

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

Absent: None

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

ADMINISTER OATH OF OFFICE TO NEWLY ELECTED COUNCIL MEMBERS BY HONORABLE STEPHEN C. COOPER, 46th DISTRICT COURT

Downey introduced the Honorable Stephen C. Cooper of the 46th District Court who proceeded to administer the oath of office to newly elected Council members Rosanne Koss, Dorothy Pfeifer, Dave Taylor and Hugh Woodrow.

President Downey called the meeting to order at 7:35 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 McCleary, to approve the agenda as published.

Motion carried.

ELECTION OF PRESIDENT AND PRESIDENT PRO-TEM

Downey called for nominations for Council President.

Pfeifer nominated Dave Domzal for the office of Council President. Domzal accepted the nomination. There were no further nominations.

Roll Call Vote on nomination of Domzal:
Domzal was unanimously elected Council President.

Domzal asked for nominations for President Pro-Tem of Council.

Taylor nominated Hugh Woodrow for the office of President Pro-Tem. There were no other nominations.

Roll Call Vote on nomination of Woodrow:
Woodrow was unanimously elected President Pro-Tem.

Domzal expressed appreciation to Rosanne Koss and Dave Taylor on behalf of the incumbent Council members for spending a great deal of time in the last couple of weeks attending

meetings and budget sessions to learn about Council business. They are the kind of residents who come forward and devote a lot of time and effort to the community.

Domzal recognized Doyle Downey for having done an outstanding job as Council President. He has served in the position with grace, dignity, and has advanced the agenda forward. Council and the audience gave Downey a round of applause in recognition of his service as Council President.

PUBLIC COMMENTS

Barbara Keidan of 32071 Rosevear commented on damage being done to gardens and lawns by heavy machinery used during the Acacia Relief Sewer construction. She understands that the sewer work is necessary but thinks that the crew could be more careful.

Spallasso stated that he is aware of the conditions and has talked to the construction crews about these concerns. He has been assured that they are doing their best. Spallasso affirmed that there is only so much that can be done to contain the large equipment being used. The contractor has insurance and will rectify any damage incurred during construction. Full restoration of property will be made after the project is completed.

Sharon Tischler of 21415 Virmar Court congratulated the newly elected Council members. She requested an update on litigation regarding erecting cell towers on Birmingham School District property.

Tischler announced two upcoming activities that benefit the residents of Beverly Hills. The Lions Club is hosting an Acoustic Folk Music Concert at Groves High School on Friday, March 19. Tickets are \$10 with the proceeds going to the Birmingham Schools music departments. A local artisan has donated a watercolor painting to the Beverly Hills Garden Club to be raffled off to raise money for replacement trees in Beverly Park. The tickets are being sold for \$10.

Woodrow remarked that Council received a memo from administration indicating that Attorney Tom Ryan has filed a response to the Birmingham School cell tower case on behalf of the Village. This response is available for review by Council or the public.

Former Council member Janet Mooney of 19111 Devonshire congratulated Ms. Koss and Mr. Taylor on their election to Council. She congratulated Dave Domzal on being elected President of Council and Hugh Woodrow as President Pro-Tem. Mooney thanked Judge Cooper for attending tonight's meeting to swear in the new Council members and voiced her support of his re-election this year.

CONSENT AGENDA

Motion by Pfeifer, seconded by Downey, to approve the consent agenda as follows:

- a. Review and consider minutes of a regular Council meeting held on March 2, 2004.
- b. Review and file bills recapped as of Monday, March 8, 2004.

Motion carried.

BUSINESS AGENDA

REVIEW AND CONSIDER RESOLUTION TO DETERMINE COSTS, NUMBER OF INSTALLMENTS AND INTEREST RATE FOR SUPERVISORS BERKSHIRE ESTATES PLAT (STAFFORD) SPECIAL ASSESSMENT DISTRICT

Council received a petition from Stafford Drive residents to construct an under drain system on their street about a year ago. Engineering plans and specifications and cost estimates were prepared for the proposed drainage project. A public hearing was held on December 1, 2003 to review the costs associated with the Stafford special assessment district and to consider moving forward with this drainage project. At that meeting, Council determined the necessity of drainage improvements on Stafford including construction of new under drains and swales and authorized administration to prepare the special assessment roll for the project. It was noted that the Village has received approval of a \$100,000 grant from the Wayne County Department of Environment for this drainage work.

The Special Assessment Roll was prepared for Supervisors Berkshire Estates Plat Special Assessment District. The total cost to the residents is \$54,320.32 to be spread over 18 lots in Supervisors Berkshire Estates Plat at a cost of \$3,017.80 per lot.

Motion by McCleary, seconded by Downey.

Resolved to adopt Special Assessment Resolution No. 2 to determine costs, number of installments and interest rate for Supervisors Berkshire Estates Plat (Stafford) Special Assessment District.

The entire resolution is on file and available for public review at the Village offices.

Tom Eley of 31091 Stafford referred to the Municipal Code, Chapter 2.02 Special Assessment Procedure, paragraph (y) Assessment to Precede Project, which states, “No public improvement to be financed in whole or in part by special assessment shall be made before the confirmation of the special assessment roll for such improvement.” The drainage project has been started and is near completion. Eley maintains that the Village has not complied with the ordinance.

Spallasso stated that the Village Attorney has recommended the steps to be taken as part of the special assessment procedure. Council determined the need for the project on December 1, 2003 and authorized the creation of a special assessment roll. That step made it possible to proceed with the project. The resolution before Council for consideration is to determine the cost and the number of payments. This will be followed by a public hearing after which time Council will consider a second resolution to confirm the special assessment roll and authorize the Village to spread the roll.

Woodrow reiterated that the assessment roll has been established. The action being considered tonight is to confirm and spread the special assessment roll.

Roll Call Vote:

Motion carried (7 – 0).

**PUBLIC HEARING – SUPERVISORS BERKSHIRE ESTATES PLAT (STAFFORD)
SPECIAL ASSESSMENT DISTRICT**

Domzal opened the public hearing at 8:02 p.m. for comments on the Stafford Special Assessment Roll.

Fred Porter of 31065 Stafford questioned the actual completion date for the project. Spallasso responded that the project is anticipated to be complete including restoration by the end of June.

No one else wished to be heard. The public hearing was closed at 8:04 p.m.

**REVIEW AND CONSIDER RESOLUTION TO SPREAD THE ROLL FOR
SUPERVISORS BERKSHIRE ESTATES PLAT (STAFFORD) SPECIAL ASSESSMENT
DISTRICT**

Before Council for consideration is a resolution to confirm and spread the assessment roll for the Stafford drainage improvements. The Special Assessment Roll is established in the amount of \$54,320.32 or \$3,017.80 per property owner. The special assessment against each of the 18 parcels of land shall be payable in three equal annual installments, the first of which shall be due on July 1, 2004. Interest charged on the unpaid balance of the deferred installments will not exceed 6% per year. The cost can be paid in full without interest by April 23, 2004.

Motion by McCleary, seconded by Downey.

Resolved to adopt Special Assessment Resolution No. 3 to confirm and spread the special assessment roll for Supervisors Berkshires Estates Plat (Stafford) Special Assessment District.

The resolution in its entirety is available for review at the Village offices.

Domzal thanked Public Services Director Spallasso for his work on this project and for providing residents with an effective solution to area drainage problems. He noted that grant funds have been obtained, and the Village is paying for a portion of the project. The residents are paying less than a third of the overall cost.

Tom Eley of 31091 Stafford asked that Council table approval of the resolution to confirm and spread the assessment roll until the Village Attorney can be present. He believes that the Village is out of compliance with the Municipal Code.

It was clarified that Spallasso has confirmed with Tom Ryan that the Village has been in compliance with the ordinance throughout this special assessment process. Council authorized administration to proceed with the project on December 1, 2003.

Roll Call Vote:

Motion carried (7 – 0).

REVIEW AND CONSIDER PURCHASE OF FIRE APPARATUS GENERATOR FOR THE PUBLIC SAFETY DEPARTMENT

Woodrow stated that the Public Safety Department has experienced a failure with the on-board, diesel-powered generator on the newest fire apparatus. Only one estimate could be obtained in the amount of \$2,500 for emergency service, and there are issues with the long term operability of this generator system. The Department considered replacing the entire unit with a hydraulic driven generator unit as a better option than repairing the current system. A power-take-off (PTO) mounted on the transmission drives this unit supplying power with higher reliability but without the noise of the former unit. There are higher costs involved in this replacement purchase, but it is believed that longer term cost effectiveness favors replacement rather than repair.

It is the recommendation of administration to accept the quote from Apollo Fire Equipment for equipment and labor costs for this replacement at a cost of \$8,500. It was determined that no advantage would be gained for the Village by offering this repair on a competitively bid basis due to the proprietary knowledge and experience of Apollo Fire Equipment with this specific apparatus repair issue.

Motion by Woodrow, seconded by Pfeifer.

Resolved that the Village of Beverly Hills Council awards to Apollo Fire Equipment the purchase and installation of one Smart Power 6 kilowatt hydraulic driven generator for the quoted price of \$8,550. Funds are available for this expense in Account #101-900-978 Fire Truck Reserve.

Questions from Council members and residents were addressed by Director Woodard and Murphy.

Roll Call Vote:

Motion carried (7 – 0).

REVIEW AND CONSIDER PROPOSALS FOR 2004 SOUTHFIELD ROAD LANDSCAPING SERVICES

Village administration secures the services of a landscape contractor to maintain the business properties in the rights-of-way along the Southfield Road Business District. Costs for these services pass through the Village and are charged back to the businesses based on frontage.

Seven contractors were invited to bid on providing this service for the 2004 summer season. Two bids were received with the low bid from Excell Landscaping in the amount of \$3,986. Excell has successfully performed landscaping services for the City of Lathrup Village. Administration recommends that Council accept this bid.

Motion by Pfeifer, seconded by McCleary.

Resolved that the 2004 contract for landscaping maintenance work required in the Southfield Road Business District be awarded to Excell Landscaping in the amount of \$3,986.00.

Ralph Lohrengel 18346 Beverly Road asked for clarification of the maintenance performed, which was provided by Council.

Kim Demars, General Manager of the Beverly Hills Club at 31555 Southfield Road, questioned the amount of the contract last year compared with this year. Pfeifer stated that last year's maintenance contract was \$4,106.00.

Fred Porter of 31065 Stafford suggested that the Village consider beautification of the 13 Mile Road corridor between Evergreen and Southfield Roads. He thinks that this is an area where money would be well spent on maintenance and improvements.

Bernard Rosenthal, business owner at 31645 Southfield Road, questioned whether the Village ever evaluates the effect of existing landscaping in terms of traffic obstruction and visibility. He observed that trees are overgrown in some areas of the corridor and thinks that this should be addressed as part of landscaping maintenance.

Pfeifer commented that the contract calls for shrub and tree trimming in the spring and fall. She suggested that there be some oversight from the Village when trimming is done to make sure that visibility issues are addressed.

Murphy related that the Planning Board will be conducting a study of the Southfield Road corridor that will consider these issues. He also noted that, unfortunately, a significant amount of ash trees along Southfield Road will be lost due to the emerald ash borer disease.

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

SECOND READING OF AN ORDINANCE CODIFYING THE SITE DEVELOPMENT HANDBOOK

Downey reviewed that the first reading of the Site Development Requirements Ordinance was held on February 3, 2004. Since that time, issues have been raised by business owners relative to specific language in the proposed ordinance and the impact it may have on businesses in the Village.

Village administration and the planning consultant have met with representatives from the Beverly Hills Club to discuss their concerns and questions regarding the draft ordinance. The planning consultant has indicated that minor modifications could be made to the ordinance language in the spirit of compromise without jeopardizing the integrity of the ordinance. Additional time is needed to consider specific revisions if the Village determines that it would like to pursue modifications to address these issues. Planning firm LSL would charge additional fees at an hourly rate for these specific tasks in an amount not to exceed \$600. It is recommended that the draft be sent back to the Planning Board for its review of any revisions.

Motion by Downey, seconded by Pfeifer.

Resolved to approve a proposal from LSL Planning to amend the Site Development Handbook Codification contract in an amount not to exceed \$600.00. The cost of the additional services will be paid from Account #101-371-810 Planning Consultant.

Howard Satovsky from the Beverly Hills Club at 31555 Southfield Road questioned whether there will be a forum where individual property owners can meet with Council or the Village planning consultant to review items of concern and discuss how they will impact existing businesses and future remodeling prior to a vote on the ordinance.

Domzal responded that business owners will be provided with that opportunity. He asked Planning Board chairperson David Jensen to summarize the intent of the proposed ordinance.

Jensen provided background on the creation of the Site Development Handbook in 1995 for the purpose of providing guidelines for individuals developing commercial property or remodeling commercial buildings. Over a number of years, the Planning Board began to study the Southfield Road corridor and identified a number of areas thought to be dysfunctional particularly relating to access. It was agreed to study the Southfield Road business district. The Planning Board and Council decided to codify the Site Development Handbook to prevent piecemeal redevelopment and to provide specific recommendations in terms of architectural standards, signage, landscaping, lighting, parking and access management. It was considered a stopgap measure while the Planning Board is conducting a thorough study of the corridor with the intent of making recommendations for improvements.

Codification of the Site Development Handbook is intended to stop some of the things that the Village does not want to see in that corridor. The Village is particularly concerned about redevelopment of Southfield Road sites. The ordinance is not meant to be overly burdensome. There is a lot of discretion allowed on the part of the Planning Board and Council. Jensen recommends that the Planning Board take a final look at the proposed ordinance considering some of the comments from business owners before forwarding the ordinance back to Council for consideration.

Bernard Rosenthal of 31645 Southfield Road commented on a letter he received from the Village stating that business owners are going to be contacted and interviewed. Rosenthal was informed that the letter he received was from the Strategic Planning Development Committee's research group. This group of volunteers plans to visit each of the businesses by the end of this month to conduct interviews to discuss the environment of doing business in Beverly Hills. This will coordinate with the survey being mailed to all Beverly Hills households on March 22.

Rosenthal thinks that the business owners should have an opportunity to offer input on the Site Development Ordinance. Kim Demars of the Beverly Hills Club stated that he would like to be notified and included in the process of reviewing the Site Development Ordinance.

Murphy stated that business owners will be notified of a forum with the Planning Board to discuss the proposed Site Development Ordinance.

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

REVIEW AND CONSIDER PROPOSALS FOR PUBLIC SAFETY EFFICIENCY STUDY

Woodrow stated that conducting organizational/staffing studies have been discussed in conjunction with the strategic planning process in an attempt to analyze the Village operations. Following Council approval, Village staff developed a Request for Letters of Qualifications for management consulting firms to perform an operational and efficiency study on the Public Safety Department. Two firms submitted statements of qualifications – Plante & Moran at a cost of \$9,800 and Rehmann Robson at a cost of \$10,500.

After meeting with representatives of the two companies, Director Woodard and Manager Murphy felt that the proposal from Rehmann Robson best meets the preferred goals and objectives outlined in the RFQ.

Motion by Woodrow, seconded by Pfeifer.

Resolved to approve the proposal by Rehmann Robson to conduct an organizational/staffing study of the Public Safety Department in an amount not to exceed \$10,400.00. The cost of the services will be paid from the Public Safety Department budget (101-345-956).

Council commented on the proposals and supported the staff recommendation to proceed with Rehmann Robson. Questions from members of the Council and public were addressed by Woodard and Murphy. The rationale for engaging an outside group to conduct this type of study was explained. A report would be received from Rehmann Robson within 90 days.

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

REVIEW AND CONSIDER APPLICATION FOR ROUGE PROGRAM OFFICE GRANT TO DREDGE MILL POND

Council has received a memo dated March 9, 2004 from Public Services Director Spallasso regarding the results of the study conducted by Hubbell, Roth & Clark on the feasibility of dredging the Mill Pond in the area of Riverside Park. It was reviewed that the Village submitted a Storm Water Pollution Prevention Initiative (SWPPI) to the State in 2001 with one of the items included being a commitment to perform this study. When the state issued its National Pollutant Discharge Elimination Systems (NPDES) permit to the Village, the study was included as one of the requirements.

The results of the study show that there is between two to four feet of silt in the pond, and it will cost approximately \$1 million to remove it. There is a possibility of obtaining grant funds through the Rouge Program Office, which would require a 50% match from the Village.

Motion by McCleary, seconded by Woodrow, that Council authorize preparation and submittal of an application for a grant to the Rouge Program Office for the purpose of dredging Mill Pond.

Council members expressed their support of this effort.

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

PUBLIC COMMENTS

W. A. Zimmerman of 22191 Camelot Court expressed the view that Council is not enforcing the provisions of the Village Cable Communications Ordinance requiring Comcast to appear and obtain Council approval for any rate increase. He commented that Comcast is using rate increases to subsidize its entry into the telephone business.

REPORTS – MANAGER

Murphy thanked Ellen Marshall, Village staff, and election workers for their hard work and dedication leading up to the March 8th Election.

Following completion of the focus group sessions, the Strategic Planning Development Committee met last week to review and comment on the draft survey that will be mailed to all the households in the Village. The committee is working through a second draft of the survey after incorporating remarks they received at that meeting. The survey will be mailed the week of March 22nd.

The Village offices will be closed on March 24th at noon for an in-service training program.

Murphy reminded residents that the Village cannot start collecting yard waste until the week of April 12th. Yard waste appearing in the regular waste system could result in a fine levied against the Village. If residents find it necessary to dispose of yard waste before then, they are free to bring the yard waste to the SOCCRA facility on Coolidge Road.

COUNCIL

Taylor thanked everyone who supported his bid for election and asked those in the community to pray for Council that they might make wise decisions this year.

McCleary welcomed new Council members Koss and Taylor. He urged residents to fill out and return the brief survey that will be mailed to every household in the Village by the Strategic Planning Committee. McCleary thanked Downey for doing a great job as Council president and wished Domzal well.

Pfeifer announced that the regular Cable Board meeting of Wednesday, March 17 has been postponed until March 24. At the last Cable Board meeting, members previewed the first of three programs on the Rouge River Watershed produced through the efforts of Arne Anderson and the staff at Bloomfield Community Television. The program series will be aired on Channel 15 shortly.

“Bask in the Glow”, the annual fund raiser for the Birmingham Area Seniors Coordinating Council will take place on April 22 at the Townsend Hotel.

Pfeifer remarked that many residents were mailed a survey from an organization called the Beverly Hills Citizens Forum Committee. She emphasized that this is not the official survey from the Village of Beverly Hills prepared by the Strategic Planning Committee. The official survey will be mailed on March 22nd.

Pfeifer welcomed the new Council members to the table. She thanked Downey for doing a great job as Council president. Pfeifer looks forward to Domzal’s service as President.

Pfeifer mentioned that an all-day seminar on running a well planned meeting will be held on Saturday, April 17. Coco Siewart, a registered Parliamentarian, will be offering a session on technology to improve meetings. Pfeifer thinks that this would be a worthwhile seminar to attend.

Downey related that he had an opportunity recently to talk to Vicki Barnett, Mayor of Farmington Hills, who is part of a task force looking at training of first responders. She indicated that first responders are often our neighbors, friends, and ourselves. Not only is it necessary to have public safety well trained and coordinated with surrounding communities during an emergency, but there are communities that are considering training their citizens how to respond to a major catastrophe.

Downey commented that there is room for improvement in terms of poor service and lack of maintenance exhibited by some of the fast food restaurants in the Village and in Southfield.

Downey welcomed the new Council members. He encouraged Council to continue to try to achieve as much consensus approval as possible.

Woodrow welcomed Koss and Taylor to Council. He announced that there will be a special Retirement Board meeting held on Tuesday, March 30.

Koss commented that she is honored to be on Council and looks forward to serving the community and working with fellow Council members and administration.

Domzal announced that the Groves High School Boy’s and Girl’s Swim Teams are current reigning Division 2 State Champions. The Groves Water Polo teams are competitive state-wide. The GHS Division 1 Girl’s Varsity Volleyball team won the Regionals for the first time.

Domzal will be circulating proposed Council liaison assignments and asked members for input on these assignments. He stated that the Council finance/budget subcommittee has met and looked at areas to explore in terms of cutting costs and keeping the budget in line. He asked that Woodrow continue to chair this subcommittee with Pfeifer and Taylor as members. Domzal asked the subcommittee to communicate with Brian Murphy and convene as appropriate to move forward on budget recommendations to the Council as a whole.

Domzal thanked Ellen Marshall for doing a great job on the Village Election and thanked the volunteers who work on the election. Domzal welcomed Koss and Taylor to Council. He looks forward to a productive year and encouraged everyone to keep positive and work on problems and their solutions.

Motion by Pfeifer, seconded by Woodrow, to adjourn the meeting at 9:26 p.m.

Motion carried.

Dave Domzal
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary