

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

Absent: None

Also Present: Village Manager, Murphy  
Public Services Director, Spallasso  
Assistant to the Manager, Pasieka  
Public Safety Director, Woodard  
Finance Director, Wiszowaty

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. The Pledge of Allegiance was recited by all in attendance.

**ADDITIONS TO AGENDA/APPROVE AGENDA**

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

Motion passed.

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

Sharon Tischler of 21415 Virmar Court offered suggestions with regard to the Council meeting agenda. The list of bills appears on the consent agenda, and the dollar amount is not noted on the agenda or in the meeting minutes. She referred to a format change that omits a second opportunity for public comments later in the meeting. Tischler questioned the responsibilities of the code enforcement officer in terms of investigating and addressing code violations.

Domzal responded that code enforcement officer Dan Gosselin will be asked to address Tischler's questions on his duties and priorities the next time he attends a Council meeting to address a specific issue.

Kathryn Burns of 31095 Marlin Court stated that she and her husband are in strong opposition to a petition presented at the last Council meeting relative to creating a special assessment district for the asphalt paving of Marlin Court. Burns remarked that they were not approached by the person circulating the petition and were not aware that it would be discussed at the last Council meeting.

Burns considers it an imposition on the entire Village to consider a project that would cost the Village-at-large an estimated \$25,000 when it benefits only one small portion of the community. While drainage in the area is not perfect in the spring and fall, Burns maintained that mud has never been a major problem during the 37 years that her family has lived in the house. She noted that the road had a much better crown in the 1970s than it does now.

Burns and her husband do not choose to participate in a seemingly unnecessary and large financial outlay as well as the prospect of having a lien placed against their home until full payment is made. She noted that three of the signatories on the petition have been residents of Marlin Court for less than five years. Burns understands that one of the original five signatories has requested to have her name removed from the petition.

Domzal read a letter dated June 15, 2004 from Beverly Williamson of 31025 Marlin Court addressed to the Beverly Hills Council. Williamson voiced opposition to the paving of Marlin Court based on the cost and the concern that it would change the character of the street.

Domzal stated that administration has put a hold on the Marlin Court improvements until such time as the residents determine whether or not they want to proceed with the paving and drainage work. The Village is interested in addressing drainage problems in the area and would consider contributing \$25,000 to this improvement if the residents choose to proceed with the project. Domzal related that these are tight budgetary times and the Village portion of special assessment projects may not be available in the weeks to come.

Spallasso will have a report for Council at the next meeting on the status of Marlin Court improvements.

Kathleen Berwick of 31381 Kennoway Court lives on an unpaved road and requested further information on the Village's policy in terms of participation in the cost of paving a road. She was informed that the Village currently participates in 20% of the total cost of paving a road. In terms of drainage, the Village pays 100% of the cost of open cut repair to the ditch (reditching) and 20% of the cost of any further improvement in terms of under drains.

Leslie Wilson of 31055 Marlin Court commented that Marlin Court residents may want to pursue drainage improvements without paving the road. Her questions on drainage improvements were addressed. Wilson stated that vehicles travel slower on a gravel road than on a paved road, which may provide more safety for children.

Mark Melendy of 16905 Kinross was present with a report on the status of parking problems generated by Our Lady Queen of Martyrs parishioners, who use neighborhood streets for overflow parking during church services. Two signs posted south of Kinross indicating no parking during church service hours have proven to be effective. There is only one sign north of Kinross, which is ignored by motorists. Melendy wrote a note to the pastor of Queen of Martyrs parish asking him to place an article in the weekly bulletin requesting cooperation from his parishioners in this matter. Melendy asked that the Village erect another sign north of Kinross and update all the signs to indicate no parking during Saturday services.

Melendy understands that Mr. Spallasso had written a traffic order and that the Public Safety Department patrols the area. Murphy related that offenders were ticketed last weekend. He believes that adding signs does not always solve the problem. Sign

pollution is also a consideration. Spallasso will monitor and evaluate the situation and react if there is a need.

Bob Morris of 16920 Kinross related his experience with overflow parking and concurred that signs on Kinross should be updated to include no parking on Saturdays.

Domzal summarized a letter addressed to Brian Murphy and Council from Norm Downey of 23041 Nottingham Drive. Downey inquired about three topics: 1) Results of the hydrological/geological analysis on Riverside and any recommended action; 2) Confirmation that the upcoming water main replacement program will use only the most cost effective materials certified for quality and installed under competent supervision; and 3) Written confirmation from the County Drain Commission that the existing CSO facility will fulfill all requirements even with added input from the new Acacia sewer.

Domzal remarked that the Village owes a debt of gratitude to Renzo Spallasso for his efforts in pursuing and planning a sewer system that has performed admirably during one of the wettest months Beverly Hills has ever had.

Domzal received a letter from Fred Porter, who stated that the green areas bordering Stafford Drive have been nicely completed following road and drainage improvements. He thanked Council, Mr. Spallasso, and the contractor for getting the job done.

A letter from Max Jensen on Sylvan Lane from Boy Scout Troop 1024 asked that Council consider building sidewalks in Beverly Hills.

Domzal read a letter from Lyle Russell of 32201 Rosevear to Village Attorney Tom Ryan asking for a response to a request sent to Renzo Spallasso under the Freedom of Information Act. Russell states that, although a recent correspondence from Glen Appel of the Oakland County Drain Commission assumes that the liquid buildup in the ravine behind his home is only storm water runoff, it is also possible that it contains sewage. Russell is considering filing a complaint with State and County health agencies responsible for overseeing control of West Nile Virus problems. Russell indicated that his attempts to deal with this matter on an informal basis have failed to receive the attention of the Village. He concludes that Ryan's attention to his request would be greatly appreciated.

Spallasso stated that Mr. Appel provided a written response to Lyle Russell a couple of weeks ago. The Village is prepared to provide Mr. Russell with any information that he requires and will respond to specific questions. Mr. Russell attended a Council meeting in May at which time he voiced concerns regarding property damage resulting from the Acacia Drain construction project and flooding of the ravine. He offered to prepare an updated list of concerns and questions from residents affected by the construction project. Spallasso indicated at the time that he would react to an updated list of residents' concerns. He has not received that document from Mr. Russell.

In response to a question from Kathleen Berwick, Spallasso stated that the property referred to by Mr. Russell is two lots north of the excavation for the Acacia project between Evergreen and Riverside.

**CONSENT AGENDA**

Motion by Woodrow, second by Taylor, to approve the consent agenda as follows:

- a. Review and consider minutes of a regular Council meeting held on June 1, 2004.
- b. Review and consider minutes of a special Council meeting held on June 3, 2004.
- c. Review and file bills recapped as of Monday, June 7, 2004.
- d. Review and consider funding and support for fireworks display at Lincoln Hills Golf Course.

Motion passed.

**REVIEW AND CONSIDER 2003/2004 FISCAL YEAR BUDGET AMENDMENTS**

Pfeifer stated that Council will consider amendments to the 2003/04 budget as the Village nears the end of the fiscal year. The State Uniform Budgeting Act requires that Council reallocate budget appropriations in any department that exceeds the budget amount approved without changing the total budgeted amount. Proposed budget amendments also reflect transfers or reserves from the General Fund to other operating funds.

Council is in receipt of worksheets outlining adjustments needed to the 2003/04 adopted Village budgets for the General, Major Road, Local Road and Water & Sewer Operating Funds.

Motion by Pfeifer, second by Woodrow, to authorize Village Administration to transfer or reserve monies from the General Fund to other funds as noted in the memorandum from the Village Finance Director dated June 10, 2004.

Roll Call Vote:

Motion passed (7 – 0).

A budget worksheet indicates the adjustments needed to the 2003/04 adopted Village budgets for the General Fund and Water & Sewer Operating Funds.

Motion by Pfeifer, second by McCleary, to amend the 2003/04 General Fund and Water & Sewer Operating Fund budgets as noted in the memorandum from the Village Finance Director dated June 10, 2004.

Roll Call Vote:

Motion passed (7 – 0).

Motion by Pfeifer, second by Woodrow.

Resolved that the Village of Beverly Hills Council amend the 2003/04 Retiree Health Care Budget in the amount of \$366,378 for revenues and \$331,486 for expenditures,

Resolved that the Village of Beverly Hills Council amend the 2003/04 Vacation Reserve Budget in the amount of \$16,200 for revenues and \$15,000 for expenditures,

Resolved that the Village of Beverly Hills Council amend the 2003/04 Sick Leave Reserve Budget in the amount of \$18,200 for revenues and \$17,000 for expenditures,

Resolved that the Village of Beverly Hills amend the 2003/04 Drug Law Enforcement Budget in the amount of \$9,100 for revenues and \$7,000 for expenditures.

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

*THE 2003/04 VILLAGE BUDGET AMENDMENT MEMO IS ON FILE AT THE VILLAGE OFFICES FOR PUBLIC REVIEW*

**SECOND ANNOUNCEMENT OF A VACANCY ON THE PLANNING BOARD**

Woodrow made the second announcement of a vacancy on the Planning Board for a term to expire on June 30, 2007. The deadline for accepting applications is Wednesday, June 30, 2004 at 5:00 p.m. Applications are available at the Village office or on the Village web site ([www.villagebeverlyhills.com](http://www.villagebeverlyhills.com)). A subcommittee of Woodrow as chairperson, Pfeifer and Taylor will meet on Tuesday, July 6 at 6:45 p.m. in the Council chambers to review applications and recommend an appointment to Council.

Domzal asked interested residents to step forward and make application to serve on Village boards and committees. People can apply for multiple positions.

**SECOND ANNOUNCEMENT OF A VACANCY ON THE ZONING BOARD OF APPEALS**

Taylor made the second announcement of a vacancy on the Zoning Board of Appeals for a term to expire on June 30, 2006. The deadline for accepting applications for this position is Wednesday, June 30, 2004 at 5:00 p.m. Applications are available at the Village office or online at [www.villagebeverlyhills.com](http://www.villagebeverlyhills.com). A subcommittee of Taylor as chairperson, Woodrow and Domzal will meet at 7:10 p.m. on July 6 to review applications and recommend an appointment to Council.

**REVIEW AND CONSIDER REAPPOINTMENTS OF VARIOUS BOARD MEMBERS**

The Personnel Committee of Council met this evening and reviewed the attendance records of those residents interested in reappointment to Village boards. The Committee

voted unanimously to recommend reappointment of all residents seeking reappointment based on their impressive attendance records. Council members voiced their appreciation for the time and dedication of these volunteers.

Motion by Woodrow, second by McCleary, to reappoint the following board members to a three-year term to expire on June 30, 2007:

Planning Board

Elizabeth Landsman  
Bruce Wayne

Zoning Board of Appeals

Ron Berndt  
Jack Fahlen  
Jon Oen

Parks & Recreation

Irene Davis

Cable Board

Bob Borgon  
Carol Woodard

Roll Call Vote:

Motion passed (7 – 0).

**REVIEW AND CONSIDER RESOLUTION REGARDING CABLE REGULATION**

Before Council for consideration is a copy of a sample resolution prepared by the Birmingham Area Cable Board urging Congress and the FCC to place meaningful controls on cable television pricing. Pfeifer related that, since Comcast has been the cable television provider for this area, cable prices for subscribers between April 2000 and April 2004 increased by 50.3% for the consortium communities while the Consumer Price Index increased 9.5%.

Motion by Pfeifer, second by Woodrow, to adopt the following resolution:

**RESOLUTION  
Urging Regulation of Cable Television Rates**

WHEREAS, In an effort to bring effective competition to the market, Congress deregulated cable television rates with The Telecommunications Act of 1996; and

WHEREAS, evidence from the General Accounting Office (GAO) indicates that when an incumbent cable operator faces competition from another cable

provider, rates are approximately 15% lower, service levels higher and new services are added without an increase in cost to subscribers; and

WHEREAS, such competition is not available for most cable subscribers; and

WHEREAS, the 2004 annual report on the Status of Competition in the Market for Delivery of Video Programming by the Federal Communications Commission (FCC) describes regulatory and other barriers that limit the ability of prospective video program distributors to compete with incumbent cable operators with long-term and/or exclusive contracts; and

WHEREAS, those barriers include a significant infrastructure investment that potential competitors regard as a high-cost expenditure with little or no assured return; and

WHEREAS, between April 2000 and April 2004 cable prices for subscribers in Birmingham Area Cable Board communities rose 50.3%, while the Consumer Price Index (CPI) increased 9.5%;

NOW, THEREFORE, be it resolved that the Village of Beverly Hills urges Congress to reinstate cable rate regulation;

BE IT ALSO RESOLVED that a copy of this resolution be sent to Michael Powell, Chairman of the FCC; to the Honorable Congressmen Joseph Knollenberg and Sander Levin; to the Honorable Senators Carl Levin and Debbie Stabenow; to the chairs of appropriate House and Senate Committees, and to government officials in neighboring communities.

Domzal stated that he will vote against the resolution because he does not like rate regulation, particularly in the cable and telecommunications area. He believes that there is a market force in play and that higher rates will invite competition and alternate technologies.

Kathryn Burns of 31095 Marlin Court commented that, while cable rates have gone up, Comcast service has gone down.

Roll Call Vote:

Yes – Koss, McCleary, Pfeifer, Taylor and Woodrow

No – Domzal and Downey

Motion passed (5 – 2).

**ACCEPT RESIGNATION FROM JANET SEBO AND MAKE FIRST ANNOUNCEMENT OF A VACANCY ON THE BEAUTIFICATION COMMITTEE**

A letter of resignation from the Beautification Committee was received from Janet Sebo. Koss made the first announcement of a vacancy on the Beautification Committee. Applications are available at the Village office or on the Beverly Hills web site.

Motion by Koss, second by Taylor, to accept the resignation of Janet Sebo from the Beautification Committee.

Motion passed.

**REVIEW AND CONSIDER VOLUNTARY EMPLOYEE BENEFICIARY ASSOCIATION AMENDMENT**

All union employees currently pay 1% into the retiree health insurance fund per collective bargaining agreements. The Village makes a matching contribution for union employees as outlined in the collective bargaining agreements. Beginning July 1, 2004, all full-time non-union employees will pay 1% of base wages into the retiree health insurance fund. The Village is not required to make a matching contribution to the retiree health insurance fund for non-union employees.

In order to comply with IRS and VEBA requirements, the Village Council has to pass a motion indicating that all full-time non-union employees must contribute into the retiree health insurance fund. Following Council action, employees have the option of signing up for an automatic deduction or paying the Village immediately following each payroll period.

Motion by Downey, second by Pfeifer, that all full-time non-union employees be required to contribute an amount equivalent to 1% of base wages to the retiree health insurance fund.

Domzal acknowledged the sacrifice that non-union employees are making to the Village. Staff cutbacks have resulted in doing more with fewer people. Employee contributions to the health care plan do not go unnoticed.

Questions from residents Mark Melendy and Kathleen Berwick were answered by Murphy.

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

**REVIEW AND CONSIDER PRELIMINARY REVIEW OF FUTURE SITE PLAN FOR 32750 LAHSER ROAD**

Council is in receipt of a letter from Jim Merritt, developer of Orchard Villas condominiums on the west side of Lahser Road. Merritt also owns property across the street at 32750 Lahser, which is the site of a future development. He is requesting

permission to import and fill a low area of land at 32750 Lahser Road using excess material attained by the excavation of basements at Orchards Villas condominiums now under construction. The low area is designated on a topographical survey plan submitted with the request.

Merritt has contacted the neighbors to the south and to the north to advise them of the upcoming activity. The property to the east is owned by Birmingham Public Schools, and school will not be in session. Public Services Director Spallasso recommends approval of Merritt's request to fill in low areas of property at 32750 Lahser Road on the condition that the stockpiles of dirt and topsoil will not exceed 2–2.5 ft. in height and will be protected by silt fences.

Motion by Taylor, second by Koss, to allow James Merritt to stockpile soil on 32750 Lahser in accordance with the topographical survey plan submitted with the request on the condition that the stockpiles of dirt and topsoil will not exceed 2–2.5 ft. in height and will be protected by silt fences.

There will be a formal site plan review process of the proposed development at the time formal plans are submitted by Mr. Merritt.

Jim Merritt of 195 Charrington Court further described his proposal and explained the sequence of developing property. He addressed questions from Council members and residents.

Motion passed (7 – 0).

## **REPORTS**

### **MANAGER**

The Village Woman's Club of Beverly Hills is sponsoring its second annual Village Garden Tour scheduled for Sunday, June 27<sup>th</sup> from 11 a.m. to 4 p.m. Tickets and a map may be purchased at Beverly Park on the day of the tour after 11 a.m. People will visit six beautiful gardens in Beverly Hills at a cost of \$12 that day or \$10 if tickets are purchased in advance. Interested individuals may contact Sheila Seaver at 248/645-1684.

There will be a stop during the tour at Riverside Park where gardening experts will answer questions from composting to choosing the right plant for the right location. The ticket price includes special day-of-event coupons for Beverly Hills Grill and Brady's. Proceeds from this event will go back into the community for Outreach and Community Improvement projects and programs.

The Rouge River Day Clean Up on Saturday, June 5, 2004 appears to have been a success. While volunteer numbers were down (16 people this year), those who attended did an outstanding job. Many thanks are due to Howard Knorr and JoEllen Gilchrist for their help in coordinating and organizing most of the event. Stan Pasieka did a nice job representing Village administration.

A Council study session is scheduled for June 29<sup>th</sup> at 6 p.m. in the Council chambers.

Downey asked for an update from administration on the status of basement flooding during the recent wet weather. Murphy responded that three calls were received, all related to problems with the homeowners' lines. Spallasso related that there was a controlled discharge at the Combined Sewer Overflow facility following a heavy downpour in May, which was reported to the Department of Environmental Quality. There was no e. coli reading, which indicated that the facility performed as designed.

Downey has observed that a non-roadway concrete bridge over the Rouge River has collapsed. He asked who is responsible for the maintenance and repair of that bridge.

Spallasso responded that the Village has jurisdiction over five bridges, and he reports biennially to the Michigan Department of Transportation on their condition. He questioned the location of the collapsed bridge so he can look into it. A private non-roadway bridge over the Rouge River would be regulated by the State DEQ and would not be under the jurisdiction of the Village.

Taylor promoted community awareness of the threat of West Nile Virus. He asked Spallasso if there are any programs in place in the Village to address this. Spallasso responded that donut-sized pellets that kill mosquito larvae can be purchased at local hardware and garden stores. They are non-toxic to animals. The pellets dissolve slowly in water and are placed in low areas where standing water collects. It is what is available and recommended.

Murphy added that the Village has received funds from the County to combat West Nile Virus in the amount of about \$3,400 last year. The Village will be placing larviciding bricks into catch basins, storm sewers and other stagnant water to reduce the number of mosquito larvae in the breeding sites. This was done last year with reasonable success.

Taylor stated that residents who find a dead crow or other animal should avoid barehanded contact. Dead crows should be reported to Oakland County Environmental Health Services Unit at (248) 858-1312 or (248) 424-7191.

## **COUNCIL**

Koss related that a recent Public Safety Department report indicated that three home invasions occurred in the month of May. She urged residents to be alert to what is going on in their neighborhood and contact the Public Safety Department if they notice anything suspicious.

Koss related that the latest issue of the newsletter published by the Greenfield Beverly Improvement Association states that the association will contribute \$40 towards a tree purchased by members who are paid up on their dues.

Koss remarked that everyone had a good time at the volunteer appreciation dinner on Thursday, June 10. She thanked everyone who came out in the rain to participate in the event.

Pfeifer stated that Council has received copies of the proposed Birmingham Area Cable Board budget and had no questions or comments on the document. She will inform the Cable Board that the Beverly Hills Council has adopted a Resolution urging Congress to reinstate cable rate regulation. Murphy confirmed that he will forward copies of the resolution to the individuals indicated in the Resolution.

Pfeifer reported on a recent meeting hosted by State Representative Shelley Taub, which amounted to a hearing on Detroit Water rates. It was an interesting and informative meeting that will be replayed on Cable Channel 15. Drain Commissioner McCullough was present. There was also an insightful speaker who had worked for the Detroit Water Board at one time.

Woodrow stated that the fireworks display at Lincoln Hills Golf Course will be held on July 3<sup>rd</sup>. It is a well attended and fun event.

Taylor congratulated the citizen volunteers who serve on Village boards. The appreciation dinner is a great way of showing members of the community how much they are appreciated.

McCleary mentioned that the Parks and Recreation Board will meet next week on Thursday, June 24<sup>th</sup> at 7:30 p.m. in Beverly Park.

Downey commented that Bob Bliven was recognized with a plaque and what amounts to a “lifetime achievement” award following his retirement from the Planning Board after 20 years of service.

Downey noted that the cost of library service has been a topic of discussion at Council study sessions. He would appreciate clarification on Council’s direction to administration and whether it involved drafting ballot language for a library service levy.

Downey commented that the Village’s Combined Sewer Overflow facility is working as it should. The Village has been involved in sewer repairs and construction over recent years to alleviate flooded basements and overflows into the Rouge River. Measures taken by administration have resulted in managing sewer and water during a very wet month. Downey referred to a newspaper article that indicates that all the lakes remain at below average levels despite the rain.

Downey commented that it was brought to Council’s attention tonight that a resident of Marlin Court was not asked to sign a petition requesting a special assessment district. This has occurred in other areas when a improvements are requested through a special assessment district. Downey stated that the SAD process involves a lot of public

notifications. He suggests that administration consider publishing the date of the Council meeting when a petition will be accepted and discussed.

Domzal reminded the public that Council and administration are working hard in terms of budget reduction measures.

Domzal commented that he spent a good part of last Saturday afternoon with a production crew from ESPN. Beverly Hills was in the spotlight as part of a comparison with Beverly Hills, CA due to the Lakers-Pistons playoffs. Domzal related that one of the producers remarked that Beverly Hills is really a nice community. He was also impressed with our public safety officers.

Motion by Pfeifer, second by Woodrow, to adjourn the meeting at 9:06 p.m.

Motion passed.

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

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

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