

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

Absent: None

Also Present: Public Services Director, Spallasso
Assistant to the Manager, Pasioka
Village Clerk, Marshall
Finance Director, Wiszowaty
Building Official, Byrwa

President Domzal called the meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. A Boy Scout from Troop 1699 led the audience in reciting the Pledge of Allegiance.

APPROVE AGENDA

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

Motion carried.

PUBLIC COMMENTS

Boy Scout Eric Rito from Troop 1699 stated that he attends Groves High School and is working on his Citizenship in the Community merit badge.

Domzal read a letter from John McCullough, Drain Commissioner of Oakland County. The Drain Commissioner remarked that issues regularly appear in the media on topics involving water security, runoff, pollution, and water rates. McCullough would welcome the opportunity to talk to Council and Village residents at a Council meeting in the near future in order to work more closely to address challenges that are unique to Beverly Hills.

A letter was received from Chris Lacroix on Coryell Drive stating his strong support for completing sidewalks along 13 Mile Road, 14 Mile Road, Evergreen and Lahser Roads. As a young resident who enjoys walking, hiking, jogging, bike riding, skate boarding and roller blading around the Village, he finds it difficult to travel any distance along these Village roads without running into sidewalks that end. This keeps his travel route from being a safe, smooth and an enjoyable experience. Lacroix would like to hear back from Council on this issue.

Kathleen Berwick of 31381 Kennoway Court expressed her disappointment in the recent survey that was mailed to all residents by the Village Strategic Planning Development Committee. She thought that a survey should have been provided to each member of the household. Berwick was concerned that the questionnaires could be traced to homeowners' addresses by a code.

Rosemary McLennan of 19977 Sunnyslope voiced her concern with a number of the survey questions, particularly those asking personal information about residents. She was also worried that survey responses would be traced to individual households and possibly used by outsiders for their own purposes. McLennan asked how the results of the survey will be made public.

Domzal affirmed that survey responses will remain totally anonymous and are not traceable to individual residences. The returned surveys will be kept at the Village municipal office, and survey data will be disclosed to Council. He commented that residents are encouraged but not obligated to respond to the survey.

Ralph Lohrengel of 18346 Beverly Road commented on several questions included in the questionnaire mailed to all Village residents. He was also concerned about whether survey results were traceable to residences. Lohrengel mentioned that there are four voters in his household, and only one survey was received.

Norm Downey of 23042 Nottingham Drive asked that Council present a detailed review of the upcoming water main replacement program at a Council meeting. He related information that he thinks should be discussed.

Kim Holland of 31905 Crossbow Court, member of the Strategic Planning Development Committee, stated that she has led the research initiative for the survey and updated Council on research plans a month ago. Holland reported that 1200 surveys have been returned to date. The surveys are being tabulated by a professional data entry firm in Livonia that will do a double blind verification data entry of all the surveys. This will provide 99.9% accuracy of data entry. Residents have until Friday, April 9 to return their surveys. All data will be tabulated, analyzed and presented at the April 27 Strategic Planning Development Committee meeting.

Holland added that the business surveys are in process and education surveys have been completed. Village service providers have been sent letters advising them of a survey, and those interviews are in process.

Domzal asked if a resident can copy the survey for other family members. Holland responded that she understands that some people would like to duplicate the survey for other members of their household. People can pick up extra surveys at the Village offices.

Holland affirmed that the surveys are not traceable to individual households. Surveys have a control number on them that ensures the Committee that one survey was printed for every record provided. Names were not provided with the surveys. The mailing of surveys was coordinated by a professional mail service company in Livonia. The number on a returned survey is keyed in by the data entry company. If the same number comes in more than once, it will be looked at to determine if one survey was completed by a male and the other by a female member of the household. Holland will determine what to do if there are three or more surveys from one household.

Domzal thanked Holland for her work on the Committee and for saving the Village a large sum of money by volunteering her time and professional services.

Bunker Kelly of 21526 Corsaut Lane commented on the survey distributed by the Strategic Planning Development Committee and expressed concern about some of the questions asked in the survey. Kelly expressed his views on the performance of the past Village Council, the financial condition of the Village, and his expectations for the current Council. He referred to the

upcoming water main replacement project and commented on a number of companies that are experts in flow meter capabilities.

Soter Art Liberty of 20850 W. Thirteen Mile Road addressed the recent Village-wide survey and the science of sampling. He questioned the validity of the survey and criticized the makeup of the Strategic Planning Development Committee.

Domzal stated that the survey results will come before Council for its consideration at public meetings.

Domzal stated that there was a question raised at the March 15 Council meeting relative to whether the procedure for spreading the roll for the Stafford special assessment district was consistent with the Village Charter and Ordinances. Village Attorney Ryan was asked to respond to this question.

Ryan stated that he has reviewed the minutes of the last Council meeting and the correspondence from Mr. Eley regarding the Stafford Special Assessment. He related that Council passed a resolution in December of 2003 determining the necessity for the drainage improvements on Stafford Road. Public Services Director Spallasso waited over 30 days beyond that approval to determine whether there would be any challenges to the project made to the tax tribunal. In the absence of hearing from any aggrieved parties, Spallasso initiated the improvement in order to take advantage of economies of scale and reduce project costs. The resolutions to review and confirm the special assessment roll were then brought to Council for consideration at the last meeting. Ryan stated that it is his opinion that all resolutions and procedures followed were appropriate.

Ryan thinks that the main concern of Mr. Eley was Council's compliance with Chapter 2.02 (y) of the Municipal Code entitled 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."

Ryan believes that Mr. Eley implied that the improvement should not have begun prior to approval of the special assessment roll. The Village has taken the position that the improvement should proceed to take advantage of a favorable time frame and cost benefit if there was no challenge to the determination of necessity. Council held a public hearing at its March 15 meeting and confirmed the special assessment roll for drainage improvements on Stafford. Ryan understands that there has been a significant savings to the affected residents. The project will be completed when weather permits.

Ryan addressed a question raised at the last meeting relative to the cell tower lawsuit with the Birmingham School District. He reviewed that the Village's position was upheld by the courts. The School District asked the Supreme Court to reconsider the matter. The Village received an order from the Supreme Court in January denying the School District's appeal to the Supreme Court. The School District then filed a motion for reconsideration using the Northville Township case to ask the Supreme Court to revisit the issue. Both Bloomfield Township and the Village filed a response to that motion and are waiting the Supreme Court's decision on whether it will rehear the matter. This order should be forthcoming in three to six months.

CONSENT AGENDA

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

- a. Review and consider minutes of a special Council meeting held on March 10, 2004.
- b. Review and consider minutes of a regular Council meeting held on March 15, 2004.
- c. Review and file bills recapped as of Monday, March 22, 2004.
- d. Review and file bills recapped as of Monday, April 5, 2004.
- e. Review and consider approval of grant application for Stop Sticks for Public Safety Department.

Motion carried.

BUSINESS AGENDA

REVIEW AND CONSIDER REQUEST BY THE JAYCEES TO HOLD THEIR ANNUAL EASTER EGG HUNT ON SATURDAY, APRIL 10, 2004

Motion by McCleary, seconded by Downey, that Council approve the request from the Birmingham Area Jaycees to conduct its 15th Annual Easter Egg Hunt at Beverly Park on Saturday, April 10, 2004, waiving all fees for the use of the park. In addition, the Village will support the Jaycees with a \$500 check from funds available in account 101-747-894 (Community Action: Special Events).

Todd Mortlock, President of the Birmingham Area Jaycees, thanked the Village for its continued support of the annual Easter Egg Hunt. He outlined activities that will take place as part of the event. Mortlock stated that the Village's financial support will help the Jaycees defray some of the cost of the Easter Egg Hunt. In conjunction with this event, the Jaycees will donate money to the Common Ground Sanctuary, which is shelter for runaway teens, and to JC FAN (Family AIDS Network), a house for families whose children have AIDS.

Roll Call Vote:

Motion carried (7 – 0).

BUDGET – RECEIVE TENTATIVE BUDGET AND SET PUBLIC HEARING DATE FOR MAY 4, 2004

Village administration and staff have prepared and distributed to Council a proposed budget for the 2004/05 fiscal year. A public hearing date of Tuesday, May 4, 2004 was set on the fiscal year 2004/05 budget.

The Charter requires that the budget be approved by Council by the second Monday in May. Approval of the ballot question that moves adoption of the budget to the second meeting in May will be effective for next year's budget adoption. Council will consider approval of the budget at the May 4 meeting following the public hearing. The proposed budget is available for public review at the Village offices.

REVIEW AND CONSIDER CHANGE ORDER TO CONTRACT WITH J. H. HART FOR ASH TREE REMOVAL

McCleary reviewed that Council approved a contract in August of 2003 with J. H. Hart in an amount not to exceed \$30,000 for removal of ash trees in Beverly Park. Approximately \$3,500 is needed to complete the project, which entailed removing over 300 trees. Diseased ash trees were removed from the lawn areas of the park, within 20 feet of the main trail through the woods, and 10 feet of the “north loop” through the woods. The contractor is grinding down stumps only in the lawn area.

Motion by McCleary, seconded by Koss, that the Village of Beverly Hills accept the change order with J. H. Hart Forestry for removal of diseased ash trees in Beverly Park in an amount not to exceed \$3,500.

McCleary commented on a program to replant trees in Beverly Hills. Jack Harmon and the Parks and Recreation Board with assistance from Stan Pasieka and Judd Hart are developing a program for tree replacement in the Village to assist with the loss of trees to the emerald ash borer. A proposed program will come before Council for consideration in May.

Pfeifer commended J.H. Hart Forestry on doing a great job of expediting the removal of diseased trees in Beverly Park. In response to her inquiry, it was indicated that stump removal is included in the project cost.

Residents Kathleen Berwick, Ralph Lohrengel, Rose McLennan and Bunker Kelly asked questions on the tree program and the budget public hearing. Inquiries on the tree removal contract and tree planting program were addressed by Council.

It was clarified that citizens’ comments and concerns on the proposed budget will be considered by Council at its May 4 meeting. Council is anticipated to approve a budget for fiscal year 2004/05 following public comments at that meeting. Domzal noted that Council reserves the right to hold a special meeting to approve the budget if there is a need for further study on any issues. All budget sessions held prior to the May 4 hearing are open to the public. This is the process that has been used in the past.

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

REVIEW AND CONSIDER CONTRACT FOR PROFESSIONAL SERVICE REGARDING VILLAGE SHARED PARKING LOT GRANT PROJECT

In January of 2002, the Village submitted an application for a Clean Michigan Initiative (CMI) grant to the State of Michigan for the purpose of improving the water quality discharged into the Rouge River. Proposed improvements to the parking lot shared with Southfield Township were described as installing bio-retention and rain gardens, installing catch basin filter inserts/separator units, replacing parking area surface to reduce sediment loads, and improving housekeeping procedures in the DPW yard.

The consulting firm of Ayres, Lewis, Norris and May, Inc. assisted the Village in the process and with the preparation of the original application at no charge. In August of 2003, the Village received formal notification that the grant had been approved. The grant will cover 75% of the cost. The remaining 25% of the cost will be shared by the Village (83%) and the Township (17%), with percentages based on land area.

The total cost of this project will be approximately \$424,932 with the local match at \$108,747. The Village's share is estimated to be \$90,260 with the Township's share at \$18,487. The proposed 2004/05 budget contains funds to cover this expense in the Capital Site Improvement account. The Township has also budgeted for this expenditure.

Motion by McCleary, seconded by Pfeifer, to approve the agreement with Ayres, Lewis, Norris and May, Inc., 3959 Research Park Drive, Ann Arbor, MI for assistance to proceed with the design and construction of the Village Hall parking lot project and authorize the Village Public Services Director to sign the agreement.

Construction will commence next spring due to the extensive preliminary engineering, testing and reporting required to prove "before and after" conditions for water quality purposes. This quote includes engineering and construction costs.

Council asked if written approval has been received from Southfield Township regarding its participation in the cost of the project. Spallasso responded that he has not received a formal communication, but the Township has budgeted for this expenditure.

Township Clerk Sharon Tischler related that the Township Supervisor is aware of the letter submitted to Southfield Township from Spallasso with regard to the grant for resurfacing the joint parking lot. She indicated that there are no objections from Township Board members and money was budgeted to pave the parking lot. The Village's concern with regard to written confirmation regarding the Township's share of the cost could be brought up at the Southfield Township Board meeting next Tuesday.

Spallasso commented that he must sign the contract with the State tomorrow in order to proceed with preliminary engineering. Ryan recommended that Council approve the motion as it stands for the contract between the Village and the State. He noted that this is a professional services contract, which is not subject to the bidding process according to the Village Charter.

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

REVIEW AND CONSIDER PURCHASE OF FILE SERVER FOR VILLAGE OFFICE

The Village is in receipt of three quotes to replace the municipal building file server purchased in January of 2001. The software and accounting programs utilized by the Village have used almost all of the available hard drive capacity resulting in computers locking up. It is the recommendation of staff to purchase the file server for the Village office from the lower bidder, Enterprise Computer Solutions, Inc., in the amount of \$4,899.00.

Motion by Woodrow, seconded by Pfeifer, that the Village of Beverly Hills Council award the purchase of a file server to Enterprise Computer Solutions, Inc. in the amount of \$4,899.00. Funds are available for this purchase in Account 100-900-976.00.

Motion carried (7 – 0).

PUBLIC COMMENTS

Ralph Lohrengel questioned the status of a proposal to dredge Riverside Park pond. Spallasso responded that the Village is in the process of submitting an application for a federal grant that would pay 40% of the cost of this undertaking. If grant money is approved, Council will discuss the possibility of proceeding with the project.

REPORTS

Public Services Director

Spallasso reported that the Acacia Relief Sewer project is proceeding according to schedule. The State of Michigan has reviewed and approved plans and issued a permit for the Water Main Replacement Program. Approval of the low interest loan is expected soon.

Downey asked about the orange barrels along Pierce. Spallasso explained that the barrels were placed there as part of an SBC project. He has been in contact with SBC and was informed that they will return to do restoration as soon as the weather stabilizes.

Council

Taylor stated that the Southfield Township Board will meet on Tuesday, April 13 at 8:00 p.m.

McCleary announced that the Parks and Recreation Board meeting was rescheduled from April 15 to April 22, 2004.

Downey stated that Council received a letter of thanks and recognition this week from Mary Jane Bauer, Council President for Bingham Farms, commending the work of Village Clerk Ellen Marshall and the election team on the March Council Election.

Council received a letter dated March 29, 2004 from Public Safety Director Woodard informing them that the Department received notification that FEMA (Federal Emergency Management Agency) has approved an application for assistance in the amount of \$2,665.09 to defray expenses incurred during the power outage last summer.

Downey asked Council members if they have invited a fellow citizen recently to make application to serve on a Village board.

Downey reported on his attendance at a recent SEMCOG quarterly meeting. He learned that there are \$30 billion of unfunded transit needs in Southeast Michigan. There was a panel discussion held at the meeting to address questions from civic leaders whose communities are heavily strained by recent reductions in State shared revenues. Downey thinks that Beverly Hills' emphasis should be on how to remain efficient with the money it has. Downey commented that

Huntington Woods has recently conducted a management audit and intends to implement recommendations set forth in the study.

Downey referred to comments received from residents this evening on the Village-wide survey. He stated that this survey is a legitimate effort produced by an independent committee to survey the community. The plan is for the Committee to receive and analyze the results. The information will assist Council to better serve Village residents.

There were questions from residents this evening about the water main replacement project. Downey stated that this program has been discussed by Council and administration at length. He is not in favor of spending valuable Council time rehashing issues that have been reviewed and decided.

Downey thanked Domzal for taking over the Council presidency. He commented on a memo relative to establishing six subcommittees of Council. Downey noted that two of the proposed subcommittees, infrastructure and finance, were previously established committees that were eliminated by Council within the last two years because the entire Council wanted to be involved with those issues. Downey thinks it would be appropriate to have a Council discussion before creating six Council subcommittees.

Domzal commented that it was the consensus of Council to have a budget study session before the public hearing on the proposed 2004/05 budget. He suggested combining a budget session with a planning session to look at Council issues. There was agreement that Council will meet at 5 p.m. on April 20 prior to the 7:30 p.m. Council meeting.

Koss read a letter from Director Woodard to the Michigan Liquor Control Commission describing an incident associated with alcohol consumption that occurred at the last Our Lady of Albanians Catholic Church annual festival on September 1, 2003. As a result of this incident and considering that officers encountered numerous underage intoxicated patrons at this event, Director Woodard stated his intention as the local jurisdiction police official to deny this year's application for special permit for Our Lady of Albanians Catholic Church. The letter states that it is anticipated that the Village of Beverly Hills Council will concur in this action.

Pfeifer announced that the Birmingham Area Seniors Coordinating Council fund raising event, BASCC in the Glow, will be held on Thursday, April 22 at the Townsend Hotel.

Pfeifer commented that the Birmingham Area Cable Board has been criticized for not seeking cable competition in the Birmingham area. The Cable Board directed a letter to Wide Open West (WOW) requesting them to respond regarding their interest in bringing cable competition into the Birmingham consortium. The Board received a letter from Mark Dineen, VP and General Manager of WOW as follows: "Thank you for your interest in WOW! Internet and Cable. At the present time, we are not expanding out. Rather, we are focused on delivering customers in our current service areas with exceptional value and service. We will keep your municipalities in mind when we decide to expand franchises in the future." The next Cable Board meeting will be held on Wednesday, April 21 at 7:45 a.m. in the Village municipal building.

Pfeifer thanked all of the residents living through the Acacia Park sewer construction for their patience. She thanked Spallasso for keeping those residents informed during the construction period.

Woodrow commented on some of the remarks made tonight by residents concerning the Village wide survey and water main issues. He is not in favor of spending more time going over issues that have been reviewed and decided regarding the water main replacement program. With respect to the survey, Woodrow remarked that the entire survey is optional. It is something the Village is trying to do to gain information about what the Village residents want. Woodrow invited everyone to attend the Easter Egg Hunt on Saturday and have a good time.

Domzal commented that there will be a driving tour of the Rouge River watershed scheduled for May 15, 2004 jointly sponsored by Friends of the Rouge, SOCWA, and other agencies and citizen groups. Stan Pasioka is the contact person at the Village offices if anyone is interested in learning more about this event.

Domzal commented that members of the Village Zoning Board of Appeals have asked Council to review the ordinance regarding the storage of recreational vehicles on private property. Council will consider this at an upcoming study session.

Domzal urged Council members to attend an Oakland County Economic Outlook luncheon to be held on April 29 at the Troy Marriott.

Motion by Downey, seconded by Pfeifer, to adjourn the meeting at 9:22 p.m.

Motion carried.

Dave Domzal
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary