

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, Pasiaka
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 approve the agenda as published.

Motion carried.

PUBLIC COMMENTS

Boy Scout Chris Lacroix of Troop 1024 introduced himself saying that he attends Berkshire Middle School and is working on his communications and citizen in the community badge.

President Downey read a letter he received from Ralph Lohrengel of 18346 Beverly Road regarding resident Norm Downey's study of the Acacia Interceptor sewer project. Lohrengel questioned whether the Village's elected and appointed representatives are properly fulfilling their responsibilities.

Norm Downey of 23042 Nottingham Drive addressed the ongoing Acacia sewer project in Beverly Hills and Birmingham. He contends that \$2 million of a dedicated millage for sewer and road improvements will benefit Birmingham homes, which is a misuse of taxpayer money. Downey maintains that \$1 million is scheduled to construct a sewer in Birmingham for the exclusive benefit of Birmingham homeowners. He believes that another \$1 million will be spent to compensate for Birmingham not paying its fair share of the cost of sewers in Beverly Hills that will also be used by Birmingham.

N. Downey refuted the explanation he received from the Village about 10 months ago that Beverly Hills is legally obligated to comply with a 70%-30% apportionment of the cost of the project between Beverly Hills and Birmingham. He thinks that Council was misled when it approved a contract with the City of Birmingham to jointly administer the drain project. Downey questioned the fairness of the 70% apportionment to Beverly Hills and advocated renegotiation of the agreement with Birmingham. Downey requested that this issue be discussed as an agenda item at the next Council meeting.

Doyle Downey remarked that Council appreciates Norm Downey's comments and concerns relative to the Acacia Drain program. Norm Downey has provided Council and administration with a number of documents, and the Village has provided him with responses to his inquiries. President Downey does not think it is appropriate to say that Council is negligent because it has

not responded with answers that would satisfy Mr. Downey. Doyle Downey affirmed that Beverly Hills and Birmingham have entered into a contract to administer this drain project.

On behalf of the Parks and Recreation Board and the many people who enjoyed the Winter Family Fun Day, Dan Nelson of 32311 Sheridan thanked Council for its support of the event that was held last Sunday in Beverly Park. There was a record attendance, and this year's Winter Family Fun Day was a huge success.

Questions from Sharon Tischler of 21415 Virmar Court on items included in the list of bills were answered by administration.

W. A. Zimmerman of 22191 Camelot Court asked Council to investigate bringing in competitive cable television and high-speed Internet providers to the Village such as Wide Open West. Pfeifer responded that cable service is market driven, and alternate cable providers have not approached this consortium. They are not interested in wiring a community for such a small market.

CONSENT AGENDA

Motion by Pfeifer, seconded by Schmitt, to approve the consent agenda as proposed:

- a. Review and consider minutes of a regular Council meeting held on January 6, 2004.
- b. Review and file bills recapped as of Monday, January 12, 2004.

Motion carried.

BUSINESS AGENDA

REVIEW AND CONSIDER PROCLAMATION RECOGNIZING ART SMITH'S RETIREMENT

Mooney read the following proclamation on behalf of the Village in recognition of retiring Beverly Hills Deputy Director of Public Safety Art Smith. She presented Art Smith and his wife Suzie with a framed copy of the proclamation.

PROCLAMATION

WHEREAS, Art Smith was appointed to the position of Public Safety Officer on January 15, 1969 and completed programs in both police and fire academy training; and

WHEREAS, Art Smith was instrumental in the establishment of the School Liaison Officer program in 1977 and acted in this first assignment in tandem with school officials and staff of the Birmingham School District within the Village; and

WHEREAS, Art Smith received promotions and career assignments to include Corporal rank in 1987, Sergeant rank in 1990, Training Officer with Lieutenant rank in 1993, and the appointment as Deputy Director in 1996; and

WHEREAS, Art Smith has received two Life Saving Awards, two Individual Commendations, six Unit Commendations, six Safe Driving Awards and one Department Citation in recognition of specific exemplary performance; and

WHEREAS, Art Smith has announced his retirement from the Department of Public Safety effective January 30, 2004.

NOW, THEREFORE, BE IT RESOLVED that the Beverly Hills Village Council hereby recognizes the outstanding achievements of Art Smith during his 35 years of service to the Village of Beverly Hills; and

BE IT FURTHER RESOLVED that the Beverly Hills Village council, on behalf of the residents and staff of the Village and the Department of Public Safety, express a heart-felt “thank you” for the dedication that Art Smith has shown during his career with the Village of Beverly Hills.

Deputy Director Smith commented on his service to the Public Safety Department and thanked the Council and residents for their support over the years.

REVIEW AND CONSIDER AGREEMENT WITH THE OAKLAND COUNTY DRAIN COMMISSIONER’S OFFICE FOR STORM WATER MANAGEMENT SERVICES

In December of 2001, the Village of Beverly Hills submitted its Storm Water Pollution Prevention Initiative (SWPPI) to the Michigan Department of Environmental Quality (MDEQ). A Storm Water General Permit was issued by the State. Two of the action items contemplated in the permit are a Detention Ponds Study and a Stream Bank Inventory Study.

The Oakland County Drain Commission obtained a grant to offset the cost of these studies and offered to provide this service to the local Rouge River Main 1-2 Subwatershed communities. An agreement was prepared for Council approval. The Village of Beverly Hills matching amount is \$5,291.00, which will cover both studies and shall be paid by February 23, 2004. Funds are available in Account # 401-905-938-00.

Motion by McCleary, seconded by Domzal.

Resolved to approve the Agreement with the Oakland County Drain Commissioner’s Office to perform Storm Water Management Services described in Exhibit “A” for a total amount of \$5,291.00 and authorize the Village Public Services Director and the Village Clerk to execute the agreement.

Copies of the contract are available for public review at the Village offices.

Downey commented on the importance of monitoring and improving the quality of storm water in the region and credited Oakland County and Village Staff on the preparation and presentation of this service agreement. Questions and comments from Council were addressed by Administration.

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

PRESENTATION BY HUBBELL, ROTH & CLARK REGARDING STORM WATER POLLUTION PREVENTION INITIATIVE STATUS

Spallasso introduced Margie Kuhn from Hubbell, Roth & Clark, who will update Council on the status of the Village's Rouge River Watershed Subwatershed Management Plans and the programs that have been implemented by Beverly Hills.

Kuhn reviewed the Village's storm water permit commitments and outlined what Beverly Hills has done up to this point and what it will do in the future to address storm water issues. Problems identified in the Main 1-2 Subwatershed area are: high bacteria levels; sewage, trash, litter; low dissolved oxygen; upland soil erosion; and excessive flows. Watershed Management Plan goals are: 1) Remove sources of pollution that threaten public health; 2) Restore/maintain aesthetically pleasing conditions; 3) Improve and maintain river ecosystem for fish and wildlife; 4) Minimize the amount of soil erosion and sedimentation; 5) Minimize flow variability and associated impacts; 6) Maximize community assets related to the river, and 7) Preserve and enhance the quality of the Great Lakes.

Kuhn discussed the Watershed Management Plan submitted by the Village a couple of years ago and the Village's Stormwater Pollution Prevention Initiative (SWPPI). She detailed the actions of the Village to meet its SWPPI commitments in the areas of public education, an illicit discharge elimination program, maintenance, special initiatives, retention treatment basins for combined sewer overflow, and watershed studies. Special initiatives include the bio-swale project at Beverly Park, Mill Pond planting, swale pilot study, and a feasibility study and cost estimate to dredge Old Pond.

The Rouge River National Wet Weather Project generated a large amount of grant money, which was administered by Wayne County. This grant money, which was used to cover some of the above mentioned activities, is running out. Communities that benefited from the grant realized the advantage of coming together to accomplish certain activities as a group.

It was proposed to use a portion of the remaining grant funds to establish a new watershed organization. Communities developed and signed a Memorandum of Understanding that describes the concept, composition, procedures, voting, cost allocation, etc. of the Rouge Assembly. Any community with a storm water permit is allowed to join the Rouge Assembly. Voting shares as well as cost are based on population and area. The 2004 budget for the Rouge Assembly is \$846,2776. It is 50% grant funded and 50% community funded. The Village's apportionment was \$2,900 for 2003 and is \$2,900 for 2004.

Questions and comments from Council were addressed by Kuhn. Kuhn indicated that the Village compares favorably with other communities in terms of its SWPPI and actions implemented to achieve its commitments on schedule. In response to an inquiry about trends that are evident in terms of the quality of the Rouge River, Kuhn stated that monitoring is showing an improvement in the quality of the Rouge River largely due to the combined sewer overflow projects that have

been constructed in Oakland County. Spallasso added that the DEQ has been asked to report on its findings in this regard. A report will be forthcoming.

Downey thanked Ms. Kuhn for her presentation. He commended Village administration for bringing this report to Council and thanked Public Services Director Spallasso for an exemplary effort in focusing on doing what needs to be done to protect Village resources.

REVIEW AND CONSIDER FY 2003/2004 BUDGET AMENDMENTS

Woodrow reported that the mid-year budget amendments include the recommendations of a Council ad-hoc committee established in response to the Governor's proposed cuts in State Shared Revenue. The committee has met to review the current budget document and to suggest recommendations to bring before Council for consideration.

Recommendations from the committee include: reducing conference and training allocations for administration and staff, amending building permit fee schedule (approved by Council at its January 6, 2004 meeting), and reducing the Local Road Fund millage transfer from the General Fund by Headlee. Woodrow emphasized that the decrease in funds transferred into the Local Road Fund will not reduce the repairs and maintenance to local roads. There are adequate funds in the Local Road Fund to absorb that cost this year.

Woodrow referred to the worksheet from Finance Director Wiszowaty indicating adjustments needed to the 2003/2004 adopted Village budgets for the General, Local Road, and Water & Sewer Operating Funds. This document is on file for public review at the Village offices.

Motion by Woodrow, seconded by Schmitt.

Resolved to amend the fiscal year 2003/2004 General Fund, Local Street Fund and Water and Sewer Fund Budgets as noted in the report from Finance Director Wiszowaty dated January 13, 2004.

Questions from Council and the public regarding cuts in state shared revenue and the proposed budget amendments were addressed by Murphy.

Roll Call Vote:

Motion carried (7 - 0).

It was the consensus of Council to defer review of agenda items 'e' and 'f' to a Council budget study session scheduled for Monday, January 26, 2004.

Motion by Pfeifer, seconded by Mooney, to table agenda item 'e', Review and Consider Five Year Capital Improvement Program, and item 'f', Receive and File Five Year Revenue and Expense Report, to the Monday, January 26, 2004 Special Council meeting.

Roll Call Vote:

Motion carried (7 - 0).

REVIEW AND CONSIDER CONTRACT FOR PAINTING PUBLIC SAFETY DEPARTMENT FIRE HALL

The Department of Public Safety received approval of a federal grant to purchase and install a vehicle exhaust system in the department fire hall. Cleaning and painting the fire hall at Village cost prior to this installation will enable the new exhaust system to protect a cleaner environment. Nine bids were received for cleaning, preparing and painting the fire hall ceiling and wall surfaces.

Motion by Mooney, seconded by Pfeifer.

Resolved that the Village of Beverly Hills Council award the contract for cleaning, preparing and painting the Public Safety Department fire hall to the low bidder Bidwell Painting of Royal Oak in the amount of \$4,200.00. Funds are available for this expenditure in Account #101-900-976, Capital Improvements.

Questions from Council and the public were addressed by Director Woodard.

Roll Call Vote:

Motion carried (7 – 0).

PUBLIC COMMENTS

Bunker Kelly of 21526 Corsaut was informed that the Village's fund balance is currently at \$1.2 million. Kelly commended the Village Public Safety Department for conducting S.W.A.T. training in order to assure the safety of the community.

Kelly referred to comments made earlier by a resident regarding cable television rates, lack of competition, and the Board that oversees the cable provider. Kelly does not think that the Birmingham Area Cable Board is proactive, nor does he think that there is an adequate form for complaints. He does not believe that the Cable Board has an impact on service or on the cost structure imposed by the cable company. Kelly believes that there is an incentive for competition from an alternate cable provider in the Birmingham area.

Kelly commented on the questions and concerns raised by resident Norm Downey relative to what Downey described as overcharges with regard to the cost of the Acacia Sewer project. As spokesperson for the Beverly Hills Citizens Forum and as President of the East Valley Woods Homeowners Association, Kelly questioned Council and administration relative to their responsibility to the citizens of Beverly Hills with regard to this topic. He questioned whether Council has attempted to answer Mr. Downey's questions. Kelly talked about the importance of accountability, communication with Villagers, and open government. He asked Council what it will do to protect the taxpayers of the Village of Beverly Hills.

Rose McLennan of 19977 Sunnyslope expressed the view that Beverly Hills should live within its means because there is not adequate funding for future Village projects. She commented on the Acacia Drain project, which was designed to address sewer overflow problems in the Village and water runoff. McLennan asked who is accountable for continued basement flooding problems and deficits associated with this project. She questioned what assurance future Councils will be able to give residents so that there will be a legacy of good fiscal management.

Soter Liberty of 20850 W. 13 Mile Road related a problem he has experienced with Comcast. Liberty then expressed concern with the qualifications and selection of members to the Strategic Planning Development Committee (SPDC) and with the sampling technique to be employed by the group's research subcommittee. He expressed concern that the resulting strategic plan will not represent the thinking of all segments of the Village.

In answer to an inquiry, Murphy stated that the SPDC is collectively working on a mission statement that is expected to be in draft form at their February meeting. Murphy clarified that the general public will be involved in the process of developing a strategic plan for the Village. The goal of the Committee is to make sure that the public at large provides feedback into the process through focus groups, a community-wide survey, and other mechanisms designed to assure citizen input. The Committee will collect and report that information. All SPDC meetings are open to the public. Responding to a comment, Murphy remarked that the Committee has developed a proposed timeline, but there is no deadline for the completion of the strategic plan.

MANAGER'S REPORT

The Strategic Planning Development Committee held its focus group meetings last week. The research subcommittee is scheduled to meet this week to discuss the results of the focus groups and whether more information is needed to draft the community-wide survey.

Over 40 diseased Ash trees have been removed from Beverly Park. The park is closed during business hours throughout the week to allow the contractor uninhibited access to the diseased trees and to protect residents from harm. The park is open on the weekend.

The Village offices will be closed on Wednesday, January 21st starting at noon for in-service training.

As a reminder, four Council seats are up for consideration on the March 8, 2004 ballot. Petitions are available at the Village Clerk's office and are due by 4 p.m. on Monday, January 26th. There are also four Charter amendment questions prepared for the ballot. The Attorney General's office informed the Village today that the ballot language has been officially approved by its office and awaits the Governor's signature.

Domzal questioned Director Woodard about the increase in auto theft in the Village this year. Woodard responded that there were eight vehicles taken in the Village this year compared with two in the previous year. Some of the thefts were a result of opportunities available to the perpetrators. He cautioned citizens to take steps to secure their property and reduce those opportunities.

Downey questioned the status of the Acacia sewer construction. Spallasso answered that the first tunneling operation will probably start in the next couple of days at Weston and Beverly with pipe installation possibly beginning next week. The open cut operation will commence as soon as weather allows.

COUNCIL REPORTS

McCleary thanked Art Smith for his many years of service to the Village. He thanked all the volunteers who assisted in making the Winter Family Fun Day a huge success.

As liaison to the Public Safety Department, Mooney reported on Certificates of Merit presented to officers. Safe driving awards were issued to 14 officers including Deputy Director Art Smith. These awards cover a five year time period. Officer Chad Trussler received a Certificate of Merit for using outstanding judgment in responding to an armed robbery; Officer Peter Barch received a Life Saving Award in response to a baby not breathing; Officer Sonia Koenig received a Life Saving Award for the same incident.

Mooney announced that Groves High School is presenting its “Heart of the Home House Tour” on Sunday, February 8 from noon to 4 p.m. People will be able to walk through six beautiful homes in Franklin, Beverly Hills and West Bloomfield. Tickets are \$20 and can be purchased at GHS or through the mail. Information is available at the Village offices. Proceeds from the event will benefit the Class of 2004 Senior Party.

Pfeifer congratulated Dan Nelson and the Parks and Recreation Board on the Winter Family Fun Day.

Pfeifer reported that a subcommittee of Council met to compile material with which to educate the public on the proposed Charter Amendments. The subcommittee is drafting an information sheet showing how the Charter language currently reads, amended language, the impact on residents, and the rationale for these changes. It is anticipated that this information will be published in the Villager newsletter and the Eccentric and Eagle newspapers. The subcommittee expects to develop a 5-10 minute presentation on the ballot propositions for the municipal cable channel.

Pfeifer noted that Township Clerk Sharon Tischler was correct when she indicated at the last Council meeting that the original Charter had a cap of \$100 on expenditures made by administration without prior Council approval. At that time in 1960, the entire Village budget for the year was under \$80,000.

The Birmingham Area Cable Board will meet on Wednesday, January 21 at 7:45 a.m. Pfeifer clarified that the Cable Board does have a complaint procedure in place. Subscribers should call Comcast when they have a problem. If the issue is not adequately resolved by Comcast, residents should contact Kathy Hagaman, Cable Board administrator. She takes complaints from residents and deals directly with the service people at Comcast. The Cable Board reviews these complaints each month. They are aware of the problems that residents experience and attempt to address them in a number of ways.

Schmitt has observed people being treated fairly and honestly at the Cable Board meetings he has attended. He would like to see more competition in the cable industry.

Schmitt thanked the individuals who did a great job on this year’s Winter Family Fun Day. He recognized Jack Harmon, Pat Greening, Jim O’Reilly, and Dan Nelson, who chaired the event. Schmitt thanked Council members Mooney, Woodrow and McCleary for showing their support by attending the event.

Schmitt took exception to inflammatory and false comments made this evening regarding money being spent on the Acacia Drain project. He also took exception to the comment that there has been no response to Mr. Downey’s communications on this topic when there have been a number of detailed written responses to his inquiries in the last year.

The assertion was made this evening that the 70-30 percent cost allocation to Beverly Hills and Birmingham for the Acacia project is inappropriate and that the Village is overpaying by \$2 million. It was suggested that the contract with Birmingham should be renegotiated. Schmitt related that the Village received a letter from Thomas Markus, Birmingham City Manager, stating that Birmingham has reviewed the contract and that they expect Beverly Hills to fully honor the contract. Public Services Director Spallasso has affirmed that the contract is appropriate. The Acacia Drain project is a good use of money in terms of preventing sewer overflow and flooding of basements. Taxpayers voted this money to accomplish the Acacia sewer project, which is ongoing.

Schmitt reminded residents that Southfield Township taxes are due without penalty until Tuesday, February 17.

Domzal stated that the Planning Board will meet on Wednesday, January 28 to continue its work on the codification of commercial building design standards for the Village.

Domzal stated that he was troubled by tonight's discussion of the Acacia project. The people have a right to question. The public is entitled to information with respect to the determination of cost apportionment and the contract entered into by Birmingham and Beverly Hills. He maintains that reasonable people can differ. It is a different issue if they do not like the answers. What Domzal finds disturbing is the corrosive effect of challenging people's motivations.

Domzal affirmed that there has been a large amount of information provided to Norm Downey and others on the Acacia project. He suggested setting aside time at a Council meeting for a brief summary presentation of information. Domzal would like to get the information out to the public and get beyond this issue.

Domzal related that one of his neighbors expressed concern with the discussion that took place regarding 14 Mile Road. The individual felt that there was a certain arrogance on the part of Council with respect to discussing the desire for improvements in residential housing stock on 14 Mile Road between the water tower and Greenfield Road. There was a concern that neighbors would be forced out of their homes.

Domzal clarified that at no time during discussions by the Planning Board or Council has there been consideration relative to eviction or condemnation of property. The effort is to look at the possibility of providing a zoning district that might provide for redevelopment in that area, which is exactly what the City of Birmingham is doing on Eton between Lincoln and Maple with townhouse development. There has never been any effort to force anybody to do anything.

Woodrow stated that it appears that there is a misconception regarding the purpose of the Strategic Planning Development Committee. The group was not formed to develop ideas as to the future direction of the community. The Committee was established to gather information from the community and present it to Council.

Woodrow related that that he has spoken with resident Norm Downey at least twice on the Acacia drain project. He has read the letters from Mr. Downey and talked to administration about them. He has seen responses from administration to Mr. Downey and believes that most if not all of his questions have been answered. Woodrow is sorry that Norm Downey does not think that he is receiving the proper information.

Everyone enjoyed themselves at the Winter Family Fun Day. Woodrow commented that it was good to see community members come together to have fun. He urged everyone to vote in the upcoming Village Election.

Downey reiterated that there will be a Council budget study session on January 26, 2004 at 5:30 p.m. in the Village offices.

Downey remarked that Deputy Director Art Smith has been a fine leader in the community for a number of years and will be missed.

Downey commented on the great shape of the sled hill and particularly the new steps and railing. He pointed out that there is a “lost and found” pole near the pavilion where lost articles are collected.

Downey stated that he has made a strong effort to give everyone an opportunity to be heard during his tenure as Council President. Beverly Hills has an open forum based upon respect for each other. There have been no time limits on public comments. He urged people to remember that we are all on one team and to remain positive during this campaign season.

Motion by Pfeifer, seconded by Woodrow, to adjourn the meeting at 10:00 p.m.

Motion carried.

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary