

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

Absent: None

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

ADDITIONS TO AGENDA – APPROVE AGENDA

Motion by Pfeifer, seconded by Mooney, to add item ‘g’ to the business agenda, “Flag Day Proclamation”.

Motion passed (7 – 0).

Motion by Pfeifer, seconded by Domzal, to approve the agenda as amended.

Motion passed (7 – 0).

JUDGE STEPHEN COOPER, 46th DISTRICT COURT – ANNUAL REPORT

Downey introduced and welcomed the Honorable Judge Stephen Cooper. Judge Cooper presented an informative power point presentation of the 46th District Court Annual Report. The court serves the cities of Southfield and Lathrup Village, the villages of Beverly Hills, Bingham Farms and Franklin, and Southfield Township. Judge Cooper began with a historic view of the district court jurisdiction and proceeded to highlight the activities of the 46th District Court. Questions and comments were addressed by Judge Cooper.

PUBLIC COMMENTS – CONSENT AGENDA AND ITEMS NOT ON THE BUSINESS AGENDA

Joan Jensen of 31130 Stafford announced that the Village Woman’s Club of Beverly Hills (VWCBH) is sponsoring a Village Garden Tour for the first time on Sunday, June 22 between 11:00 a.m. and 3:00 p.m. The Woman’s Club is inviting everyone to enjoy a stroll through six beautiful large and small gardens within Beverly Hills. Pre-sale tickets can be purchased for \$10 at the Village offices or by mailing a check to the VWCBH treasurer at 31130 Downing Place in Beverly Hills.

The tour begins at Beverly Park where SOCRRA (Southeastern Oakland County Resource Recovery Authority) representatives will have volunteers staffing tables with information on composting and environmentally sound garden practices. Tickets can be purchased for \$12 at Beverly Park on the day of the tour when participants can pick up a map and booklet. The booklet contains coupons for Brady’s Pub and Beverly Grill. All proceeds collected from this event will benefit Beverly Hills and particularly the Memorial Day Parade and Carnival. Jensen listed Woman’s Club contributions to Village improvements and its charitable contributions over the years. For more information on this event, call 248/258-2766.

Sharon Tischler of 21415 Virmar Court questioned a consent agenda item to consider a request from the Beverly Hills Little League for \$1,000. Downey responded that this expenditure is included in the General Fund budget approved in May. Tischler stated that the Michigan government and the Michigan Municipal League web sites list donations as being unlawful expenditures by municipalities.

Village Attorney Ryan affirmed that this is not a donation but a recreational service being provided to the Village by the Beverly Hills Little League (BHLL). If Council approves the expenditure, it will be acknowledged as being received for improvements to the field and for equipment. Providing payment for services is allowed by the Michigan constitution and statutes. A letter from the BHLL will acknowledge receiving \$1,000 for parks and recreation services and equipment and will document those expenditures.

Tischler referred to an expense listed in the bills approved at the last Council meeting for publication of notices in the Oakland Press in lieu of the Eccentric newspaper. She understands that public notice was published in the Oakland Press in order to meet deadlines that could not be met with the Thursday and Sunday only publication dates available with the Birmingham Bloomfield edition of the Eccentric.

Tischler believes that a sitting Council passed a resolution selecting the Birmingham Bloomfield Eccentric newspaper as the publication of record for the Village of Beverly Hills. If that is the case, consideration should be given to amending that resolution to be able to publish public notices in more than one newspaper. Tischler suggested that Council should consider the circulation in a given area so that residents are notified of public hearings and elections.

Downey recognized scouts from Troop 1024 in the audience working on their communications merit badges.

CONSENT AGENDA

Motion by Schmitt, seconded by Mooney, to approve the Consent Agenda as follows:

- a. Review and consider minutes of a joint Planning Board and Council meeting held on May 14, 2003
- b. Review and consider minutes of a regular Council meeting held on May 19, 2003.
- c. Review and file bills recapped as of Monday, June 2, 2003.
- d. Review and consider request from the Beverly Hills Little League for \$1,000.
- e. Review and consider funding and support for fireworks display at Lincoln Hills Golf Course.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER SUBCOMMITTEE RECOMMENDATION TO FILL VACANCY ON THE ZONING BOARD

McCleary reported that a subcommittee of himself as chair, Domzal and Woodrow met prior to tonight's Council meeting to review eight applications from qualified candidates to fill a vacancy

on the Zoning Board of Appeals. It is the unanimous recommendation of the subcommittee to appoint Ronald Berndt of 31384 E. Rutland to fill a term that will expire on June 30, 2004

Motion by McCleary, seconded by Woodrow, to appoint Ronald Berndt to fill the vacancy on the Zoning Board of Appeals for a term to expire on June 30, 2004.

Domzal suggested that Council revisit the process of reviewing applications for board appointments due to the recent number of extremely well-qualified candidates. It is difficult to conduct a review process in one-half hour before a Council meeting when there are a number of candidates. Domzal thanked all the ZBA candidates and hopes that they retain their interest in serving on a Village board.

In answer to an inquiry from Woodrow, Murphy stated that all candidates for the Zoning Board of Appeals position were notified of the subcommittee meeting held at 7 p.m. this evening.

Downey suggested that e-mail addresses of candidates be included on board applications when possible.

Motion passed (7 – 0).

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.

Motion by Woodrow, seconded by Mooney.

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, 2003/2004 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 Woodrow, seconded by Pfeifer.

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, 2003/2004 fiscal year.

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

It was suggested that representatives of SOCRRA and SOCWA be invited to a Council meeting periodically to present an update on pertinent issues and items of community interest. Murphy will arrange this.

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 3 OF THE MUNICIPAL CODE, BEVERLY HILLS RETIREMENT

Woodrow presented the first reading of an Ordinance to Amend Chapter 3, Section 3.08, Retirement System Established, of the Village of Beverly Hills Municipal Code. This was a topic of discussion at the May 20, 2003 Retirement Board meeting at which time the Board recommended approval of the Ordinance.

The proposed ordinance amends sections addressing war service credit, voluntary retirement, straight life pension, deferred retirement, expense fund, assignments prohibited, and provisions to assure qualification under the Internal Revenue Code. These ordinance amendments are consistent with recent contract negotiations with the Beverly Hills Public Safety Department and with the Internal Revenue Code. Copies of the Ordinance are on file for public review at the Village offices.

Domzal posed a question on the language in Section 3.08 (1) War Service Credit, which will be examined by the Village labor attorney and resolved at the second reading.

REVIEW AND CONSIDER REAPPOINTMENTS OF VARIOUS BOARD MEMBERS

Domzal reported that the Personnel Committee met on May 19 and considered reappointments to various Village boards. Consistent with past practices, board members whose terms expire on June 30, 2003 were contacted regarding their interest in reappointment. It is Council's policy to consider these reappointments based upon a minimum attendance of 70% of the meetings that were held during the last term. It was the unanimous recommendation of the Personnel Committee consisting of Domzal as chair, Pfeifer and Downey to approve the following reappointments.

Motion by Domzal, seconded by Schmitt, to reappoint the following board members to a three-year term to expire on June 30, 2006:

Planning Board
Michael Nedley
John W. Smith
Michele Tillman

Zoning Board of Appeals
Carl Johnson
Larry Needham
Mary Ann Verdi-Hus

Parks & Recreation

Jack Harmon

Cynthia Nagle

James O'Reilly

Retirement Board

Donald O'Connell

Cable Board

Grant Pinkos

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER CHAPTER 20 AGREEMENT OF RUMMELL DRAIN PROJECT

Before Council for consideration is a Resolution to approve a Rummell Relief Drain Reconstruction Project Contract between the Rummell Relief Drainage District, the City of Southfield, the City of Lathrup Village, the Village of Beverly Hills, the Township of Southfield and the County of Oakland. Council is being asked to pass a resolution that approves the Contract for reconstruction of the Rummell Relief Drain and issue bonds to finance that reconstruction.

Spallasso reviewed that the Village of Beverly Hills and City of Southfield petitioned the Oakland County Drain Commissioner in 1966 to establish the Rummell Relief Drainage District in order to construct the Rummell Relief Drain. A final order of apportionment was approved in 1969 to include Lathrup Village, Southfield Township and Oakland County. A contract was awarded for the construction of the drain in 1970 and construction was completed in 1971. The portion within Beverly Hills was enclosed with the rest being an open drain south of 13 Mile Road. The Drainage District is required to pay its apportionment of the cost for construction, operation and maintenance of the drain. Beverly Hills has been assessed since that time for its share of the cost of maintenance of the drain based on the original apportionment.

Spallasso explained that the current need is to improve and repair the existing Drain including the replacement of bridges over the drain in the City of Southfield. He emphasized that the bridge replacement portion of the project is the sole responsibility of the City of Southfield, which is specified in the Reconstruction Project Contract. The Village will only pay its share for the drain related costs. Section 6a of the Contract states that "The City of Southfield agrees to pay the entire cost, as estimated and set forth in Exhibit B, including future operation and maintenance, of that portion of the Project identified as the Southfield Bridge Replacements."

Ryan recommends approval of this intergovernmental agreement on the basis that it will facilitate the City of Southfield to bond for its bridge improvements at no cost to the Village.

Questions from Council and the public were addressed by Spallasso and Ryan. It is anticipated that the assessment for only drain related charges will cost the Village \$24,000 per year for the

20-year duration of the bond retirement. This will represent an increase over the current maintenance charges.

Motion by McCleary, seconded by Woodrow.

Resolved that the Village of Beverly Hills Council approve the Rummell Relief Drain Reconstruction Project Contract.

Roll Call Vote:

Motion passed (7 – 0).

Copies of the Resolution and the Rummell Relief Drain Reconstruction Project Contract are on file for review at the office of the Village Clerk.

REVIEW AND CONSIDER FLAG DAY RESOLUTION

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

PROCLAMATION

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 14 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 Saturday, June 14, 2003.

Motion passed (7 – 0).

PUBLIC COMMENTS

Randy Munguia of 31736 S. Verona was in agreement that Council should revisit the board selection process in light of the number of qualified candidates. Munguia commented favorably on the new Village entryway signs.

Sharon Tischler of 21415 Virmar Court asked for clarification of a proposed wording change in the War Service Credit Section of the Retirement System Ordinance. She was advised that

administration will review the language with the Village labor lawyer for discussion at the second reading of the ordinance.

Tischler questioned how the Village will address the issue of ancillary signs that were attached to the former Village entrance signs. Downey recalls that the matter was referred to the Planning Board for a recommendation. Administration will follow up on this.

REPORTS

VILLAGE MANAGER

Murphy stated that the 2003 Memorial Day Parade and Carnival was a great success. On behalf of the staff, he thanked the Village Woman's Club and the Beverly Hills Lion's Club for their hard work. He also thanked Karl Woodard and Stan Pasieka for their efforts.

The Rouge River Day Clean Up is scheduled for Saturday, June 7, 2003. The effort kicks off at Douglas Evans Nature Preserve at 10:00 a.m. until noon.

Murphy thanked the volunteers who worked this past Sunday to install the Pfeifer-Westcott gazebo at Beverly Park. The new structure is located near the southeast corner of the pond.

Schmitt asked for an update on initiation of a system whereby residents will be able to pay water bills through automatic withdrawals from their bank accounts. Murphy responded that the Village anticipates conducting a beta test for taking direct payments from residents for water bills in August.

Mooney questioned the response of residents to a park survey included in the last Villager Newsletter. Pasieka reported that the Village has received over 100 responses to the questionnaire regarding the use of the tennis and basketball courts in the form of faxes, e-mails and letters.

COUNCIL

Council members thanked the Village Woman's Club, the Lion's Club and all those who helped to make the Memorial Day festivities such a great success. The Fun Run, Parade and Carnival were enjoyed by many residents.

Pfeifer reported on a recent Birmingham Area Senior Coordinating Council (BASCC) Board meeting. The "BASCC in the Glow" fund raiser was a success. Pfeifer thanked Comcast Cable for its donation to the organization.

A gazebo was constructed in Beverly Park on Sunday by volunteers including Pat and Don Greening, Jim O'Reilly, Dan Nelson, Jack Harmon, Karl Woodard, Stan Pasieka, Dave Byrwa and Phil Schmitt. Pfeifer invited everyone to visit the park and enjoy the new gazebo located near the park pond.

Woodrow reported that the Retirement Board met on May 20 and made recommendations to Council for its consideration. He remarked that the Public Safety Retirement Fund is doing well considering the downturn in the economy.

Domzal stated that the Planning Board will meet on Wednesday, June 11 with the new planning consultant in attendance. He understands that there will be a presentation made of conceptual ideas regarding 14 Mile Road corridor redevelopment. Domzal expressed his thoughts on the need to consider improvement of the property along the 14 Mile Road Corridor. It is his view that Council needs to take a lead in this matter.

Domzal mentioned that he attended the Groves High School commencement ceremonies yesterday at Chene Park in Detroit and was struck by the ethnic diversity within the GHS community.

McCleary announced that the Zoning Board of Appeals will meet on Monday, June 9 at 7:30 p.m. McCleary suggested that residents refrain from putting their trash out at the curb too soon before the morning of their pick-up day and that they remove trash cans from the curb within a reasonable amount of time.

McCleary reported that the Coryell Estates subdivision drainage and road work is nearing completion.

Schmitt congratulated Ron Bearnt on his appointment to the Zoning Board of Appeals and thanked the other candidates for applying for the position. He reminded people to purchase tickets for the Village Garden Tour.

Schmitt thanked Bob Belaustegui for keeping the Village web site up to date (www.villagebeverlyhills.com). The web site now has links to contact State Representative Shelly Goodman Taub and State Senator Gilda Jacobs. Schmitt read an e-mail response from State Senator Gilda Jacobs to his request to halt cuts to local revenue sharing funds. Jacobs stated that a bill coming out this week does not contain further reductions to revenue sharing.

Schmitt stated that one of the functions of Southfield Township is to assess property, a service that is contracted from Oakland County. People who take issue with their assessed valuation can go before the Southfield Township Board of Review in March. The next meeting of the Southfield Township Board is Tuesday, June 10 at 8 p.m.

Schmitt thanked the Parks and Recreation Board for facilitating the purchase and installation of the gazebo in Beverly Park. An original estimate from Hubbell, Roth & Clark for the gazebo and related engineering was about \$15,000. The Parks and Recreation Board purchased the gazebo on sale and installed it with volunteer labor for approximately \$2,000. Funds for the gazebo came from donations in memory of Bill Pfeifer and from an anonymous donor.

Downey commented that Council goals were prioritized at the last study session. He noted that many of the items were ranked equally. He suggested that Council meet in a study session to set

the agenda for this summer. This meeting was scheduled for 6:00 p.m. prior to the regular Council meeting of June 16.

Downey reminded residents to lock their front doors this summer when they are working outside in order to prevent robbery. He commended the Public Safety Department on its good work.

Domzal mentioned that Newsweek magazine came out recently with its list of best public high schools in the United States. Village residents should be proud that Groves High School is on the list, ranking about 600 out of 1,000 schools. The International Academy in Bloomfield Hills is number one on the list.

Downey commented that Council invites public input and comments. He asked, however, that people include their name on any correspondence sent to the Council.

Downey stated that he has instructed administration to replace the aerial map on display in the Council chambers with an updated aerial map of the Village.

Motion by Pfeifer, seconded by Mooney, to adjourn to closed session to discuss labor negotiations.

Motion passed (7 – 0).

Council met in closed session at 9:05 p.m.

Motion by Domzal, seconded by McCleary, to adjourn the meeting at 9:20 p.m.

Motion passed (7 – 0).

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary