

Present: Council President Downey; President Pro-Tem Domzal; Members: Mooney, Pfeifer, Schmitt, Stearn and Woodrow

Absent: None

Also Present: Village Manager, Murphy
Director of Public Services, Spallasso
Assistant to the Manager, Pasioka
Director of Public Safety, Woodard
Village Attorney, Ryan

President Downey called the meeting to order at 7:33 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

ADMINISTER OATH OF OFFICE TO NEWLY APPOINTED COUNCIL MEMBER BY HONORABLE BRYAN H. LEVY, 46th DISTRICT COURT

Honorable Bryan H. Levy, chief judge of the 46th District Court, administered the oath of office to newly appointed Council member Phil Schmitt.

President Downey called the meeting to order at 7:33 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

ADDITIONS TO AGENDA - APPROVE AGENDA

MOTION by Woodrow, seconded by Mooney, to add item “h” to the agenda, “Accept resignation of Phil Schmitt from the Parks and Recreation Board and first announcement of a vacancy on the Board”.

Motion passed (7 – 0).

PUBLIC COMMENTS – CONSENT AGENDA AND ITEMS NOT ON BUSINESS AGENDA

Sharon Tischler of 21415 Virmar Court congratulated Phil Schmitt on his appointment to the Village Council. She expressed the view that the agenda posted for the Saturday, June 1 special Council meeting did not reflect the action taken at that meeting.

Tischler was of the understanding that Council’s policy was to replace concrete residential streets with concrete as opposed to using an asphalt cap. She questioned why the Public Safety Department building concrete parking lot was capped with asphalt.

Tischler asked that Council give consideration to a situation related to the increase in major renovation or rebuilding of homes in the Village. There is a problem in some instances with the length of time a contractor takes to complete the work, particularly in the area around the building site. She suggests that Council consider imposing a time limitation for completion of a construction project. Tischler asked a question on a bill to be approved by Council, which was addressed by Murphy.

Jim McCook of 19370 Riverside Drive expressed his dissatisfaction with Saturday's special Council meeting to consider applications for a vacancy on Council. He voiced the opinion that special interests are served as the mainstream of politics in Beverly Hills. McCook stated that he has no issue with Mr. Schmitt, but he takes exception to Council's method of placing him in this important role. He believes that the next highest vote getter in the last election should have prevailed over a candidate who chose not to run for Council in March.

CONSENT AGENDA

Domzal asked that item c, Review and Consider Personnel Policies and Procedures Manual, be taken off the consent agenda and added to the business agenda.

MOTION by Mooney, seconded by Stearn, to approve the consent agenda as follows:

- a. Review and consider minutes of regular Council meeting of May 20, 2002.
- b. Review and file bills recapped as of Monday, June 3, 2002.

Motion passed (7 – 0).

CONSENT AGENDA

REVIEW AND CONSIDER TRANSFER FROM COMCAST TO AT&T COMCAST CORP.

Pfeifer reviewed that a Form 394 Application was submitted to the Village of Beverly Hills for the transfer of control of Comcast Corporation through a merger with AT&T to the AT&T Comcast Corporation. Before Council for consideration tonight is a Resolution Granting Consent to the Change in Control of the Cable Franchise. Under Federal Law, the local franchise authorities, which are the individual communities in the Birmingham Area Cable Consortium, must act on an application for franchise authority consent to transfer control of cable television franchise prior to expiration of the 120 days from the franchise authority's receipt of Form 394.

The Birmingham Area Cable Board (BACB) recommends that the consortium communities approve the transfer in accordance with the proposed resolution. Village Attorney Ryan has reviewed the resolution and accompanying documents from Cable Board Attorney Tim Currier and recommends approval of the change in control of the cable franchise. Present in the audience this evening representing the Cable Board are Chairperson Bob Borgon and Executive Director Kathryn Hagaman. Michael DiMaria is present representing Comcast. Pfeifer read the resolution in its entirety.

MOTION by Pfeifer, seconded by Stearn, to adopt the Resolution Granting Consent to the Change in Control of the Cable Franchise.

Domzal stated that he will support the resolution for transfer of control. He reminded the Comcast representative present that Council has gone on record as objecting to the unacceptable level of high speed Internet service provided by Comcast.

Stearn thanked the Cable Board for the work it does. He referred to a condition of the resolution that requires remediation by the cable company of all existing defaults that have not been remedied by prior action or agreement. Stearn asked what happens in the future if the new company defaults.

Borgon responded that the Cable Board can order rebates and assess liquidated damages for franchise agreement violations.

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

The Resolution is available for public review at the Village offices.

Pfeifer noted that the resolution provides that the cable company will reimburse the Village of Beverly Hills for all reasonable expenses incurred that are attributable to the Village's consent and consideration of the transfer application. She requested that Ryan prepare a statement to be submitted to the Cable Board, which includes his review of related documents and communication with Tim Currier.

REVIEW AND CONSIDER APPOINTMENT OF VILLAGE REPRESENTATIVE AND ALTERNATE TO THE SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY BOARD

The Southeastern Oakland County Resource Recovery Authority (SOCRRA) is a 12-member community consortium that provides for collection of solid waste, yard waste, and recyclables and for the proper disposal, processing and/or sale of the same for the purchase, maintenance and care of the collection and disposal facilities. Murphy highlighted the operation of SOCRRA and current issues faced by the organization. The newly appointed General Manager of both SOCRRA and the Southeastern Oakland County Water Authority is Jeffrey A. McKeen.

Motion by Domzal, seconded by Pfeifer.
RESOLVED to appoint Brian Murphy as representative and Renzo Spallasso as alternate to represent the Village of Beverly Hills on the Board of Trustees of the Southeastern Oakland Resource Recovery Authority for the July 1, 2002/2003 fiscal year.

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

REVIEW AND CONSIDER APPOINTMENT OF VILLAGE REPRESENTATIVE AND ALTERNATE TO THE SOUTHEASTERN OAKLAND COUNTY WATER AUTHORITY BOARD

The Southeastern Oakland County Water Authority (SOCWA) provides Detroit water through its member distribution systems to its 11 member communities.

Motion by Domzal, seconded by Mooney.

RESOLVED to appoint Renzo Spallasso as representative and Brian Murphy as alternate to represent the Village of Beverly Hills on the Board of Trustees of the Southeastern Oakland County Water Authority for the July 1, 2002/2003 fiscal year.

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

REVIEW AND CONSIDER FLAG DAY RESOLUTION

Pfeifer offered a resolution adopting a Proclamation in honor of Flag Day June 134, which was requested from long-time resident Walter Girardot, a member of the Military Order of World Wars.

MOTION by Pfeifer, seconded by Stearn, to adopt the following Proclamation:

P R O C L A M A T I O N

Whereas, the first annual day specifically celebrating the Flag is believed to have originated in 1884; and

Whereas, Flag Day was officially established by the proclamation of President Woodrow Wilson on May 30, 1916; and

Whereas, on August 3, 1949 President Harry Truman signed an Act of Congress designating June 14 of each year as National Flag Day; and

Whereas, on June 14th each year communities across the nation recognize the Stars and Stripes by properly displaying the flag from their homes, businesses, and public buildings; and

Whereas, by observing this tradition of a Flag Day celebration by properly displaying the Flag of the United States of American it is strongly endorsed by the Village of Beverly Hills,

Now, Therefore, Be It Resolved that the Village Council of Beverly Hills urges all residents to participate in this traditional celebration of Flag Day by properly displaying the flag on Friday, June 14, 2002.

Motion passed (7 – 0).

REVIEW AND CONSIDER FUNDING AND SUPPORT FOR FIREWORKS DISPLAY AT LINCOLN HILLS GOLF COURSE

The City of Birmingham will be conducting a fireworks display at Lincoln Hills Golf Course on Wednesday, July 3. Birmingham is requesting donations to offset the cost of the event.

Motion by Woodrow, seconded by Pfeifer.
RESOLVED that the Village of Beverly Hills Council contribute \$2,000 from account #101-747-893 to the City of Birmingham Fireworks Display to be held on July 3, 2002 at Lincoln Hills Golf Course.

It was noted that the Village additionally provides Public Safety Department services to assist with crowd control and safety related issues at the event.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER PROPOSALS FOR STREET SWEEPING

Stearn stated that quotes have been received to provide street sweeping and catch basin cleaning during the 2002/03 season. Both of these maintenance operations are requirements contained in the Village's Storm Water Pollution Prevention Initiative Plan (SWPPI) submitted to the Michigan Department of Environmental Quality.

Four contractors submitted quotes for street sweeping and two contractors bid on the catch basin cleaning program. Progressive Sweeping of Redford submitted the lowest quote for both maintenance operations.

Motion by Stearn, seconded by Pfeifer.

RESOLVED to accept and approve the quotes from Progressive Sweeping Contractors, Inc. of Redford as follows:

Sweeping

- Residential streets twice/season @ \$1,475.00 = \$2,950.00
- Major roads four times/season @ \$ 285.00 = \$1,140.00
- Total \$4,090.00

Catch Basin Cleaning

- \$130.00 per hour plus \$150.00 for material testing plus \$35/cu.yd. disposal.

Questions on this work were addressed by Spallasso. The street sweeping encompasses curbed streets within the separated sewer system areas that are tributary to the Rouge River.

Motion passed (7 – 0).

REVIEW AND CONSIDER RENEWAL OF AUDIT CONTRACT WITH PLANTE & MORAN

Woodrow reviewed that the Village solicited proposals for annual auditing services in 1999 and entered into a three-year contract with Plante & Moran. Before Council for consideration is an agreement with Plante & Moran to extend their contract for an additional three years.

The fee to perform audit services by Plante & Moran would not exceed \$22,600 for the year ended June 30, 2002; \$24,600 for the year ended June 30, 2003; and \$27,200 for the year ended June 30, 2004. If the actual time incurred is lower than this, Plante & Moran will bill the Village for the lower amount. It was noted that additional charges will be incurred for implementation of the GASB 34 (New Accounting Model) for the year beginning July 1, 2002. This information will be provided to Council when it is available.

Motion by Woodrow, seconded by Schmitt.

RESOLVED that the Village of Beverly Hills Council authorize administration to contract with Plante & Moran to provide audit services to the Village of Beverly Hills for the next three years in an amount not to exceed \$22,600 for the year ended June 30, 2002, \$24,600 for the year ended June 30, 2003, and \$27,200 for the year ended June 30, 2004. It is understood that some additional fees for report preparation may be required due to GASB 34 implementation after July 1, 2002.

Council discussed the proposed agreement and fees with questions addressed by Murphy. It was the sense of Council that the work product generated by Plante & Moran has been good, and its expertise will be beneficial in implementing the GASB 34 accounting changes. There was agreement that the Village should go out for contract bids at the conclusion of the extended contract.

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

ACCEPT RESIGNATION OF PHIL SCHMITT FROM THE PARKS & RECREATION BOARD AND FIRST ANNOUNCEMENT OF A VACANCY ON THAT BOARD

MOTION by Woodrow, seconded by Mooney, to accept the resignation of Phil Schmitt from the Parks and Recreation Board.

Motion passed (7 – 0).

Woodrow made the first announcement of a vacancy on the Parks and Recreation Board. He encouraged interested residents to get involved and submit an application for this position.

REVIEW AND CONSIDER PERSONNEL POLICIES AND PROCEDURES MANUAL

Domzal would like the Personnel Committee to review and make a recommendation on the Personnel Policies and Procedures Manual prior to its adoption by Council.

MOTION by Domzal, seconded by Mooney, to table consideration of the Personnel Policies and Procedures Manual until the next regularly scheduled Council meeting in order to provide the Personnel Committee with an opportunity to review the document.

Pfeifer stated that she has reviewed the document, but is willing to discuss it due to the work put into the manual by the Village Clerk.

Stearn read the manual and is ready to vote on it tonight. He questioned why the Personnel Committee should review a policies and procedures manual proposed by the Village Manager for the Village employees.

Roll Call Vote:
Domzal - yes
Downey - yes
Mooney - yes
Pfeifer - no

Stearn - no
Woodrow - no
Schmitt - yes

Motion passed (4- 3).

MANAGER'S REPORT

Murphy mentioned that the Village of Beverly Hills was named by the Observer and Eccentric as a "Great Place to Live". Westwood Commons was particularly nominated and honored for the award.

The annual Rouge River Clean Up was held on Saturday, June 1st. Pasieka reported on activities that occurred at the Douglas-Evans nature preserve to recognize River Day in Beverly Hills. He credited resident Howard Knorr for volunteering and coordinating the event. There was a successful turnout. Volunteers picked up debris around the 16 acres of the nature preserve. Efforts were made to clear some of the invasive plant species growing in the area.

Murphy stated that the 2002 edition of the Memorial Day parade and carnival was a great success. The Village Woman's Club and the Beverly Hills Lions Club richly deserve our thanks as do Stan Pasieka and Karl Woodard and his staff.

Pfeifer reminded the audience that a public hearing is scheduled for the June 17 regular Council meeting on the necessity of creating a Special Assessment District for Coryell Estates improvements. The venue will remain in the Village municipal building.

Pfeifer questioned whether it is necessary to create a special assessment district (SAD) to construct ditch improvements. Murphy responded that he would recommend considering a special assessment district for ditch improvements. A SAD can be initiated by area residents, which would require 50% plus one of the benefiting residents, or Council can take action to create a special assessment district.

PUBLIC COMMENTS

Norm Downey of 23042 Nottingham Drive referred to a dispute at a soccer game at Groves High School that occurred last weekend and suggested that some parents and coaches should do a better job of setting a good example for their children.

Downey commented that people are parking on Allerton Drive in the area of the "no parking" signs. He does not think Little League parents are setting a good example by parking on a street that is posted as a "no parking" area. Downey questioned what is being done to control the parking on Allerton.

Murphy replied that parking tickets are being issued to people who park on Allerton. The Public Safety Department will enforce those parking restrictions.

Jim McCook of 19370 Riverside Drive asked why there is no parking allowed on Allerton, a public street. He was informed that the Village Council established a policy of no parking on both sides of Allerton a number of years ago at the request of the residents.

McCook asked for an accounting of how much money the Village received for park improvements from all the various sources, how much was spent, and the long range plan for those funds. Downey responded that this information is available and will be provided to McCook by administration.

Sharon Tischler of 21415 Virmar Court questioned the procedure for distributing and addressing correspondence received by Council members from residents.

Murphy outlined the practice followed with respect to correspondence received by the Village and addressed to Village Council members or letters that come to administration that are of a concern to Council. Council receives copies of those letters.

COUNCIL REPORTS

Schmitt thanked the Village Woman's Club for doing a great job on the Memorial Day Carnival and Parade, particularly Alicia Roberts who organized the event. He commented that moving the carnival to the south end of the park worked out well.

Council members welcomed Schmitt to the Council. All members of Council thanked the many volunteers who helped make the Memorial Day Parade and Carnival a success including the Village Woman's Club, Parks and Recreation Board, and the Lion's Club for organizing the Fun Run.

Mooney reported on the bicycle safety event held at Beverly Elementary last Saturday. Children rode their bikes to the school to be inspected. Mooney thanked Jill Fill from Beverly Community Ed for organizing the event and Public Safety Officer Fisher, who spoke to the children about bicycle safety.

Mooney thanked Downey for conducting a very businesslike meeting on Saturday, June 1. She was surprised that there were people who objected to the application process followed for the appointment of a Council member to replace Paul Lison. Mooney stated that Council has always used an application process in the past for this type of appointment. She believes that it was the proper way to proceed.

Domzal stated that the last scheduled meeting of the Pathways Advisory Committee will be held on Tuesday, June 11 at 7:30 p.m. in the Village municipal building. The plan is to have the committee report to Council in July or August. He noted that there will be many opportunities for public comment and discussion.

Domzal observed that the Village's health insurance costs are very high. He asked administration for a summary of recommendations for containment of health care costs.

Domzal commented on the issue of how items are placed on the agenda. Council considers items on the prepared agenda at its meetings and does not add items for the reason that it does not provide advance notice to the public. There are opportunities during the meeting for public

comments. In addition, the public can suggest an agenda item to be placed on the written agenda by contacting the Village Manager during the week prior to the meeting. Murphy will consult with the Council President on the preparation of the agenda. Domzal stated that there is also an opportunity to add an agenda item at the meeting if there is agreement of three Council members.

Pfeifer mentioned that Council received copies of the proposed Birmingham Area Cable Board budget for fiscal year 2002/2003. According to the Interlocal Agreement, the proposed BACB budget is to be presented to the member communities for comment prior to its adoption by the Cable Board. The Cable Board will consider approval of the 2002/03 budget at its Wednesday, June 19 meeting at 7:45 a.m. at the Village municipal building. Pfeifer noted that the Cable Board has budgeted funds this year to conduct an audit of franchise fees collected by the cable company.

At the last meeting of the Birmingham Area Seniors Coordinating Council, recognition was given to long-time Village resident Bob Hadley on his 90th birthday.

Pfeifer reminded residents of the School Board election next Monday, June 10. Residents who are unsure of their school district voting precinct should contact the Township of Southfield for that information.

Pfeifer referred to the bicycle parade that was part of the Village's Memorial Day festivities. She noted that May is National Bike Month according to the Southeastern Michigan Council of Governments. The purpose is to raise awareness of bicycle safety.

The City of Detroit Water and Sewer Department has notified the communities that they are being requested to institute voluntary odd/even day water use restrictions.

Pfeifer commented that it was called to her attention that the new play equipment in Beverly park has become an attraction for teenagers, which is dissuading people with small children from using those facilities. She thinks that teens should have a place to gather, but this facility was intended for use by small children. Pfeifer would like administration to be aware of this.

Stearn asked Director Woodard to monitor illegal parking on Allerton Drive. Stearn mentioned recent action by the Retirement Board to reallocate 40% of its assets into funds that will further diversify and hopefully optimize the Public Safety Retirement System portfolio. He thinks that the Retirement Board is moving in the right direction.

Stearn questioned the status of the Village-wide policy manual. Murphy responded that it is in progress. The Personnel Policies and Procedures Manual presented to Council was the first document of many that will be coming to Council. The financial elements are nearing completion and should be presented to Council in the next month or two. There are unwritten policies that are being researched to provide a history before they are presented to Council for consideration.

The Personnel Committee meeting was rescheduled from tonight to June 17 at 7:00 p.m. prior to the Council meeting. Agenda items will include status of the Finance Committee and review of Village Manager's Contract.

Downey proposed Monday, June 24 as a special Council study session. He mentioned that Council liaison assignments will be reviewed and updated due to the resignation of Paul Lison and appointment of Phil Schmitt.

Downey read a letter from Robert Prina 31140 of E. Rutland who states that he is a boy scout from Troop 230 working on a citizenship in the community merit badge. He attended a Parks and Recreation Board meeting in Beverly Park recently and heard a discussion on reconstruction of the park. The Board mentioned that the Village was short about \$50,000 to complete the park improvements. Prina is concerned and offered some suggestions.

A letter from Gerrit Page of 30470 Lincolnshire East stated that he thinks that the Village should adopt the sidewalk plan for safety reasons. It would create a safer environment for people walking and riding their bikes.

Downey mentioned that he also received a letter recently from a resident who was concerned about speeding on Old Post.

The grand opening ceremony for Beverly Park will be held in conjunction with the first summer concert on Sunday, June 23 at 5:00 p.m. The Volunteer Appreciation Dinner will be held on June 13.

MOTION by Mooney, seconded by Pfeifer, to adjourn the meeting at 9:07 p.m.

Motion passed (7 – 0).

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary