fund. The Department of Environmental Quality is recommending that the Village project receive a low-interest loan. A final decision follows public comment and input before Legislative action later this month. If things continue favorably, Beverly Hills should expect to see replacement work begin next summer. Murphy thanked Spallasso and Hubbell, Roth & Clark for their fine work in coordinating this program.

COUNCIL

McCleary reported that the Zoning Board of Appeals will meet in the municipal building on August 11 at 7:30 p.m. McCleary commended Spallasso on a fine job of answering questions from residents on the Acacia Park Drain Relief construction project at the informational meeting held in the municipal building on Saturday, August 2, 2003.

Mooney remarked that she hopes that the success of the Wednesday night concerts in the park continues. She thanked Cynthia Nagle for organizing the events. Mooney informed residents that the Oakland County Health Division offers child car seat checks. No appointments are necessary during normal business hours at the facility located on Greenfield Road. Car seats checks are also available at the Beverly Hills Public Safety Department building by appointment with Lt. Roehrig.

As public safety liaison, Mooney recently signed commendation awards. She announced that Michael Vargas received an individual commendation for self initiated patrol work that resulted in the arrest of two suspects on drug charges and seizure of two vehicles and confiscation of a fire arm. Nathan Cook received a commendation for assisting in this patrol work. Daniel Gosselin assisted the Southfield Police Department in the capture of a home invasion suspect. Mooney recognized and congratulated these officers.

Pfeifer commented on the Village Board selection process noting that these appointments are time sensitive. Council may want to consider a process whereby the Board chairman is part of the selection committee and provides input as a voting or non-voting member.

Pfeifer announced that the Birmingham Area Seniors Coordinating Council (BASCC) will host its annual picnic on Wednesday, August 20 at 11:30 a.m. on the BASCC grounds. The cost for lunch is \$7. Entertainment will be provided. The next BASCC Board meeting will be held on August 19 at 1:30 in the afternoon.

Pfeifer related that she recently toured Comcast's Macomb Call Center with members of the Birmingham Area Cable Board. This call center is a blueprint for the building under construction in Plymouth. Pfeifer noted that Comcast has added bilingual services as part of its customer service representative staffing.

Pfeifer thanked Spallasso for organizing a meeting held on Saturday to provide residents with information on the Acacia Park Drain Relief project. Representatives from consulting engineering firm Hubbell, Roth & Clark and from the Oakland County Drain Commission were present to answer questions. Spallasso has been preparing this project for a long time, and it was obvious that residents were aware of what will be a disruptive construction process. Pfeifer thanked Spallasso for keeping the residents so well informed.

Domzal stated that the Planning Board will meet on August 13 at 7:30 p.m. in the council chambers.

Domzal remarked that there is an important ballot question coming up at the Birmingham School Board election in September dealing with the long-term capital needs for the school system. He would welcome a representative of the School Board to attend a Council meeting to discuss the pros and cons of this important issue.

Downey referred to a positive article that appeared in the Eccentric newspaper recently about the drainage and paving improvements made in Coryell Estates subdivision. Downey thanked Cynthia Nagle and the Parks and Recreation Board for the successful summer concert series in Beverly Park.

Motion by Pfeifer, seconded by Woodrow.

Resolved to go into closed session to discuss labor negotiations and attorney/client privileged correspondence following a five minute recess.

Roll Call Vote:

Motion carried (6 – 0).

Council met in closed session at 9:30 p.m.

The meeting was reconvened in open session at 9:45 p.m. A motion was made to approve the collective bargaining agreement with the Public Safety Department dispatchers.

Motion by Mooney, seconded by Pfeifer, to approve the proposed contract agreement between the Police Officers Labor Council and the Village of Beverly Hills from 1-1-03 through 12-31-05, as amended.

Roll Call Vote:
Motion carried (6 – 0).

The meeting was adjourned at 9:47 p.m.

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary