

Present: Temporary Chair Woodrow; Members: Burry, Pfeifer, Rijnovean, Taylor and Walsh

Absent: Koss

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

ADMINISTER OATH OF OFFICE TO NEWLY ELECTED COUNCIL MEMBERS BY HONORABLE SUSAN M. MOISEEV, 46th DISTRICT COURT

The Honorable Susan M. Moiseev administered the oath of office to newly elected Council members Greg Burry, Pamela Rijnovean, and Gladys E. Walsh. She wished the Council good luck in the times ahead.

Woodrow called the meeting to order at 7:35 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. Roll call was taken.

ELECTION OF PRESIDENT AND PRESIDENT PRO-TEM

Pfeifer related that Council member Koss was unable to attend the meeting for medical reasons. Pfeifer asked that Council postpone the election of officers until the next meeting considering that a full compliment of Council is not present. She suggested that Hugh Woodrow be appointed as chairperson of tonight's meeting.

Motion by Pfeifer, second by Taylor, that Hugh Woodrow be appointed as temporary chair to conduct tonight's Council meeting.

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

The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Spallasso stated that representatives from Misch International Implant Institute have requested that their request for site plan approval be postponed until the first Council meeting in October.

Motion by Pfeifer, second by Taylor, to remove item a. from the Business Agenda.

Motion passed (6 – 0).

Motion by Walsh, second by Pfeifer, to move Consent Agenda items a. and b. to the Business Agenda as items c. and d. for the reason that she would like to comment on those topics.

Motion passed (6 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER LANDSCAPING BIDS FOR BEVERLY PARK PAVILION

Before Council for consideration are bids for landscaping the pavilion area of Beverly Park. Pfeifer reviewed that the Parks and Recreation Board has been providing recommendations to Council concerning improvements to Beverly Park as outlined in the Park Master Plan. The voters passed a 0.25 dedicated millage for five years in 2001 to implement Park Master Plan projects including the sled hill, gazebo, pavilion, ball diamonds, courts and landscaping. Pavilion renovations are near completion, and the landscaping project calls for excavation and numerous plantings in the area of the pavilion.

Administration went out for bids on this project and received four proposals from landscaping contractors with the low bid at \$11,359 and the high bid at \$19,800. The Parks and Recreation Board discussed the proposals at its September 15 meeting. Pfeifer noted that a landscape plan is on display in the Council chamber.

Cynthia Nagle, Board member, related that the Parks and Recreation Board unanimously recommends that Council accept the proposal of the second lowest bidder LawnCrafters of Royal Oak in the amount of \$11,975 for the pavilion landscaping project. Nagle explained that the bid from LawnCrafters specifically includes watering the hydroseeded lawn and landscape materials for six weeks after sowing and planting, which was not included in the proposal from the low bidder. Secondly, LawnCrafters has volunteered a work crew and heavy equipment to assist at Beverly Park Cleanups for the past three years. There is a \$616 difference between the low bidder Kezko and the LawnCrafters proposal.

Motion by Pfeifer, second by Taylor. In consideration of the unanimous endorsement by the Parks and Recreation Board, the Village of Beverly Hills Council awards the Beverly Park Pavilion Landscape Contract to LawnCrafters of Royal Oak in an amount not to exceed \$11,975. Funds for this contract are available in Account 408-900-985.00, Capital Park Improvement, Dedicated Millage.

Walsh asked for a review of the landscape plan. Spallasso indicated that the plan involves planting of bushes and hydroseeding in the area of the pavilion.

A number of questions from Walsh were directed at understanding the contract and bid proposals and obtaining information relevant to making a decision on this issue. Walsh asked if all base bids included items outlined in the contract, drawing, and specifications. Pasiaka answered that bidders were asked to respond to the specifications in their proposal. The bids and specifications indicate that all bidders are required to have a one-year guarantee on plants and material. There is no indication in the specifications that require watering. Pasiaka related that the Village has a

supervisor who oversees public construction projects. All of the contractors have been found to be competent and able to perform the services in the contract.

Walsh expressed concern that not all of the bidders were given an opportunity to include watering in their bid proposal. She understands from her research on the topic that a hydroseeded area requires a two-week watering period.

Walsh mentioned that the Charter says that “Purchases shall be made from the lowest competent bidder meeting specifications; sales shall be made to the bidder whose bid is the most advantageous to the Village”. In response to her inquiry, Spallasso stated that the Village goes out for bids and Council awards a contract, which is considered a purchase. Walsh said that she will not consider items that were not in the bid specifications, noting that the \$616 difference in contract costs seems high.

Walsh referred to the bid form and questioned whether there will be unit costs or supplemental fees in addition to the base bid from Kezko or LawnCrafters. Spallasso affirmed that the contract amount from either bidder will not be exceeded. Any additional work would require Council approval. He added that architect Pat Westerlund is providing his service on this project at no charge to the Village.

Taylor commented that he has been impressed by work performed by LawnCrafters. Rijnovean was informed that plant sizes and dimensions are indicated on the diagram included with the bid proposal.

Burly had questions on the bid process, which were addressed by Spallasso. Burly questioned whether the bid proposal reflects the final price of the project. He was informed that the company that is awarded the contract has to provide everything included in the bid specifications for the price quoted in their proposal.

Roll Call Vote:

Pfeifer	- yes
Rijnovean	- yes
Taylor	- yes
Walsh	- no
Woodrow	- yes
Burly	- no

Motion passed (4 – 2).

REVIEW AND CONSIDER MINUTES OF A REGULAR COUNCIL MEETING HELD ON SEPTEMBER 6, 2005

On page 2, second paragraph from bottom, Walsh asked for clarification of the statement that \$52,000 was reimbursed to the municipalities for underpayments of franchise fees during the audit period. It was explained that there was a dispute about the formula used to compute franchise fees. A determination was made that Comcast underpaid the franchise fees required under the Franchise Agreement.

Walsh commented that meeting minutes are important for historical reasons. She observed that there are instances where questions and comments from Council are omitted from meeting minutes.

Rijnovean referred to an item on page 5 under the heading “Review and Consider Proposal from LSL Planning, Inc. to Review Current Ordinances Regarding Accessory Structures”. It was clarified that the proposal before Council was to authorize the Planning Board and planning consultant to review current ordinance regulations with respect to garage sizes for possible revisions. The proposal was turned down by Council.

Motion by Walsh, second by Pfeifer, that the minutes of a regular Council meeting held on September 6, 2005 be approved as submitted.

Motion passed.

REVIEW AND FILE BILLS RECAPPED AS OF MONDAY, SEPTEMBER 19, 2005

Walsh asked for clarification on specific bills, which was provided by Pfeifer and Spallasso. Walsh remarked that she is trying to be fiscally conscious and think of ways to cut costs.

Rijnovean commented that she has observed the consistently high cost of vehicle maintenance. She suggested that the Village explore entering into a contract with a local garage in order to receive a better deal on vehicle maintenance. Spallasso responded that administration can look into this. He mentioned that repair costs are high because the Village has vehicles with 80,000 miles on them.

Motion by Taylor, second by Pfeifer, that the bills recapped as of Monday, September 19, 2005 be approved as submitted.

Motion passed (6 – 0).

PUBLIC COMMENTS

Alda Marie McCook of 19370 Riverside questioned the rationale for planting new trees along Beverly Road in front of the park prior to the start of the water main construction project along that road. Spallasso responded that the trees had to be planted in the time frame specified by the grant received to pay a portion of the cost. The contractor is doing everything he can to save the trees.

Sharon Tischler of 21415 Virmar Court commented that she was outraged that the Village Council sat back in silence while a member of the community and former Council president was allowed to publicly launch personal attacks on residents at the last Council meeting. She views this as a leadership void on the Council.

Daniel Pamukcu of 18131 Saxon asked if the tennis courts in Beverly Park will be renovated in the future. Spallasso responded that the Park Master Plan calls for improvements to the tennis and basketball courts. The timing depends on whether money is available in the park budget.

Jeff Pynnonen of 31724 Allerton commented on the proposed improvements to the north baseball diamond. He expressed opposition to any plan that involves moving the viewer stands along Allerton. That configuration would require erection of a fence in front of the stands to protect viewers.

REPORTS

MANAGER

Spallasso welcomed newly elected members to the Village Council. He is looking forward to working with these individuals.

Spallasso reported that the road resurfacing project is proceeding on schedule. When all the segments are based with the first layer, the crew will return for the top course. The concrete repair project is winding down and should be completed by tomorrow or the next day.

The water main replacement program is continuing. The contractor is currently making connections to the new main on Devonshire as well as working on the punch list, which includes reseeding and fixing deep ditches.

The Beverly Park pavilion addition and improvements are near completion. Final grading, painting, and installation of plumbing fixtures are scheduled to be completed within a couple of weeks.

Ryan suggested that Council appoint an interim Village President this evening in the event that there is a contract to be signed or the need for action to be taken by the Village President in the next two weeks prior to the October 4th Council meeting.

Motion by Rijnovean, second by Walsh, to appoint Dave Taylor as Interim Council President until the October 4, 2005 Council meeting.

Roll Call Vote:

Rijnovean	- yes
Taylor	- yes
Walsh	- yes
Woodrow	- no
Burry	- yes
Pfeifer	- no

Motion passed (4 – 2).

COUNCIL COMMENTS

Walsh thanked the voters for coming out on September 13th and voiced appreciation to everyone who supported her. She considers it an honor to be sitting at the table and will do her best to research issues, expecting that those who come before Council are prepared with detailed information. She will do her best to have open discussions and let the public know what is going

on. Walsh would like the Village to remain fiscally solvent so that it can continue to be the best village and provide the best services that it can for the tax dollar.

Taylor commented that his prayers go out to Rosanne Koss. He welcomed the new members to Council and expressed hope that we can move forward in a positive way as a community.

Pfeifer welcomed the newest members of Council and offered her assistance to them. The Birmingham Area Cable Board will meet tomorrow morning September 21 at 7:45 a.m. in the Village Council chamber.

Rijnovean commented that she is excited about being on Council, and she thanked the residents who helped elect the new members. Her main concern is the budget. Council needs to set an example, and she plans to donate her Council salary to the park landscaping project. Her husband will take her picture for the Village calendar as a cost saving measure.

Burry thanked everyone who voted for him. He extended an offer to assist any residents who need his help. Burry encouraged residents to attend meetings and make their concerns known. He looks forward to working with Council and administration.

Woodrow offered his congratulations and welcome to the new members of Council. He recognized Dan McCleary for doing a fine job for the Village during his term on Council.

Council will meet on Saturday, September 24 from 9 a.m. to 12 noon for the purpose of attending a Parliamentary Procedure Workshop conducted by Parliamentarian Coco Siewert. This workshop will take place in the Council chamber.

Motion by Taylor, second by Walsh, to adjourn the meeting at 8:33 p.m.

Motion passed (6 – 0).

Hugh Woodrow
Meeting Chair

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary