

Present: President Stearn; President Pro-Tem Pfeifer; Members: Domzal, Downey, Munguia and Walsh

Absent: Craig

Also Present: Interim Manager, Spallasso  
Assistant to the Manager, Pasieka  
Director of Public Safety, Woodard

Stearn called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

**APPROVE MINUTES OF A SPECIAL COUNCIL MEETING HELD ON MONDAY, MARCH 26, 2001**

MOTION by Pfeifer, supported by Walsh, that the minutes of a special Council meeting held on Monday, March 26, 2001 be approved as submitted.

Motion passes unanimously.

**APPROVE MINUTES OF A REGULAR COUNCIL MEETING HELD ON MONDAY, APRIL 2, 2001**

MOTION by Walsh, supported by Pfeifer, that the minutes of a regular Council meeting held on Monday, April 2, 2001 be approved as submitted.

Motion passes unanimously.

**PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA**

Sharon Tischler of 21415 Virmar Court referred to a flyer from the Beverly Hills Garden Club promoting a plant sale at Beverly Park on May 19. She does not recall Council granting the Garden Club a waiver of sales restrictions in the park for this event. Spallasso stated that a request for waiver of sales restrictions will come before Council for consideration upon submission by the Garden Club.

Tischler informed Council that the Southfield Township Board of Trustees approved a motion at its April 10 meeting to nominate William Pfeifer for a Volunteer Leadership Award sponsored by the State of Michigan as part of the Michigan Week 2001 celebration. Council is being advised of this nomination because the individual is a Beverly Hills resident and volunteer.

Ray Lacroix of 20285 Coryell was present along with a large group of residents from his subdivision at the April 9 joint meeting of the Council and Finance Committee to review the 2001/02 fiscal year budget. Coryell Estates residents expressed concern with the drainage and road condition in their area. Lacroix understands that Council budgeted \$130,000 at that meeting towards a ditching program. He questioned the status of the appeal from Coryell residents that the Village address drainage and road conditions on their streets.

Stearn explained that Council agreed to allocate \$130,000 from the Local Road Fund balance to begin a ditching program and to fund an engineering study that will identify and prioritize the ditching and drainage needs on all Village streets.

Spallasso stated that \$20-\$30,000 of the allocated funds will go towards developing an engineering plan that will encompass the 16 miles of road ditches Village-wide, or approximately 32 miles of ditches. The plan will serve as the engineering study for improvements and will be available for submission with a grant application for ditching. At this time, Spallasso cannot guarantee where the Coryell Estates Subdivision streets will rank on the priority list for ditch improvements.

Spallasso related that it will take about three to four months for the consulting engineering firm to complete the study. Assuming that Council approves a budget that allocates \$130,000 from the Local Road Fund balance for a study and ditching program, money will become available after July 1, 2001. Lacroix was advised that he could call Spallasso on a regular basis for an update on this project.

Council members spoke in support of a continuing ditching program to address drainage problems in the entire Village as funding becomes available.

Elwood Hovermale of 15842 Buckingham asked whether capital funds have been budgeted for Beverly Park this year considering that the Village received approval of a state grant for park capital improvements and a park dedicated millage was passed by the voters. Stearn responded that Council agreed not to allocate General Fund money this year for park capital improvements.

**APPROVE WAIVER OF SALES RESTRICTIONS AT BEVERLY PARK FOR THE LITTLE LEAGUE KICKOFF**

Council is in receipt of a request from John Mooney, President of the Beverly Hills Little League, for a waiver of sales restrictions in Beverly Park for opening day ceremonies to be held on April 28, 2001. The waiver will permit the sale of a box lunch and games. An acceptable Certificate of Insurance has been submitted by the Beverly Hills Little League.

MOTION by Domzal, supported by Downey, for approval of a waiver of sales restrictions for the Opening Day Ceremonies for the Beverly Hills Little League to be held on April 28, 2001 in Beverly Park.

John Mooney of 19111 Devonshire commented on the Beverly Hills Little League organization and highlighted the activities that will take place at the opening day ceremonies. The \$1 charged for the box lunch will cover costs and will not generate a profit. The proceeds from the dunk tank and radar range pitching game will be used to buy pitching machines for the Minor League.

Motion passes unanimously.

**PUBLIC HEARING TO REVIEW AND CONFIRM 2000 ASSESSMENT ROLLS FOR DUST CONTROL, WATER AND SEWER CHARGES, SOUTHFIELD ROAD MAINTENANCE, WATER MAINS, WEED CONTROL AND OTHER MISCELLANEOUS ASSESSMENTS TO THE 2001 TAX ROLL**

Domzal stated that a public hearing is held each year to review and confirm the assessment roll and billings that are to be added to the tax roll for dust control, water and sewer charges, Southfield Road maintenance, water mains and other miscellaneous assessments.

RESOLVED by Domzal, supported by Pfeifer, to adopt the following resolution:

Whereas the 2000 Dust Control (asphalt) for 19 properties cost \$298.48, and  
Whereas the 2000 Dust Control (chloride) for 132 properties cost \$4,948.22, and  
Whereas the 2000 Water and Sewer charges for 85 properties cost \$44,764.55, and  
Whereas the 2000 Southfield Road Maintenance on one property cost \$1,025.19, and  
Whereas the 2000 Sunnyslope/Norwood Water Mains for 5 properties cost \$4,117.75,  
Whereas the 2000 Kennoway Water Main for 11 properties cost \$15,367.88 and  
Whereas the 2000 Weed Control for 3 properties cost \$450.80,  
for a total of 256 properties in the amount of \$70,972.87.

Whereas copies of the affected tax rolls are available at the office of the Village Clerk for public inspection; and

Whereas the notice of public hearing was published in the Eccentric newspaper on April 8 and April 12, 2001.

Be it resolved to confirm the 2000 dust control special assessment rolls and to place the charges along with unpaid water and sewer bills, unpaid Southfield Road maintenance charges, unpaid water main assessments, and unpaid weed control on the 2001 tax bills.

President Stearn declared the public hearing open at 8:01 p.m.

Ray Lacroix of 20285 Coryell commented that the dust control service in the Coryell Estates Subdivision is inadequate. He asked if consideration could be given to more frequent applications or use of a more effective product.

Stearn remarked that the purpose of the public hearing is to receive comments or questions on the amount of the charges. He asked Spallasso to address the concern brought up by Lacroix.

Spallasso stated that the Village can increase the number of applications, which would increase the assessment to the property owners. The cost of dust control is shared on a 50-50 basis by the affected property owners and the Village-at-large. The Village has been treating gravel roads as needed, depending on whether it is a wet or dry summer. If a resident contacts him, Spallasso will have the DPW evaluate the overall conditions and schedule an additional application.

Patricia Casenhiser of 20301 Elwood affirmed that she has called the Village when there has been a problem with dust on her street, and there has been an immediate response.

No one else wished to be heard; therefore, the public hearing was closed at 8:05 p.m.

Roll Call Vote:

Resolution passes unanimously.

**APPROVE SITE PLAN FROM NEXTEL COMMUNICATIONS FOR THE COLLOCATION OF ANTENNAS ON THE WATER TOWER AT 16111 W. 14 MILE ROAD**

Downey informed Council that the Planning Board has reviewed plans submitted by Nextel Communication for the collocation of antennas on the water tower at 16111 W. 14 Mile Road. Several changes suggested by the Planning Board were incorporated into a revised site plan. The Planning Board recommends Council approval of the revised site plan.

RESOLVED by Downey, supported by Pfeifer, that the Village Council approve the site plan from Nextel Communications for collocation of antennas on the water tower at 16111 W. 14 Mile Road.

Domzal mentioned that the Nextel proposal was reviewed by the Planning Board at the same meeting that a public discussion was held on the 14 Mile Road Corridor Study. There were no issues brought up by area residents in attendance with respect to the request for collocation of antennas on the water tower.

Domzal commented that Nextel will pay the Southeastern Oakland County Water Authority (SOCWA) a fee for collocating antennas on its property. He asked if the Village will receive any benefit from SOCWA as a result of its approval of this proposal.

Spallasso responded that any revenue received by SOCWA will indirectly benefit Beverly Hills as a member of the SOCWA consortium.

Walsh asked a question about the construction and landscaping of the support building, which was addressed by Leland Calloway representing Nextel Communications.

There were members of Council who expressed dissatisfaction with the current maintenance of the property owned by SOCWA. There was some objection to further development of the property until there is a commitment from SOCWA to improve the area. Resident Larry Needham of 15588 Kirkshire mentioned that there are “no dogs allowed” signs on the site that are in a state of disrepair. He would like to see the property improved and maintained.

It was suggested that the Nextel request for collocation and SOCWA’s maintenance of the water tower property are two separate issues. Council could follow approval of the collocation request with a motion that directs Village administration to request that the SOCWA board use a portion of the fees from Nextel to improve and maintain the site.

Roll Call Vote:

Resolution passes unanimously.

MOTION by Pfeifer, supported by Munguia, to authorize Renzo Spallasso to engage in discussions with SOCWA management relative to improving the maintenance of its property located at 16111 W. 14 Mile Road and considering the possibility of installing benches and landscaping to improve the site.

Motion passes unanimously.

Calloway stated that he will speak to Mr. Waffan, General Manager of SOCWA, about the maintenance issue.

### **DISCUSS CABLE BOARD INTERLOCAL AGREEMENT**

Copies of the draft Interlocal Agreement have been distributed to Council for review. Pfeifer stated that the proposed document updates the existing interlocal agreements between the City of Birmingham, and the Villages of Beverly Hills, Bingham Farms and Franklin, which creates the Birmingham Area Cable Board. The new agreement is a compilation of the four documents drafted in the 1980s. The Interlocal Agreement was drafted by Tim Currier, attorney for the Cable Board.

The Cable Board asked that its member communities review the draft and offer any input, which will be incorporated into a document that will be considered by the Cable Board at its April meeting and recommended to the four municipalities for approval.

Pfeifer highlighted two changes from the current interlocal agreement. The updated agreement authorizes the Cable Board to make investments, maintain bank accounts, and own personal and real property. Another change is an increase in the Beverly Hills representation by one vote. The Cable Board uses the national census figures as the basis for developing the weighting of how the communities vote. Beverly Hills will have four of the 13 seats on the board.

There were no suggestions on the document from Council. Ryan will review the draft Interlocal Agreement and contact Pfeifer with any comments.

The Cable Board will discuss the Interlocal Agreement at its April 25 meeting and consider recommending the document to the communities for approval.

### **DISCUSS PLANNING BOARD VACANCY**

Downey informed Council that there are no candidates to fill a vacancy on the Planning Board at this time. There were two applications on file from citizens interested in the position. One of the individuals withdrew their application. The remaining applicant is a spouse of a person currently sitting on a Village board. Council's past action has been not to make appointments so that spouses are sitting on different boards or committees simultaneously. Downey recommends that Council initiate a search for a candidate to fill a vacancy on the Planning Board.

Council members questioned past practice and suggested considering an application from someone who has a spouse serving on another board as it would consider any other application. Council agreed to reopen the time period for accepting applications for the position of Planning Board member. The application on file will be considered.

MOTION by Downey, supported by Domzal, that Council reopen the application period for a position on the Village Planning Board.

A second and first announcement of a vacancy on the Planning Board will be made at upcoming Council meetings.

Village Attorney Ryan stated that the sections in the Village Charter addressing nepotism refer to the Village Manager and Council and do not imply a problem with spouses serving on different Village boards at the same time.

Motion passes unanimously.

### **DISCUSS IMPROVEMENTS TO COUNCIL CHAMBERS**

Pfeifer presented a plan for the layout of the Village council chambers to accommodate a control room and a new council table. She requested Council approval of a concept design for the control room plans and authorization to go out for bids for its construction. Council approval is also needed on the table design.

MOTION by Pfeifer, supported by Walsh, to approve the concept for an enclosure that will house the cable equipment in the Council chambers as presented in the proposed plan and to authorize administration to go out for bids for construction of the control room.

Council discussed the proposal to establish a video production area in the council chambers. The configuration of the room was discussed. It was noted that a meeting is relocated to a larger venue if there is a topic on the agenda that is expected to draw a large number of people. The new equipment will provide the ability to set up monitors in the lobby so that people can view a meeting when there is an overflow crowd in the meeting room.

It was clarified that the Cable Board, with the approval of Council, accepted the bid of ROSCOR for video and sound equipment in the amount of \$98,605. This equipment will be paid for by the Cable Board from a capital improvement grant provided by the cable company as part of the franchise renewal agreement. Beverly Hills will be responsible for the cost of constructing the control room and purchasing a new table.

Ayes - Domzal, Munguia, Pfeifer, Stearn, Walsh  
Nays - Downey

Motion carries (5 – 1).

Pfeifer outlined options for the council table. The table will be purchased through the Oakland County Purchasing Department at a cost estimated at \$4,000. The configuration of the table will be changed to allow for better communication among Council members. Individual microphones will be permanently installed at every seat. There will be a lip along the front of the table to conceal paper. A majority of Council did not want a shelf constructed under the table.

MOTION by Pfeifer, supported by Walsh, to approve the concept for a new council table with the configuration presented on drawing #3 with a raised lip, permanently installed microphones, and no under shelf.

Motion passes unanimously.

Downey remarked that the Council chairs are in poor condition and need replacing. This will be addressed at another time.

**SET PUBLIC HEARING DATE OF 5-7-01 TO REVIEW 2001/2002 FISCAL YEAR BUDGET**

MOTION by Domzal, supported by Pfeifer, to set a public hearing date of May 7, 2001 to review the 2001/2002 Fiscal Year Budget.

Motion passes unanimously.

**RESOLUTION AUTHORIZING REFUNDING OF EVERGREEN-FARMINGTON BONDS**

Walsh explained that bonds issued in 1991 for the Evergreen-Farmington Sewage Disposal System (permanent meter and interceptor rehabilitation) will be reissued to take advantage of today's lower interest rates. The Oakland County Drain Commissioner has engaged the firm Municipal Financial Consultants Incorporated to work on refunding a number of bond issues.

RESOLVED by Walsh, supported by Pfeifer, to adopt a resolution authorizing the Oakland County Drain Commission to issue Refunding Bonds for the Evergreen-Farmington Sewage Disposal System (Permanent Meter and Interceptor Rehabilitation).

Roll Call Vote:

Resolution passes unanimously.

The Resolution in its entirety is on file for public inspection at the Village offices.

**APPROVE REQUEST BY THE BEVERLY HILLS LIONS CLUB AND VILLAGE WOMAN'S CLUB FOR ANNUAL MEMORIAL DAY EVENTS**

MOTION by Domzal, supported by Pfeifer, to approve the request by the Beverly Hills Lions Club and the Village Woman's Club of Beverly Hills for use of Village streets and Beverly Park on May 28, 2001 for the annual Memorial Day Fun Run, Parade and Carnival, petting farm and pony rides, and waiver of restrictions on sales in the park.

Motion passes unanimously.

**APPROVE BILLS RECAPPED AS OF MONDAY, APRIL 16, 2001**

MOTION by Walsh, supported by Pfeifer, that the bills from a period of 4/03/01 through 04/16/01 be approved for payment in the following amounts:

\$321,948.53 General Fund

8,423.94	Major Road Fund
14,140.20	Local Road Fund
46,036.67	Water/Sewer Operation Fund
<u>12,067.28</u>	Trust & Agency Fund

\$402,652.62 Total

Questions from Council and the audience were addressed by administration.

Motion passes unanimously.

### **LIAISON'S REPORT**

Domzal stated that the Finance Committee meeting scheduled for this week will be cancelled. The Finance Committee will be available for the next budget session with Council next Monday, April 23. The Parks and Recreation Board will meet this Thursday, April 19 at 7:30 p.m.

Walsh reported that an Infrastructure Committee meeting will be scheduled for early June to discuss upcoming road and water main projects.

Pfeifer stated that this month's Cable Board meeting will be held next Wednesday, April 25 at 7:45 a.m. in the Village municipal building.

Stearn reported that the Planning Board is working on a 14 Mile Road Corridor Study. They are looking at various options for improving and redeveloping that area. Stearn encouraged interested residents to be a part of those meetings. He called on citizens to apply for the position of Planning Board member.

### **MANAGER'S REPORT**

Interim manager Spallasso related that he met today with representatives from consulting engineering firm Hubbell, Roth & Clark to review the status of all Village infrastructure projects. Spallasso stated that HRC will be able to move quickly to begin preparation of a village-wide ditching plan upon receipt of authorization from Council. A report on all infrastructure projects will be forthcoming as soon as final dates are available.

Walsh mentioned that Council requested a written policy relative to who has access to the entry code for the door leading to the Village offices and how often the combination is changed. Spallasso responded that a draft policy will be discussed at tomorrow's staff meeting and finalized for the next Council meeting.

### **PUBLIC COMMENTS**

Sharon Tischler of 21415 Virmar questioned the capacity of the Council meeting room. She thinks that it is the responsibility of Council and administration to move a meeting to another venue if a large gathering of people is anticipated for a public meeting.

Lawrence Needham of 15588 Kirkshire commented that the County roads within the Village including Southfield, 14 Mile, and Greenfield Roads are not well maintained in terms of cleaning the streets and weed cutting. He asked if the Village can use its influence with the County to request better maintenance of those roads, particularly Greenfield Road.

Spallasso indicated that the ditches along 14 Mile road from Southfield to Greenfield Roads will be replaced with curb and gutters as part of next year's reconstruction of the roadway. He related that the managing director of the Road Commission for Oakland County meets with community representatives every two years for an evaluation of their performance in terms of maintenance within their rights-of-way. Spallasso indicated that the lack of proper maintenance is one of the deficiencies that he has pointed out over the last 20 years. Spallasso advised Needham to call him when he has a particular concern, and he will contact the proper people for a response to that problem.

### **COUNCIL COMMENTS**

Domzal noticed the new identification signage on the Public Safety Department building. He questioned the status of the Planning Board's review of new identification signs at the entryways to the Village.

Munguia acknowledged Sheila Seaver of the Woman's Club and Ray Lacroix from the Lion's Club. These are two service organization that make the Village what it is.

Munguia commented that he has received phone calls from area residents who question what will be done to address traffic and noise problems associated with the annual festival held by Our Lady of Albanians Church on Labor Day weekend. He requested a report from administration on what action the Village will take to avoid past problems.

Downey mentioned that a tree came down in front of Georgetown Subdivision last week during a storm. He informed administration that the bulk of the tree has been removed, but there is still a stump and brush remaining.

Downey noted that Georgetown Subdivision is considering updated signage at its entrance, which will require approval by the Village. He commented that the new municipal signage looks spectacular and serves the purpose of directing people to the proper building.

Council received notification that there will be a report and review of the Rouge Master Plan on May 25. Downey requested that the Village receive a copy of the Rouge Master Plan for its files.

Spallasso stated that the Rouge 2000 plan will be submitted to the Village Council for review in the near future. There is a general plan for the Rouge River basin and a specific Village of Beverly Hills plan that is incorporated into the overall plan.

Downey commented that there was discussion at last week's budget meeting about paving gravel roads. He suggests that it be standard policy that administration furnish Council members

with copies of cost estimates provided to residents for projects such as paving and ditching improvements.

Pfeifer asked if Council's discussion of the manager selection process can take place in closed session for the reason that there will be discussion of sensitive contract issues. Ryan responded that the Open Meeting Act allows collective bargaining agreement negotiations to be held in closed session but not discussion of individual contracts.

MOTION by Downey, supported by Walsh, for a five minute recess at 9:32 p.m. before reconvening to discuss the status of the manager selection process.

Motion passes unanimously.

The meeting reconvened at 9:43 p.m.

### **STATUS OF MANAGER SELECTION PROCESS**

The purpose of this agenda item is to discuss continuing negotiations with Brian Murphy on a contract for the Village Manager position. Stearn outlined the provisions that have not been resolved. Council discussed the maximum salary it would offer for the position and the request for a contract provision related to a salary increase after the first year. A majority of Council members agreed to a final counter offer that will be presented to Murphy.

MOTION by Pfeifer, supported by Downey, to adjourn the meeting at 10:18 p.m.

Motion passes unanimously.

**Todd S. Stearn**  
**Council President**

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