

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

Absent: None

Also Present: Village Manager, Murphy  
Public Works Director, Spallasso  
Assistant to the Manager, Pasieka  
Public Safety Director, Woodard  
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. State Senator Gilda Jacobs led the audience in reciting the Pledge of Allegiance.

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

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

Motion passed.

#### **LEGISLATIVE UPDATE – SENATOR GILDA JACOBS, 14<sup>TH</sup> DISTRICT**

In his introduction, Domzal related background information and outlined the many accomplishments of State Senator Gilda Jacobs. Domzal emphasized that this is an important time for local governments to communicate effectively with the State Legislature. He highlighted areas of particular concern to the Village of Beverly Hills: 1) The formulas established a number of years ago through Proposal A and the Headlee Amendment are penalizing communities in terms of allotting them less than a fair share of property taxes being returned to the municipalities by the State; 2) State revenue sharing has been cut dramatically; and 3) Legislation affecting villages such as the new Election Law. There is concern as to the future of village government in the State of Michigan.

Senator Jacobs commented that, having been involved in local government for 14 years and County government for another four years, she truly understands the position of this Council and Village residents with respect to concerns about state government. Jacobs presented an overview of what is going on in Lansing in terms of addressing the state budget deficit and a number of issues challenging state and local government. She believes that Michigan is headed for economic recovery, but it will be slow.

Jacobs stated that we need to be concerned about a five and ten-year program that takes a hard look at what it will cost to provide the quality service that small communities are used to providing for their residents. With regard to the reduction in statutory revenue sharing payments, it is proposed to freeze local revenue sharing at current levels and to phase the counties out of the payment schedule. The Legislature is committed to no new taxes other than the liquor and cigarette taxes. Jacobs concluded that the news out of Lansing is not all doom and gloom, but it is not great.

Council members had questions and concerns about the effect of Proposal A on the Village. Jacobs concurred that there were a lot of unintended consequences to Proposal A and that it needs tweaking. She has a bill that addresses the problem experienced by developed communities like Beverly Hills but does not have the support to introduce it because it will be perceived as a tax hike. Jacobs stated that a recent legal opinion was obtained that says a fix to Proposal A is not unconstitutional.

In response to a question about the new election law, Jacobs indicated that she will provide Council with specific information on the status of that bill.

Jacobs was asked about state shared revenue and responded that she does not think that there will be further cuts. She understands that staying at the same level represents a large reduction in the revenue received from the state in previous years.

Questions from resident Bunker Kelly on Proposal A were addressed in some detail by Jacobs.

On behalf of Council, Domzal thanked Senator Jacobs for attending a Beverly Hills Council meeting.

#### **PUBLIC COMMENTS**

Sharon Tischler of 21415 Virmar Court suggested a procedural adjustment to the May 18 regular Council meeting minutes on page 2 under the Consent Agenda. The motion approves the consent agenda with an amendment to correct a typographical error in the May 10 Council meeting minutes without noting what the error was. Murphy explained that those minutes referred to President Domzal as 'President Downey'.

Tischler commented on the election consolidation issue. She explained that the concept was raised in response to complaints from communities having multiple elections in one year and wanting to consolidate elections in an effort to be cost effective. This discussion encouraged municipal clerks to advocate legislation to consolidate elections. It was not the intent to take the privilege of hosting elections away from communities. The resulting legislation evolved from this process.

Bob Walsh of 20655 Smallwood Court stated that there was discussion at the last Council meeting on the 14 Mile Road Corridor and consideration of an Overlay Zoning District that would apply to houses along 14 Mile Road between Greenfield Road and the water tower. Walsh questioned the current and future status of this proposal.

Walsh expressed the view that there are two items on the consent agenda that should be on the business agenda. These are 1) consideration of a caterer for the Volunteer Appreciation picnic, and 2) consideration of an agreement with Great Lakes Waste regarding payments to a separate legal entity.

Domzal responded that a determination has not been made on the next step with respect to the 14 Mile Road corridor study. He views the goal of the corridor study as an attempt

to provide incentives for redevelopment in the area and for residents to improve their homes. There appears to be a general consensus to go slow in terms of an Overlay District for the study area, consider all input, and ultimately come to a conclusion to bring some finality to the topic.

In response to the question on consent agenda items, Murphy related that proposals were sought for a caterer for the Volunteer Appreciation picnic in the park on June 10. The low bidder is a Beverly Hills based catering company. Another issue on the consent agenda for consideration involves Great Lakes Waste, which is owned by Allied Waste Industries. An amendment is required to our contract to make payments to Allied Waste, a separate legal entity. There are no changes in the level of service.

Norm Downey of 23041 Nottingham Drive thanked everyone involved in the Memorial Day parade and festivities that took place yesterday. It was a great event despite the rain.

N. Downey commented that there are residents who are troubled by an article in the latest Villager Newsletter entitled, "Discovering the Wants & Needs of Beverly Hills". The article stated that the Village's Strategic Planning Development Committee report will be completed some time this summer, while mentioning the need for a new group of volunteers to develop an implementation program for the strategic plan. N. Downey believes that the article calling for an implementation committee ignores a report from the Strategic Planning Committee, which presents the complete results of the Village-wide survey of residents. The report quantifies the satisfaction levels and wants expressed by residents and indicates that the number one priority of residents is to balance the budget.

N. Downey maintains that the Village's 2004/05 budget is not balanced without drawing from reserves. Residents are not aware of any firm action by Council and administration to try to balance the budget. N. Downey listed a number of suggested budget cuts.

Doyle Downey further clarified the Village's strategic planning process, which involves development of an implementation plan. He made the point that communities should never stop planning and trying to do better.

Soter Liberty of 20850 W. Thirteen Mile Road commented that he would like to write an article to appear in the next Villager newsletter presenting an objective point of view on the strategic planning process. Domzal responded that his article would be considered for submission in the newsletter.

Ralph Lohrengel of 18346 Beverly Road commented on the Overlay District proposal that was presented at the last Council meeting for a portion of 14 Mile Road frontage from Greenfield Road to the water tower. He equated this proposal to a government plan to take property. Lohrengel questioned whether creating a strategic plan amounts to social planning.

Jill Sickels of 17171 Kinross expressed objections to the proposal for a 14 Mile Road Corridor Overlay District. She cited safety concerns related to high density residential housing. Sickels raised environmental issues in terms of removing trees and the effect on drainage. She believes that approving an Overlay District would set a precedent for this type of zoning in other areas of the Village. Sickels thinks that there is a need for code enforcement on homes that are not being maintained on Fourteen Mile Road. She does not feel that high density residential housing is in character with the Village of Beverly Hills.

Bunker Kelly of 21526 Corsaut critically assessed the article in the Villager newsletter regarding the strategic planning process. He suggested information and articles that could be included in future newsletters. In response to an inquiry, Kelly was told that the main topic of the Council study session on Thursday, June 3 will be the 2004/05 budget. Because study sessions are not televised, Kelly mentioned a number of line items and issues that he thinks Council should reconsider in terms of further budget cuts.

Kelly voiced his support of reaching out to residents and requesting their help and ideas to cut expenses. He plans to distribute a flyer to residents in Precinct 7 asking them to help him cut the grass on the islands in an effort to save the Village money.

#### **CONSENT AGENDA**

Motion by Pfeifer, seconded by Woodrow, to approve the consent agenda as follows:

- a. Review and consider minutes of a special Council meeting held on May 18, 2004.
- b. Review and consider minutes of a regular Council meeting held on May 18, 2004.
- c. Review and file bills recapped as of Monday, May 31, 2004.
- d. Review and consider caterer for Volunteer Appreciation Picnic.
- e. Review and consider agreement with Great Lakes Waste regarding payments to a separate legal entity.

Roll Call Vote:

Motion passed (7 – 0).

#### **BUSINESS AGENDA**

##### **FIRST ANNOUNCEMENT OF VACANCY ON THE PLANNING BOARD**

Woodrow made the first announcement of a vacancy on the Village Planning Board. The deadline for submitting applications is Wednesday, June 30. A vacancy will be created because Planning Board member Bob Bliven is not seeking reappointment.

**ACCEPT CARL JOHNSON'S RESIGNATION AND MAKE FIRST ANNOUNCEMENT OF VACANCY ON THE ZONING BOARD OF APPEALS**

A letter of resignation from the Zoning Board of Appeals has been received from Carl Johnson, who has served on the Board for four years. He and his family are moving out of the Village. Taylor thanked Mr. Johnson for his service to the community.

Motion by Taylor, second by Pfeifer, to accept with regret the resignation of Carl Johnson from the Zoning Board of Appeals.

Motion passed.

Taylor made the first announcement of a vacancy on the Zoning Board.

**REVIEW AND ACCEPT ADVISORY PETITION AND CONSIDER AUTHORIZATION OF PLANS AND SPECIFICATIONS FOR PROPOSED MARLIN COURT SPECIAL ASSESSMENT DISTRICT**

McCleary stated that a petition was submitted to the Village signed by five of the eight residents of Marlin Court. They request drainage improvements and asphalt paving of the 650' segment of unpaved road off of Thirteen Mile Road east of Lahser. Preliminary engineering and plans are necessary in order to generate a cost estimate for this project. Consulting engineering firm Hubbell, Roth & Clark has submitted a proposal to provide the engineering services for a total not to exceed \$11,301.00.

Motion by McCleary, second by Pfeifer, to accept the Hubbell, Roth & Clark proposal to provide engineering services and authorize an expenditure not to exceed \$11,301 to proceed with the preliminary engineering for preparation of a cost estimate for drainage improvements and asphalt paving on Marlin Court.

In answer to a question from Pfeifer, Spallasso stated that the cost of the preliminary plans will be recovered with the establishment of a special assessment district if the process proceeds to that point.

Downey asked if there will be matching grant funds available as there have been from recent drainage improvement projects. Spallasso responded that it might be difficult to obtain grant funds but an attempt will be made.

Downey questioned the extent of the Village's participation in this improvement project. Spallasso answered that, based on past participation, the Village's portion will likely be 20% of the cost for drainage and paving. He estimates the cost to the Village in the area of \$20,000-\$25,000.

Domzal commented that the Village has considered a number of requests to establish special assessment districts over the last couple of years. Administration has prepared a table of procedures to be followed in the course of considering a special assessment district. The handout is available to interested residents.

Domzal reviewed the 2002 drainage study commissioned by Council to identify areas where there are drainage problems. It is of interest that residents have initiated special assessment districts to correct many of these drainage problems, with a financial contribution from the Village. Domzal commends residents for taking it upon themselves to have this work done. The Village is a long way towards accomplishing its priorities in terms of drainage.

Nancy Mahlin of 31100 Marlin Court spoke on behalf of the five residents who signed a petition requesting drainage improvements and asphalt road paving of Marlin Court. She related the severe drainage and mud problems experienced currently on the road and surrounding areas. Residents want to proceed with investigating these improvements.

April Berger of 31050 Marlin Court stated that residents of Marlin Court are concerned that people will try to use their street as a cut-through to Lahser. She asked if the Village would provide signage to indicate that there is no outlet on Marlin Court. Spallasso indicated that this would not be a problem.

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

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

Motion by Woodrow, second by Pfeifer, 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 County Resource Recovery Authority for the July 1, 2004/2005 fiscal year.

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

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

Motion by Woodrow, second by Pfeifer, 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, 2004/2005 fiscal year.

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

Downey commended Spallasso for acting as chair of the SOCWA Board for the last two years. SOCWA has its work cut out for it with the Detroit Water and Sewage Department issues that are in the forefront.

**REVIEW AND CONSIDER FLAG DAY PROCLAMATION**

Motion by Pfeifer, second by Downey, to adopt the following proclamation.

**FLAG DAY 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<sup>th</sup> each year communities across the nation recognize the Stars and Stripes by properly displaying the flag from their homes, business, 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 Monday, June 14, 2004.

Motion passed (7 – 0).

**REPORTS**

**MANAGER**

The 2004 Memorial Day Parade and Carnival was a great success. Murphy thanked the Village Woman’s Club and the Beverly Hills Lions Club for their hard work. He commended Stan Pasieka and Karl Woodard and his staff for doing a wonderful job that day. Appreciation was expressed to everyone who volunteered to make the day a success.

The Rouge River Day Clean Up is scheduled for Saturday, June 5, 2004. The effort kicks off at Douglas Evans Nature Preserve at 10 a.m.

The Council study session is scheduled for Thursday, June 3 at 6 p.m. Murphy welcomed new camera operator Zack Florance.

**COUNCIL**

Koss reported that the Strategic Planning Committee will meet on Tuesday, June 8 at 7 p.m. at Groves High School.

Koss stated that she has given some thought to the Overlay District proposed for the 14 Mile Road corridor study area and has been talking to neighbors about the plan. She related that there are mixed views on the Overlay District as well as some residents who do not understand the proposal. The corridor study has been ongoing for some time, and a decision needs to be made so that affected property owners know where they stand.

Koss thanked everyone who joined the Memorial Day Parade yesterday in the pouring rain. She remarked that those who serve our country are out there rain or shine to give us the life that we live.

Pfeifer stated that Council members have received a copy of the Birmingham Area Cable Board budget for 2004/05 for their review and comment. The Cable Board will consider adoption of the proposed budget at its next meeting. Council also received a copy of a sample resolution prepared by the Cable Board urging Congress and the FCC to place meaningful controls on cable television pricing. Pfeifer asked that this resolution be placed on the next regular Council meeting agenda for consideration.

Pfeifer attended the 30<sup>th</sup> Anniversary Luncheon for the Area Agency on Aging. The focus of this group is to keep elderly residents comfortable in their own homes as long as possible by offering support systems. Pfeifer outlined a number of the services this group provides. The Area Agency on Aging can be contacted at 1-800-852-7795 for information and assistance. Pfeifer mentioned that the Birmingham Area Seniors Coordinating Council (BASCC) is a group of seniors helping seniors, and the organization also supplies a variety of services to residents.

Woodrow commented on the great Memorial Day Parade. It was brought to his attention this week that there have been two recent instances of tires being stolen from cars that were parked in residents' driveways on Riverside Drive.

Taylor reported that the Southfield Township Board will meet on Tuesday, June 8 at 8:00 p.m. He thanked the Woman's Club for organizing the Memorial Day event.

Downey acknowledged contributions made by Ray Lacroix in pursuing drainage improvements on Coryell as well as the leadership of the Village Council in this project. Ray Lacroix, past Lions Club President, will be leaving the Village.

Downey referred to a recent newspaper article about Village Clerk Ellen Marshall issuing passports at Groves High School. This is a service that brings revenue into the Village. Downey commented that administration and Murphy in particular provided additional cost saving ideas in a recent Council report. He thanked administration for everything it does behind the scenes.

Downey mentioned that the Bingham Farms Troubadours, the Fifth Grade Choir from Bingham Farms Elementary School gave a wonderful concert earlier this evening. He noted that there will be another district-wide concert scheduled this year featuring the high schools, middle schools, and elementary schools that have choirs.

Downey commented that the Village will miss Bob Bliven when he leaves the Planning Board at the expiration of his term in July. His institutional memory and expertise were invaluable to the Board. Downey thanked Bob Bliven for his years of service to the community. Downey also thanked Carl Johnson for his service on the Zoning Board of Appeals.

Downey reported on the Retirement Board meeting held last week. He highlighted results of the annual Actuarial Valuation report as of December 31, 2003, which calls for an employer contribution this year of \$89,433 to the Public Safety Officers Retirement System. Downey noted that the Retirement Board has been meeting monthly with a consultant retained to perform an asset allocation study that will result in improving the performance of the Retirement System portfolio.

Downey referred to several comments made by residents this evening that involved interpreting other people's intentions rather than addressing the issues. He thinks that people need to stay positive and offer solutions without being quick to criticize.

Domzal thanked Senator Gilda Jacobs for spending time at a Beverly Hills Council meeting. She talked about the need for communities to take a long term look at the needs of the community and how services can be provided in today's economy. Domzal believes that maintaining a continuing dialog with surrounding communities is important to the welfare of the Village. A dialog has begun with neighboring communities to address common concerns and to look at alternatives to reduce costs and share services to be efficient.

Domzal commended Boy Scout Troop 1024 for producing a number of Eagle Scouts over the last several months. We have many fine young men in the boy scout program. Recent Eagle Scout candidates are Michael Sabat and Michael Husband, who are well on their way towards achieving Eagle Scout designation. Council offers its congratulations to them for an outstanding job.

A Council study session is scheduled for Thursday, June 3 at 6 p.m. in the Village municipal building. The principal topic will be budget items.

Motion by Pfeifer, second by Woodrow, to adjourn the meeting at 9:32 p.m.  
Motion passed.

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

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

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