

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

Absent: Pfeifer

Also Present: Public Services Director, Spallasso  
Assistant to the Manager, Pasieka  
Village Clerk, Marshall  
Director of Public Safety, Woodard  
Village Attorney, Ryan  
Building Official, Byrwa  
Finance Director, Wiszowaty

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 Mooney, seconded by McCleary, to approve the agenda as published.

Motion carried.

#### **PUBLIC COMMENTS**

Robert Walsh of 20655 Smallwood Court voiced opposition to approval of the fourth Charter Amendment that will appear on the March 8 ballot. He stated that the amendment would abolish Chapter 12 of the Village Charter relative to competitive bidding and contracts of \$1,000 or more. Walsh referenced a purchase made in the last year that he thinks demonstrates that competitive bidding reduces the cost of an acquisition. He maintains that voting in favor of the fourth Charter amendment will relinquish the current checks and balances on spending. Walsh urged residents to exercise their vote at the March election.

Downey recognized three boy scouts in the audience. The scouts from Troop 1024 stepped to the lectern and introduced themselves stating that they are working on their Communications and Citizenship in the Community merit badges.

#### **CONSENT AGENDA**

Motion by Woodrow, seconded by Domzal, to approve the consent agenda as follows:

- a. Review and consider minutes of a regular Council meeting held on February 17, 2004.
- b. Review and file bills recapped as of Monday, February 23, 2004.

Motion carried.

#### **BUSINESS AGENDA**

##### **RESCHEDULE STAFFORD SPECIAL ASSESSMENT DISTRICT PUBLIC HEARING**

McCleary related that the Stafford Special Assessment District Public Hearing set for tonight's meeting will be rescheduled to the next regular Council meeting. There was insufficient time to notify the affected property owners in accordance with Municipal Code requirements regarding special assessment districts.

Motion by McCleary, seconded by Woodrow, to reschedule the Stafford Special Assessment District Public Hearing for Monday, March 15, 2004.

Motion carried.

**REVIEW AND CONSIDER PROPOSALS FOR PAVILION AT BEVERLY PARK**

Schmitt stated that the next stage in the Beverly Park improvement program is renovating the pavilion. Four bids were received from architecture/engineering firms to prepare design and construction documents for the pavilion renovation. The Parks and Recreation Board unanimously concurred with administration's recommendation to accept the proposal from the low bidder, Westerlund Architects. Money is available for this expenditure from the dedicated park millage.

Motion by Schmitt, seconded by Mooney.

Resolved that, based on the recommendations of Administration and the Parks and Recreation Board, the Village of Beverly Hills enter into a contract with Westerlund Architects, LLC for architectural services for the proposed renovation of Beverly Park pavilion in an amount not to exceed \$7,750.

Roll Call Vote:

Motion carried (6 – 0).

**REVIEW AND CONSIDER PROPOSALS FOR 2004 DUST CONTROL SERVICES**

McCleary reviewed bids received for dust control needs on gravel roads for the upcoming season. Half of the cost of this service is assessed to benefiting property owners with the balance paid for by the Village's local road fund.

Motion by McCleary, seconded by Schmitt.

Resolved that the Village of Beverly Hills Council award the 2004 Calcium Chloride Dust Control Program to low bidder Suburban Oil Co. at \$0.375/gallon and the 2004 Asphalt Emulsion Program to Highway Maintenance Company at \$0.35/gallon.

Roll Call Vote:

Motion passed (6 – 0).

**REVIEW AND CONSIDER PERSONNEL COMMITTEE RECOMMENDATION**

Domzal, chair of the Personnel Committee consisting of Woodrow and Pfeifer, highlighted items that the Committee has addressed during this term. The Committee has recently undertaken a review of the Village Manager's performance over the last year and has concluded that he has done a great job.

Domzal explained that the Village currently has an employment agreement with Brian Murphy that runs through June 30, 2006. There are two opportunities for adjustments in salary included in this agreement. One is the Cost of Living Adjustment (COLA) increase that is provided to all administrative staff. The employment agreement also provides that an annual performance review of the Village Manager be conducted by the Personnel Committee to determine if he has

achieved his goals. This is followed by a recommendation to Council regarding a salary adjustment.

At its February 17, 2004 meeting, the Personnel Committee conducted a detailed evaluation of Brian Murphy's performance, which addressed whether he has reached the goals established last year. Domzal highlighted some of the goals Murphy has attained over the last year, noting that the achievements made in the Village represent a team effort with a number of administrative staff members sharing in these accomplishments.

Murphy and staff have been successful in obtaining revenue grants from various governmental entities. It was through the efforts and encouragement of Murphy that Council and the community moved forward with the creation of a Strategic Planning Development Committee with the charge of developing a community-wide strategic plan. Murphy proposed creative approaches for funding the water main replacement program, which resulted in funding the work without increasing taxes or water rates by an appreciable measure. Murphy has been developing and conducting an in-service staff training program that will result in a more efficient and qualified organization. It is a forward looking concept in an effort to keep costs in line and provide good service.

It is the recommendation of the Personnel Committee that Council approve a 4% bonus increase inclusive of the COLA component. It is also recommended that there be a one-time \$2,000 performance bonus provided at the end of the current fiscal year in recognition of Murphy's achievements.

Council discussed the salary recommendation. Members were unanimous in stating that Murphy has done an outstanding job in the last year and that he is entitled to the proposed salary increase. Schmitt was not in support of approving a bonus and asked that the two components of the Committee's recommendation be separated.

Downey summarized that Brian Murphy received an excellent evaluation from the Personnel Committee this year. He thinks that the entire Village staff has been doing a fine job during these difficult financial times. The Village is providing more service with less money. Downey believes that Murphy brings leadership to the community and brings staff and administration closer together to do a better job.

Motion by Domzal, seconded by Woodrow, to approve a 4% base pay increase, which includes a Cost of Living Adjustment, for Brian Murphy effective July 1, 2004.

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

Motion by Domzal, seconded by Woodrow, to provide a \$2,000 performance bonus to Brian Murphy effective on July 1, 2004.

Roll Call Vote:  
Downey - yes

McCleary - yes  
Mooney - yes  
Schmitt - no  
Woodrow - yes  
Domzal - yes

Motion passed (5 – 1).

**REVIEW AND CONSIDER RESOLUTION REQUESTING THE DETROIT WATER BOARD AND DETROIT CITY COUNCIL TO PLACE A MORATORIUM ON WATER AND SEWER RATE INCREASES FOR FY 2004/05**

Motion by Schmitt, seconded by Mooney, to adopt the following resolution whereby the Village of Beverly Hills requests the Detroit Water Board and Detroit City Council to place a moratorium on water and sewer rate increases for fiscal year 2004/05.

VILLAGE OF BEVERLY HILLS  
RESOLUTION

WHEREAS, the City of Detroit through its Water and Sewerage Department (DWSD) supplies water and wastewater services to much of southeastern Michigan; and

WHEREAS, the proficient and efficient provision of service by DWSD is essential to the health and welfare of the citizens of southeastern Michigan; and

WHEREAS, DWSD is a regional system that must be accountable to the regional customers; and

WHEREAS, the communities served by the regional system have been paying ever increasing water and sewer bills for several years; and

WHEREAS, the current process of setting and determination of rates for water and sewer services has caused continued concern among its customers because of an inability to determine with specificity the reasons for rate hikes; and

WHEREAS, the rate formulation process must begin at such time as to allow full disclosure permitting stakeholders to engage in meaningful review and evaluation and make constructive suggestions; and

WHEREAS, the Mayor of Detroit and the Detroit City Council must permit an evaluation of the efficiency of the DWSD operations by an independent, outside consultant; and

WHEREAS, such evaluation should be conducted in a public forum to provide assurances that DWSD is operated efficiently and cost effectively;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Beverly Hills hereby requests that the Detroit Water Board and the Detroit City Council place a moratorium on Water and Sewer rate increases for Fiscal Year 2004/2005.

Domzal requested to abstain from voting on this resolution on the basis that his law firm represents the Detroit Water and Sewerage Department. A roll call was taken whereby Domzal was unanimously recused from voting on the motion.

McCleary indicated support of the Resolution but expressed concern with chastising the City of Detroit. He understands that Detroit is doing everything it can in terms of collecting past due water bills.

Downey commented that the DWSD has been a topic of discussion at recent SEMCOG (Southeastern Michigan Council of Government) meetings. He stated that the Board needs to operate efficiently in order for the communities to provide services efficiently.

Spallasso remarked that the DWSD has been more cooperative in the last few years than it has been in the past. However, the SOCWA communities do not receive all the information they would like in order to understand clearly how the DWSD arrives at increases.

Roll Call Vote on Resolution:

Mooney - yes  
Schmitt - yes  
Woodrow - yes  
Downey - yes  
McCleary - yes

Motion passed (5 yes – 1 abstention).

**REVIEW AND CONSIDER TRANSFERRING DEPOSITORY SERVICES FROM STANDARD FEDERAL BANK TO COMERICA BANK**

The Village has deposited daily cash receipts at Standard Federal Bank for a number of years. Due to lower interest rates and significant increases in bank service charges, Finance Director Wiszowaty sought proposals for bank depository services from Standard Federal, Midwest Guaranty, Flagstar, and Comerica banks. Comerica Bank proposed zero fees for a three-year period with the option to extend the agreement for two years.

Motion by Domzal, seconded by Woodrow.

Resolved that the Village of Beverly Hills Council accept the banking proposal from Comerica Bank for a no fee depository service agreement for a three-year period with the option to extend the agreement for two additional one-year periods.

Roll Call Vote:

Motion carried (6 – 0).

**PUBLIC COMMENTS**

Bunker Kelly of 21526 Corsaut agreed that Manager Murphy works hard for the Village. He hopes that difficult decisions will be able to be made by administration in the future without having to bring in outside consultants.

Kelly referred to the City of Birmingham quarterly newsletter and made comparisons with the Village of Beverly Hills. He suggested that the Village publish budget session dates and times in the Eccentric and invite Beverly Hills residents to attend those meetings and provide input.

Dave Taylor of 16950 Buckingham, candidate for the March 8 election, urged everyone to vote for the candidates and for the ballot proposals.

Jim Delaney of 18129 Riverside Drive requested that Council consider sending a letter to Southfield Township asking that the Township not adopt a budget at its March 9 meeting. He would like to see the communities explore a cooperative agreement with Southfield Township that would save money for Township, Beverly Hills, Bingham Farms and Franklin residents.

Delaney mentioned that the Bingham Farms Village office is open only four hours a day. He sees no reason why the Southfield Township office cannot do the same without lowering the services to the three communities. Delaney suggested that perhaps a Beverly Hills staff member could be deputized to receive Township taxes.

Delaney posed questions relative to whether there are homes or property near the Village boundary in the area of Lahser south of Thirteen Mile Road that are not in the Village of Beverly Hills. Ryan recalled resolutions made in the early 1980s by Beverly Hills and the City of Southfield to resolve situations where a portion of a parcel was in Southfield and a portion in Beverly Hills. Delaney questioned whether the Corners Shopping Center and Acacia Cemetery are subject to annexation by the Village of Beverly Hills and whether the Village's agreement with the Township to provide service to The Corners prevents annexation of that property.

Patricia Greening of 19289 Riverside Drive thanked Phil Schmitt and Janet Mooney for their service on Council. Greening remarked that she wished that people who spoke at Council meetings would spend as much time on the positive as they do on the negative.

John Mooney of 19111 Devonshire congratulated Doyle Downey on his term as Council president and suggested that the Village is better now under his direction than it was two years ago. Property values have increased, and we have a more livable community. Mooney applauded Downey for the hard work that he has contributed to this Council.

Mooney extended his personal thanks and the thanks of a large number of the community to Phil Schmitt and Janet Mooney. This community has changed for the better based on the efforts of Schmitt and Mooney over the past few years. Their service on the Parks and Recreation Board and their efforts to transform Beverly Park and the community have been laudable. They are among those who lead proactive efforts that change our community and result in our town being the best place to live in Oakland County.

#### **REPORTS –MANAGER**

Spallasso updated Council on the status of the Acacia Park Interceptor project. Downey announced that a Council budget study session will be held on Wednesday, March 10 at 5:30 p.m.

#### **COUNCIL COMMENTS**

Schmitt reported that 304 ash trees have been removed from Beverly Park due the emerald ash borer. He reminded people that pavilion rental starts tomorrow for Village residents.

Schmitt remarked that his time on Council has been educational. He leaves Council with two pieces of unfinished business. The first is a landlord ordinance, which he thinks is needed to help maintain owner occupied homes and to discourage absentee ownership. Schmitt suggested that an ordinance can be designed to apply only to single family residences and duplexes.

Another matter that was not undertaken during his term was appointment of a committee to look into becoming a city. Schmitt does not know if this change is to the Village's advantage, but he expects that it would be. There is no excuse for not looking into it.

Schmitt congratulated and thanked administration for the excellent services they provide to residents. It has been a pleasure to work with the Village and Public Safety staff. The Beverly Hills work force has done a great job of maintaining things in a tough economy.

Domzal thanked Mooney and Schmitt for their great service to the community. Domzal has been convinced that Council should initiate a city versus village study. He commended both members for their work to improve Beverly Park and for their interest in a tree planting program for the Village.

Domzal stated that the Planning Board is continuing its work on the 14 Mile Road Corridor Study. The study area includes property on 14 Mile Road from east of the water tower to the Village limits. An overlay district is being considered that will allow people to continue living in their single family homes. The district would provide an opportunity for a developer to request a zoning change to build town homes. Area residents are invited to attend Planning Board meetings where there has been discussion about building type, density, setbacks, and screening. Domzal thinks that there is a general desire within the Planning Board and the community that an opportunity and incentive should be provided for developers to redevelop that particular area.

Domzal remarked that a communication was received from the Village Clerk regarding State Legislation that will put an end to our traditional March Village election effective in 2005. He commented on this new law. Domzal urged residents to take a look at the issues, make up their minds, and vote on March 8.

Woodrow thanked Mooney and Schmitt for serving on Council. He hopes everyone comes out to vote on the candidates and the Charter amendments on March 8.

Woodrow commented on the removal of 300 plus ash trees in Beverly Park and the large number of trees that will be lost in the Village as a whole. He hopes that residents take a proactive approach in determining if ash trees on their property need to be removed.

McCleary thanked Schmitt and Mooney for their service on Council.

Mooney reminded everyone that residents can vote absentee through Saturday, March 6. The Village offices will be open on Saturday from 10 a.m. to 2 p.m. Passport processing will also be available at that time. The Villager newsletter has been mailed to each resident. It includes a brief biography of the four Council candidates and an explanation of the proposed Charter amendments. Mooney encouraged everyone to read the information and to vote on March 8.

Mooney made a comment in support of limiting and regulating how much trash is imported from Canada to Michigan landfills.

Mooney stated that her overall experience on Council has been positive. She is not leaving for any other reason than to spend more time with her family. There are things that she wished Council could have accomplished over the last two years, but she understands that events do not always proceed as quickly as we would like. It is her intention to remain involved with the Village in some capacity.

Mooney offered the new Council her best wishes for a happy transition. She borrowed the words from German philosopher Schopenhauer who said that all change must go through three stages: ridicule, opposition, and acceptance as being self evident. Mooney asked Council to be courageous with what it will be facing in the next term.

Downey expressed his heartfelt thanks to Mooney and Schmitt for their dedicated service to the Village. They have served well and have had the best interest of Beverly Hills at heart.

Downey announced that a special Retirement Board meeting will be held on Tuesday, March 30. The Retirement Board has engaged a consultant to assist the trustees with setting investment policies and advise them on the current fund performance and asset allocation in order to become more efficient in administering the Public Safety Retirement program. Downey mentioned that the Village is looking at a potential contribution to the Retirement Plan in the next fiscal year due to accumulated losses over the last year.

Downey congratulated Eagle Scout Phil Raquepau of 30619 Pebblestone. He will be attending West Point in September.

Downey commented on how Proposal A both reduces taxes but at the same time limits money that Beverly Hills receives hampering its ability to provide services. Municipalities are forced to do more with less money. The Legislature has mandated that communities become more efficient.

Downey spoke in support of the four charter amendments that will be on the March 8 ballot for voter consideration.

Motion by Mooney, seconded by Schmitt, to adjourn the meeting at 8:56 p.m.

Motion carried.

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

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

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