

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  
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 Pfeifer, seconded by Mooney, to add an item to the Business Agenda, “k. Reconsider motion regarding review of Retirement Board recommendation”.

Motion carried (7 – 0).

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

Motion carried (7 – 0).

**PRESENTATION BY BIRMINGHAM PUBLIC SCHOOLS REGARDING SEPTEMBER MILLAGE PROPSOAL**

Michael Fenberg, co-chairman of the “Yes to the Future” community group, was present to spread the word about the upcoming facilities election for Birmingham Public Schools. Fenberg outlined a process undertaken by the School District beginning in 1996 to conduct a needs study of all facilities, which resulted in identifying \$200 million of improvements that needed to be done in different buildings. The voters approved a \$98.6 million bond proposal in 1997. Groves and Seaholm High Schools were updated with that money, and media centers were constructed at every school in the District. Technology was introduced into every classroom.

The study was updated last Fall, and District representatives met with community members in forums and focus groups. The consensus was to finish the entire project. Voters will be asked on September 30 to approve a \$134 million three-pronged bond proposal to overhaul and update 13 district schools. There is a need to bring elementary and middle schools up to standards that would set them up for a 30- to 50-year life cycle. The bonds would pay for the construction of four new elementary schools, technology upgrades and remodeling of classrooms in existing buildings. The money would also pay to upgrade plumbing, wiring, and heating and cooling systems.

Fenberg stated that the first proposition is a \$102.8 million bond to replace and renovate eight elementary schools. The second proposal is a \$32 million bond to improve District high school physical education facilities. This proposal will only be applied if voters approve the first proposal. The third proposition is to create a sinking fund that will allow \$3-\$4 million per year

to be spent for long-term capital projects and repairs. Fenberg elaborated on each of these propositions.

The average cost of these proposals to the taxpayer for the first ten years will be \$125 for every \$100,000 of taxable value. Fenberg feels that this is affordable to the residents. He believes that property values in the area depend on competitive schools in terms of educational programming as well as facilities. Fenberg asked everyone to vote “yes” on September 30. He mentioned that there will be additional community forums and information nights held in the remaining two weeks prior to the election.

Questions from the audience and Council were addressed by Fenberg. Downey thanked Fenberg for the presentation and encouraged all citizens to vote their choice in the September 30 Election.

### **PUBLIC COMMENTS**

Downey recognized Boy Scouts in the audience working on their communication badges. The two scouts from Troop 1024 stepped forward and introduced themselves.

Sharon Tischler of 21415 Virmar Court observed that funding requests will be approved as part of the consent agenda for the Birmingham Area Seniors Coordinating Council (BASCC), the Birmingham Community Coalition, the Halloween Hoot, as well as refinancing of outstanding Southeastern Oakland County Water Authority (SOCWA) revenue bonds with the Water Authority. No figures are given for the funding requests.

Murphy responded that it is proposed to support BASCC in the amount of \$5,660; the Birmingham Community Coalition will receive \$1,800; and, \$3,000 will be authorized for the Halloween Hoot this year. Each of these funding requests are consistent with the adopted budget and represent the same amounts allocated last year. Refinancing of outstanding SOCWA Revenue Bonds is proposed as a money saving effort.

Richard Marsh of 32344 Mayfair stated that residents in his neighborhood have been interested in a recent Zoning Board of Appeals case (No. 1080) involving use of property on Mayfair. The residents are pleased with the decision of the Zoning Board on a request for variance. It is anticipated that the appellants will proceed to Circuit Court to appeal the decision of the Zoning Board of Appeals. Marsh asked that the Village actively defend its Zoning Board of Appeals.

Downey commented that Mr. Marsh can remain in contact with Council or administration regarding the status of this matter.

Downey received a letter from William Spreitzer of Nottingham, who takes issue with the Village’s tax policy in terms of late payment. Spreitzer was informed that he would be assessed a 4% penalty when he paid his 2003 Village taxes late. He had mistakenly thought that the closing date was September 15, the date when Southfield Township taxes are due. Spreitzer thinks that this confusion in terms of tax deadlines merits some consideration by Council.

Downey was requested by Andrea Brink, President of the Village Woman's Club of Beverly Hills, to announce that the Fall kick off meeting of the Woman's Club will be held on Thursday, September 25 at 7:00 p.m. Residents can call Peggy at 248/723-1482 for more information.

### **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 September 2, 2003.
- b. Review and file bills recapped as of Monday, September 8, 2003.
- c. Review and consider annual funding request from Birmingham Area Seniors Coordinating Council.
- d. Review and consider annual funding request from Birmingham Community Coalition.
- e. Review and consider annual funding for Halloween Hoot at Beverly Park and waive pavilion rental fees.
- f. Review and consider financing outstanding Southeastern Oakland County Water Authority Revenue Bonds.

Motion carried.

### **REVIEW AND CONSIDER APPOINTMENT OF DAN GOSSELIN AS VILLAGE ORDINANCE ENFORCEMENT OFFICER**

Domzal introduced Dan Gosselin, who has recently assumed the position of Village Ordinance Enforcement Officer after being with the Village a number of years as a Public Safety Officer. Tonight Council will consider the official appointment of Dan Gosselin to this position.

Motion by Domzal, seconded by Schmitt.

Resolved to appoint Dan Gosselin as Ordinance Enforcement Officer for the Village of Beverly Hills to serve for a term to be determined by Council.

Roll Call Vote:

Motion carried (7 – 0).

Gosselin presented a summary of code enforcement activities from July 7, 2003 including 268 citizen contacts, 75 instances where field correction notices were issued, and 20 permits generated. Citizen contacts include letters distributed to residents explaining such topics as grass height, noxious weed ordinance, and trash collection. Gosselin will probably be distributing information to residents on leaf pick-up and snow removal.

Field correction notices with a time frame for compliance are issued to people who do not respond to a letter or a personal contact by Gosselin. A majority of the notices have resulted in correction of the problem. During his movement through the Village, Gosselin occasionally sees work being done without a permit, at which time he directs residents to obtain a permit from the building department.

Gosselin related that his engineering department duties include training in cement driveways and sidewalks, fence installations, and road resurfacing projects. Gosselin has been checking grease traps in restaurants in order to prevent grease from getting into county drains.

Gosselin concluded that most people have responded positively to his code enforcement efforts. He thinks it is important to allow individuals enough time to get the work done. There are only a handful of cases that might need issuance of a violation and escalation to the court system as a last resort.

Questions from Council were addressed by Gosselin. He indicated that the most common problems observed are trash issues, lack of lawn maintenance, and deterioration of the surface of the home. There are occasional problems with abandoned, unlicensed cars. In answer to an inquiry, Gosselin indicated that he does not usually know if a home is a rental or owner occupied property.

Downey stated that a tenant living in a rental property that does not meet building safety codes can contact Gosselin to assist them with identifying problems and notifying the property owner. Council members thanked Gosselin for doing a fine job and welcomed him to the Village staff.

**REVIEW AND CONSIDER SUBCOMMITTEE'S RECOMMENDATION TO FILL VACANCY ON THE ZONING BOARD OF APPEALS**

McCleary reported that a subcommittee consisting of Pfeifer, Mooney and himself met this evening to review nine applications to fill a vacancy on the Zoning Board of Appeals. The subcommittee recommended that Council appoint Todd Stearn to the position and named Michael Brady and Lyle Russell as the second and third alternatives.

Motion by McCleary, seconded by Pfeifer, to appoint Todd Stearn to the Zoning Board of Appeals for a term to expire on June 30, 2005.

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

**ACCEPT ROGER PAGNUCCO'S RESIGNATION AND MAKE FIRST ANNOUNCEMENT OF VACANCY ON THE ZONING BOARD OF APPEALS**

McCleary stated that Roger Pagnucco has resigned from the Zoning Board of Appeals and will be moving out of the state. McCleary made the first announcement of a vacancy on the Zoning Board. Applications can be obtained at the Village office or on the Village web site and returned to the municipal office in person or by fax.

Motion by McCleary, seconded by Mooney, to accept the resignation of Roger Pagnucco from the Zoning Board of Appeals.

Motion carried.

**SECOND ANNOUNCEMENT OF VACANCIES ON THE STRATEGIC PLANNING DEVELOPMENT COMMITTEE**

Domzal stated that the Village is undergoing the process of selecting a Strategic Planning Development Committee. This will be a group of resident volunteers who will provide feedback on what Beverly Hills should be doing as a community, where it should spend its time and money in terms of programs, and what is important to the residents. The Committee will be responsible for overseeing and steering the process of developing a three to five year strategic plan for the Village.

Application forms are available at the Village office or can be printed off the Village web site. It is estimated that the Committee will meet once or twice a month for six to eight months. Domzal invited people who have submitted applications for other Village boards to consider having their application considered for a position on the Strategic Planning Development Committee. Interested residents should submit applications to serve on the Committee by September 30. The Personnel Committee will be meeting the following week to review the applications.

**REVIEW AND CONSIDER RESOLUTION APPOINTING DELEGATES TO THE MICHIGAN EMPLOYEE'S RETIREMENT SYSTEM ANNUAL MEETING**

Motion by Woodrow, seconded by Mooney.

Resolved that the Village of Beverly Hills Council appoint Ellen Marshall as the officer delegate representing Beverly Hills and Barbara Fix as the employee delegate with Theresa Hanson as the alternate employee delegate to attend the Annual Meeting of the Michigan Employees' Retirement System to be held October 1-2, 2003 in Dearborn.

Roll Call Vote:

Motion carried (7 – 0).

**REVIEW AND CONSIDER AWARD OF ACACIA PARK SEWER RELIEF PROJECT**

McCleary stated that bids were opened on September 10, 2003 for the Acacia Park Drain Relief Sewer Phase I project. Eight contractors submitted bids ranging from a low bid of \$4,470,189.50 to a high bid of \$7,017,556.20. The low bidder is Anderzack-Pitzen Construction Inc. from Metamora, Ohio.

Spallasso stated that he had a pre-award meeting with the ownership, officers, and engineers of Anderzack-Pitzen Construction as well as a subcontractor. After checking references and talking to community representatives in the private and public sector relative to this company's performance, Spallasso feels comfortable recommending approval of this bid. He will have more detailed information on the schedule and process after the pre-construction meeting, which will take place in the next two to three weeks.

Motion by McCleary, seconded by Pfeifer.

Resolved to award Contract #CS-03-04, Acacia Park Drain Relief Sewer Phase I to Anderzack-Pitzen of 424 E. Main Street, Metamora, Ohio for the low bid amount of \$4,470,189.50.

The award shall be based on the following conditions:

- a. The contractor will submit all insurance and bond coverage per contract specifications
- b. Award of this contract by the City of Birmingham's Commission

Questions from Council were addressed by Spallasso. The Village of Beverly Hills and the City of Birmingham are contracting for this construction project, with 30% of the cost apportioned to Birmingham. The Birmingham Commission will consider award of the bid at its September 22 meeting.

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

**REVIEW AND CONSIDER FINAL PAYMENT TO BRICCO EXCAVATING FOR CONTRACT #W-01-02**

Before Council for consideration is final payment to Bricco Excavating Co. for a water main replacement project that included primarily segments of deteriorated water mains in Section One. Since the project was awarded in August of 2001, the Village issued two change orders to the original contract to replace additional water mains in Section 2 for a total pipe replacement of over one mile. The project is now complete and final payment is due to the contractor.

Motion by McCleary, seconded by Pfeifer, to approve final payment to Bricco Excavating Company in the amount of \$44,915.30 for the completion of contract #W-01-02, 2001 Water Main Replacement Program.

Questions on the water replacement program were addressed by Spallasso.

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

**REVIEW AND CONFIRM MEMBERSHIP IN ROUGE RIVER ASSEMBLY**

The Village of Beverly Hills has been involved in Rouge River water quality issues since 1981 through the Rouge River Watershed Council. There have been significant improvements to the water quality of the Rouge River over the years due to the combined efforts of communities involved in this organization and availability of federal funds. Spallasso remarked that the Village's Combined Sewer Overflow facility is an example of a project accomplished with federal funding through the efforts of this organization.

The Rouge Project Office is no longer in existence and there is a need to establish a new organization whereby the involved communities can continue ongoing efforts to maintain and protect the level of improvements accomplished and to coordinate new efforts. The creation of a Rouge River Watershed Assembly has been endorsed and encouraged by the federal court, which means the involved communities will have a strong voice in future matters regarding new programs and/or requirements.

It was noted that Beverly Hills has been actively involved in Rouge River water quality issues through Renzo Spallasso's office. It is recommended that Council take formal action to approve

the Local Memorandum of Agreement that will confirm Village involvement in the Rouge River Watershed Management Assembly. The annual cost to Beverly Hills will be \$2,900 per year, which has been budgeted in account #101-440-938.00.

Motion by McCleary, seconded by Schmitt.

Resolved to confirm final approval of the Rouge River Watershed Management Assembly Memorandum of Agreement and authorize the Village's Director of Public Services to execute the agreement.

It was indicated that Village Manager Murphy will be the alternate member of the Rouge River Watershed Assembly representing the Village.

Roll Call Vote:

Motion carried (7 – 0).

#### **REVIEW AND CONSIDER AUTHORIZATION FOR PLANS AND SPECIFICATIONS FOR PROPOSED STAFFORD SPECIAL ASSESSMENT DISTRICT**

McCleary reviewed that the Village received a petition in April of this year submitted by nine property owners on Stafford Drive requesting drainage improvements within the public right-of-way. In early June, an application for Rouge River National Wet Weather Demonstration Projects Grant Funds was submitted for this improvement project. The Village has received formal approval of a \$100,000 grant from the Wayne County Department of Environment. The next step includes formal acceptance of the grant and preparation for the actual construction.

Motion by McCleary, seconded by Mooney, to authorize formal acceptance of the grant and start the process of establishing a special assessment district for drainage improvements on Stafford Drive.

Spallasso and Murphy addressed questions regarding the extent of the improvement as well as the Village's participation in this project in keeping with the Village's adopted policy for ditch improvements. Administration will come back to Council with numbers.

In answer to an inquiry, it was clarified that the petition received from Stafford residents is for drainage improvements only and not road paving. Spallasso stated that the improvements will involve a combination of underdrains and swales. The project will address a long-standing drainage problem and substantially reduce the Village's maintenance of the gravel road. There are funds available for the Village's share of these drainage improvements.

Roll Call Vote:

Motion carried (7 – 0).

#### **REVIEW AND CONSIDER PURCHASE OF PHOTOCOPY MACHINE FOR PUBLIC SAFETY DEPARTMENT**

Mooney outlined background information related to the purchase of a digital copier for the Public Safety Department. It is proposed to purchase a refurbished digital copier for use on the second floor to serve the detective bureau and training office. This digital copier is available for

purchase at a General Services Administration discount price of \$2,500. Because the major use of this copier will be by the detective bureau, the purchase will be made from Drug Forfeiture Funds targeted for operations to curtail or prosecute drug offenses.

Motion by Mooney, seconded by Pfeifer.

Resolved that the Village of Beverly Hills Council awards the purchase of one refurbished Savin model #9945 digital copier in the amount of \$2,500 from Ricoh Business Systems of Rochester Hills, Michigan. Funds are available for this purchase in Account #265-333-750-00; Enforcement Supplies.

Questions on this purchase were addressed by Director Woodard.

Roll Call Vote:

Motion carried (7 – 0).

**RECONSIDER MOTION REGARDING REVIEW OF RETIREMENT BOARD RECOMMENDATION**

At the September 2 meeting, Council discussed a recommendation from the Retirement Board that the Village contribute to the Pension Plan this year based on the recent annual actuarial valuation report for the Retirement System. Pfeifer is requesting that Council reconsider a motion passed at the last meeting to review the Retirement Board recommendation again in three months. She learned that there would not be a new actuarial valuation report for the Beverly Hills Public Safety Department Retirement System until the first quarter of next year. She would like to offer a motion that Council review a possible contribution to the Retirement System after receipt and review of the annual actuarial valuation report due in February of 2004.

Motion by Pfeifer, seconded by Mooney, to reconsider her motion of September 2, 2003 to review the Retirement Board recommendation again in three months.

Roll Call Vote:

Motion carried (7 – 0).

Motion by Pfeifer, seconded by Mooney, to review the Retirement Board recommendation subsequent to the receipt of the next annual actuarial valuation report for the Beverly Hills Public Safety Department Retirement System as of December 31, 2003.

Pfeifer commented that review of the Retirement Board recommendation to contribute to the Pension Fund would be appropriate at that time. If a contribution is indicated, it can be figured into the Village's 2004/05 budget.

Motion carried.

### **PUBLIC COMMENTS**

State Representative Shelley Taub was present to update Council on her work on various bills. She affirmed that she is available to Council members at any time. Taub distributed the new edition of “Citizens’ Guide to Good Government”.

### **MANAGER’S REPORT**

Murphy informed the public that retired Public Safety Officer Wilson “Skippy” Christenbery passed away last week at his home. He was an officer with the Village from 1968 through 1993.

As a reminder, the next Council meeting is scheduled for Tuesday, October 7.

Mooney asked for an update on proposed Charter amendments forwarded to Attorney Ryan for review. Murphy will follow up on this.

### **COUNCIL COMMENTS**

Mooney congratulated and welcomed Todd Stearn back into community service with his appointment to the Zoning Board of Appeals. Mooney stated that she failed to mention earlier how good the water tower on 14 Mile Road looks since it has been painted.

Pfeifer reminded everyone that she will be representing the Village at the annual Michigan Municipal League Convention beginning tomorrow in downtown Detroit. Domzal will join her at the convention on Wednesday. She will report to Council on information she deems to be of value.

Pfeifer suggested that Council place three Charter amendments on the March ballot. The first amendment has to do with the fact that Council recently changed its meeting nights from Mondays to Tuesdays. The Charter binds Council to meet on the first Monday following the Village General Election and states that all terms shall commence on the Monday following the election. She proposes drafting a Charter Amendment to reference regular Council meetings rather than a specific day.

The second change Pfeifer proposes has to do with the Village tax collection date as indicated in the Charter. The Village is out of sync with other municipalities in the State and Southfield Township on its tax collection deadline. Pfeifer suggests a Charter amendment to change when taxes are due and to change the punitive penalty assessed for late taxes. The Village assesses a 4% penalty whether taxes are one day, ten days, or a year late. State statute assesses a 1% per month penalty fee.

The third amendment Pfeifer proposes is to change the limitation for expenditures by the Village Manager without Council approval from \$1,000 to a higher amount. Pfeifer suggests that Council consider looking at these three Charter changes for the upcoming March Election at its next meeting. She would welcome any additional changes.

Schmitt commented that it has been proposed that the Village investigate whether to become a city. As liaison to Southfield Township, Schmitt reported that the Township has pledged its cooperation with the Village’s review of the city vs. village question. Schmitt quoted from the

July 8, 2003 Southfield Township Board of Trustees meeting minutes, “Supervisor Mills reported the Village of Beverly Hills is considering studying the issue of incorporating as a city. Supervisor Mills said it is the responsibility of this Board and administration to see the Village receives complete and accurate information from the Township regarding any issues that arise. The Township will strive to provide factual information to the Village so they have all the details to make an informed decision”.

Schmitt thanked the Township for its commitment. It is not known if becoming a city will result in substantial financial savings, but it does not cost anything to investigate the matter. Schmitt hopes that administration will be forthcoming in providing an estimate of cost savings.

Schmitt stated that the regular Parks and Recreation Board meeting will be held tomorrow at 7:30 p.m. and a joint meeting of the Parks and Recreation Board with Council will be held on Thursday, September 18 at 7:30 p.m. Both meetings will be held in Beverly Park weather permitting.

Domzal stated that the Planning Board met on Wednesday, September 10 and reviewed the first draft of zoning ordinance language incorporating the Village Site Development Handbook into ordinance requirements. The Board will continue its review of the document at its September 24 meeting. Domzal noted that Council will meet jointly with the Planning Board on Wednesday, October 8. One of the items he proposes for discussion at that meeting is the codification of the Site Development Handbook. Domzal thinks it would be worthwhile to obtain a consensus of opinion on proposed Site Development Requirements before the Planning Board gets too far along in its review of the draft ordinance.

Domzal expressed the view that there is far too much parking area in the Village, particularly along Southfield Road. He thinks that the zoning ordinance works contrary to what we are trying to do as public policy and should be reviewed with respect to parking requirements.

Woodrow reinforced Pfeifer’s concern about the tax deadline issue in terms of a Charter Amendment. He thinks that is an important issue to address as well as the \$1,000 limitation on spending without Council authorization.

For the information of people who submitted applications to serve on the Zoning Board of Appeals but were not chosen, their applications remain on file. Woodrow mentioned that there is another vacancy on the ZBA.

Downey commended administration for its active pursuit of grant funds, which have resulted in the Village receiving a number of awards recently. He noted that September 28 is “Be a Good Neighbor Day”. Downey is looking forward to the eighth annual Halloween Hoot to be held in Beverly Park on Sunday, October 26.

Downey gave a personal account of the rapid decline of a large Ash tree on his property due to the emerald ash borer. He will support a moderate tree policy for the Village.

Motion by Pfeifer, seconded by Woodrow, to adjourn the meeting at 9:15 p.m.

Motion carried.

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

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

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