

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

Absent: Taylor

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

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. The Pledge of Allegiance was recited by those in attendance.

#### **ADDITIONS TO AGENDA/APPROVE AGENDA**

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

Motion passed (6 – 0).

#### **CONSENT AGENDA**

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

- a. Review and consider minutes of a regular Council meeting held on December 7, 2004
- b. Review and file bills recapped as of Monday, December 13, 2004.

Motion passed (6 - 0).

#### **BUSINESS AGENDA**

##### **REVIEW AND CONSIDER PURCHASING TASER EQUIPMENT FOR PUBLIC SAFETY DEPARTMENT**

Koss stated that the Public Safety Department is requesting to purchase six X-26e Taser weapons and equipment to support the system. Funds are available in the Law Enforcement Drug Forfeiture Fund to cover the larger portion of the cost of this purchase, which is \$5,439.73. These funds are earmarked for use in programs that will support the enforcement of drug laws in the community making them eligible for expenditure on this purchase.

The Village's risk insurance carrier, Michigan Municipal Risk Management Authority (MMRMA), supports the Taser delivery system and will provide grant money for this purchase as such an acquisition can act to reduce the Department's potential civil liability.

The equipment items needed to support the training portion of the weapons acquisition (\$1,900.64) will be charged to the department law enforcement training account; the

reimbursement from MMRMA in the amount of \$1,500 will be credited back to the training fund upon its receipt.

It is the recommendation of staff that the Village Council accept the sole source quote provided by Michigan Taser Distributing of Livonia, Michigan. Koss remarked that there is an individual present tonight from Taser International who will answer questions from Council and the public.

Motion by Koss, second by Pfeifer, that the Village of Beverly Hills Council authorize the purchase of the Taser less lethal weapons system from Michigan Taser Distributing of Livonia, Michigan in the total amount of \$7,340.37. Funds are available in Account #101-345-959.00, Law Enforcement Training (\$1,900.64) and Account #265-333-750.00, Drug Law Enforcement Fund (\$5,439.73).

Director Woodard stated that the proposal before Council is for a less-lethal weapon to be added to the department's tools while on active patrol. There are three basic levels of use of force: open handed techniques used to control a subject, less-lethal mechanisms, and deadly force weapons with firearms.

Woodard summarized the less-lethal force weapons including OC chemical spray and collapsible baton. He displayed the Taser weapon that is proposed for purchase. It is slightly smaller than a hand gun and fires charged darts from the projectile end that will impact the suspect's clothing or skin. There will be a momentary electrical charge delivered which takes away the muscle and motor skill ability for the person to act. The Taser system is 94% - 96% effective and decreases injuries to the suspect and officers and results in a safer and more controlled arrest scenario.

Questions and concerns from Council and the public were answered by Woodard and Ron Dehne from Michigan Taser, who addressed technical questions about the system. Dehne emphasized that the Taser is a very humane way of avoiding the use of force.

Village Attorney Ryan remarked that Beverly Hills is within a metropolitan area and its Public Safety Department should have this Taser system to be a state-of-the-art police department. He strongly recommends that Council give its public safety officers the ability to use these less-lethal weapons, which will also avoid liability risks for the Department.

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

#### **REVIEW AND CONSIDER PURCHASING ADMINISTRATIVE VEHICLE FOR PUBLIC SAFETY DEPARTMENT**

Funds have been set aside in the 2004/05 budget, Capital Purchases account, for the purchase of a new administrative vehicle for the Department of Public Safety. Administrative vehicles were included in the 2005 Oakland County Cooperative Purchase program. The Dodge Magnum, a precursor to a reentry of Daimler Chrysler Corporation into the police fleet sales arena has been selected for this purchase.

The awarded bidder for 2005 Dodge Fleet vehicles was Slingerland Chrysler Dodge of Owosso, Michigan. The proposed cost for this vehicle is \$20,383.30. There are funds available in the Motor Pool Fund to make this purchase.

The Village fleet replacement schedule calls for one marked patrol unit and one administrative vehicle to be purchased out of the Motor Pool Fund each year. There is one patrol vehicle due for delivery in January from an earlier purchase. This order would likely be received in March 2005. The next proposed administrative vehicle purchase would be for the Village Manager in 2006.

Motion by Koss, second by McCleary, that the Village of Beverly Hills Council authorize the purchase of one new 2005 Dodge Magnum 4-door sedan at the delivered price of \$20,383.30 from Slingerland Chrysler Dodge of Owosso, Michigan. Funds are available in Account #410-905-979.00, Capital Purchases: Capital Projects Fund.

Questions from Council and the public were addressed by Director Woodard. It was noted that this is a request to spend funds that have already been budgeted. Council reviews the fleet rotation schedule as part of the budget process each year.

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

#### **REVIEW AND CONSIDER COMPENSATION FOR INTERIM VILLAGE MANAGER**

Downey stated that Renzo Spallasso, in addition to his role as Public Services Director, has been serving as interim Village Manager while Council continues to consider the full time manager position. Council feels that it is appropriate to provide Mr. Spallasso with additional compensation considering past practices of Council in recognition of his exceptional service to the Village.

Motion by Downey, second by McCleary.  
Whereas, Renzo Spallasso has served dutifully as interim Village Manager along with his current role as Public Services Director;  
It is hereby resolved that the Village of Beverly Hills provide Renzo Spallasso with compensation of eight percent of his salary for the fourth quarter of 2004, payable at the end of the quarter.

Domzal remarked that Spallasso has done an outstanding job as Village Manager while retaining the Public Services Director position. Council discussion of the manager position will continue in the first quarter of next year with Spallasso being an outstanding candidate for the permanent position. It is appropriate to recognize the fine efforts of Renzo Spallasso by providing him with additional compensation from September through the end of this year. There are considerable savings to the Village with Mr. Spallasso taking on the responsibility of both positions.

Bunker Kelly of 21526 Corsaut Lane commented on the qualifications of Renzo Spallasso and encouraged Council to appoint him as full time Village Manager.

Roll Call Vote:

Motion passed (6 – 0).

### **PUBLIC COMMENTS**

Kathleen Berwick of 31381 Kennoway Court asked if there has been any progress on developing a Village tree protection program. She has suggested that the Village consider adoption of an ordinance that regulates the removal of trees on private property.

Spallasso responded that the tree subcommittee had not met recently to consider this type of tree policy. Domzal added that continued work on regulations to protect trees is an item on Council's action agenda for the coming year. Berwick thanked Council for working hard for the Village.

Bunker Kelly of 21526 Corsaut Lane made comments and posed questions regarding the Village's recent execution of Administrative Consent Order ACO-SW-05-002 issued from the Michigan Department of Environmental Quality to the Village of Beverly Hills.

### **REPORTS**

#### **MANAGER**

The Strategic Planning Development Committee met on December 14 for the final time. Facilitator Gene Jacoby from Detroit Executive Services Corps will be at the second Council meeting in January to present the final plan. Many hours of work went into preparing the plan, and committee members are to be commended for their dedication to this project. Spallasso thanked them verbally at the meeting, and a letter recognizing their efforts has been sent to the members.

Included in the recent Villager newsletter was a survey regarding library services. Residents are encouraged to return their surveys by Friday, December 31, 2004. A report to Council will be prepared in early January 2005.

On Wednesday, December 14, sealed bids were opened for the pavilion improvements. Patrick Westerlund is checking and evaluating the results and has reviewed the bids with the Parks and Recreation Board. The low bid is \$225,900, which is still higher than expected. A recommendation will be submitted to Council.

The water main replacement project is proceeding close to schedule with approximately 8,500 LF of new pipe installed to date. Spallasso thanked all of the residents for their cooperation and patience during this construction phase.

Spallasso reported that on Friday, December 17<sup>th</sup>, the consultant who is designing improvements to the municipal building parking lot presented several alternative designs to him and Township Clerk Tischler. Spallasso will bring the design that is determined to best

serve the Village's needs to Council for consideration before it is submitted to the DEQ for approval of the grant.

The Village Office will be closed this week and next on both Thursday and Friday (the 23<sup>rd</sup> and 24<sup>th</sup> and the 30<sup>th</sup> and 31<sup>st</sup>) for the holidays. Spallasso wished everyone a safe and happy holiday season.

#### **DIRECTOR OF PUBLIC SAFETY**

Director Woodard provided Council with an update on the implementation of the short-term administration recommendations resulting from the Public Safety Department Operational Review. His update is summarized in a report to Council dated December 14, 2004.

#### **COUNCIL**

Council members wished everyone a happy and safe holiday.

Pfeifer reported on the recent Birmingham Area Cable Board (BACB) meeting of December 15. She informed Council that the BACB has reached an agreement with Comcast resolving issues raised during a routine franchise fee review. Under the agreement, Comcast has paid the BACB \$52,500 to cover prior franchise fee and PEG fee underpayments. These funds are being distributed to the member communities based on the number of cable subscribers in each municipality. Beverly Hills received \$9,338.48. A portion of the Comcast payment is for PEG (public, educational, and government) access fees. The Cable Board handles all PEG programming activity and has deposited those funds into the BACB account at Franklin Bank.

Pfeifer urged residents to return the library surveys that were mailed with the Villager newsletter by the end of December. She clarified that the Village is trying to validate the fact that it is spending General Fund money for library services. Council wants to know if those services are being used.

Pfeifer commended staff on a good job on the new Village calendar that was mailed to each resident.

Downey commented on the useful and pertinent information included in the fourth quarter newsletter mailed to each homeowner. He encouraged residents to fill out and return the library survey because it is important information for Council.

At Domzal's request, Attorney Ryan presented a brief update on the status of Zoning Board of Appeals Case No. 1137. The ZBA met on Monday, December 13 and approved a variance request from the Christie family at 32380 Mayfair Lane for a deviation from the minimum 100' lot width to 79.5' and a deviation from the 16,000 square feet minimum lot size to 12,643 square feet to construct a new residence on their property. The next step will be for the Christies to request a lot split from the Village. The proposal will go to the Planning Board first for review and recommendation before proceeding to Council for consideration.

Domzal complimented the Zoning Board of Appeals for its tenacity and congratulated chairperson Todd Schafer for doing a good job in bringing this matter to a conclusion.

Domzal recognized four young men in the community who will be awarded the Eagle Scout rank: Ian Halloran, Matthew Krueger, Timothy Maxwell, and Matthew McNeil.

Council will hold a study session on Thursday, January 13, 2005 at 6:30 p.m. in the Council chamber. Domzal commented on an active Council agenda for 2005 which will include discussion of a full-time Village Manager position, looking at the library survey results and strategic planning results, and reviewing the budget for the next fiscal year.

Domzal thinks the Village has an excellent Council and outstanding Council members as well as an interested and engaged public. He would like to conclude the year by encouraging everybody to continue to work closely together for the common good. Domzal wished everyone a happy holiday season.

Motion by Pfeifer, second by McCleary, to adjourn the meeting at 8:42 p.m.

Motion passed.

**Dave Domzal**  
**Council President**

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

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