

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
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. 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 BUSINESS AGENDA

Cynthia Nagle of 15823 Kirkshire announced that the Parks and Recreation Board will sponsor an outdoor concert series in Beverly Park this summer on three consecutive Wednesdays. The concerts will kick off with the Sun Messengers next Wednesday, July 14, followed by Bobby Lewis and the Cracker Jack Band on July 21 and Steve King and the Dittlies on July 28. The concerts are held from 7 to 9 p.m. in Beverly Park. We look forward to seeing you all at the park this summer.

Bob Walsh of 20655 Smallwood Court questioned the timetable for the pavilion construction project to come before Council for review and approval. He understands that requests for pavilion rentals in September are not being accepted.

Murphy responded that he has a meeting scheduled with the architect on the pavilion project later this month to confirm that the plans are complete and ready to go out for bids. Bids on the pavilion renovation are expected to come to Council for consideration at the second meeting in August with construction to start shortly thereafter. The Village office is not accepting pavilion reservations after August 15 because it was originally estimated that construction could begin as early as mid August.

Don Marengere, candidate for Oakland County Commissioner for the 17th District, introduced himself to Council and the community and highlighted his background, experience and accomplishments. He commented on activities that will make him a good candidate including his position as Chairman of the Friends of the Court Citizens Advisory Committee. Marengere pledged to attend council meetings upon occasion.

Kathleen Berwick of 31381 Kennoway complained of construction work being done by a private contractor at a home across the street on Sunday, June 20. She said that she received incorrect information from the public safety department on Village regulations pertaining to construction work on Sundays. A subsequent call to the Village building department revealed that the municipal code allows construction between 7 am and 8 pm Monday through Saturday. If it is not already being done, Berwick suggested that the building department provide written rules on permitted hours of construction to individuals applying for a building permit.

Spallasso responded that the building department will look into this private contractor working on Sundays. He stated that Village contractors are given special permission if it is necessary to work on Saturdays, but never on Sundays unless it is an emergency. The suggestion to include a notice of permitted construction hours with a building permit is a good one if it is not already being done by the building department.

Mark Melendy of 16905 Kinross presented an update on the status of parking problems generated by Our Lady Queen of Martyrs parishioners who use neighborhood streets for overflow parking during church services. He reported a decrease in parking on residential streets, although there are still people ignoring the signs along Pierce. Melendy spoke with Spallasso, who agreed to review the sign placement. The existing signs were updated as requested at the last Council meeting. People are now willing, for the most part, to utilize the parish parking lot.

CONSENT AGENDA

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

- a. Review and consider minutes of a regular Council meeting held on June 15, 2004.
- b. Review and file bills recapped as of Monday, June 28, 2004.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER SUBCOMMITTEE RECOMMENDATIONS TO FILL VACANCY ON PLANNING BOARD

Woodrow related that a Council subcommittee met today at 6:48 p.m. to review applications to fill a vacancy on the Village Planning Board. It was the consensus of the subcommittee to recommend the appointment of Dan Walter of 31384 E. Rutland to fill this position.

Motion by Woodrow, second by Taylor, to appoint Daniel Walter to the Village Planning Board for a term to expire on June 30, 2007.

Motion passed (7 – 0).

REVIEW AND CONSIDER SUBCOMMITTEE RECOMMENDATION TO FILL VACANCY ON ZONING BOARD OF APPEALS

Taylor reported that a subcommittee of Council met prior to tonight's meeting to review applications and recommend a candidate to fill a vacancy on the Zoning Board of Appeals. The subcommittee recommended the appointment of Beverly Napier to fill the position on the Zoning Board.

Motion by Taylor, second by Pfeifer, to appoint Beverly Napier to the Zoning Board of Appeals for a term to expire on June 30, 2006.

Motion passed (7 – 0).

REFER BERNARD ROSENTHAL'S REQUEST FOR A NEW COMMERCIAL BUILDING AND SITE PLAN APPROVAL AT 31645 SOUTHFIELD ROAD (INVISIBLE FENCE PROPERTY) TO THE PLANNING BOARD FOR REVIEW

Motion by Woodrow, second by McCleary, to refer the request of Bernard Rosenthal for site plan approval of a new commercial building at 31645 Southfield Road to the Planning Board for review and recommendation.

Kathleen Berwick commented that the property is unkempt. Woodrow noted that the site is currently vacant. He agreed that this does not excuse the owner from maintaining the property, which is something the code enforcement officer can pursue. The plan is to demolish the existing building and construct a new commercial building.

Motion passed (7 – 0).

MOTION FOR RECONSIDERATION OF MARLIN COURT PETITION

At its June 1, 2004 meeting, Council considered a petition signed by five of the eight residents of Marlin Court requesting drainage improvements and asphalt paving of the road. Council authorized the expenditure of \$11,301.00 for preliminary engineering and cost estimates for the project. On June 15, one of the five petitioners delivered a letter to the Village asking that her signature be removed from the original petition. There is no longer a majority of Marlin Court residents in favor of proceeding with the improvements. The Village notified Hubbell, Roth & Clark to stop the process before they dispatched a survey crew to begin work.

Motion by McCleary, second by Taylor, to reconsider the motion of June 1, 2004 to authorize an expenditure of \$11,301 to proceed with preliminary engineering for drainage improvements and asphalt paving on Marlin Court.

Spallasso stated that there has been a \$300 expenditure by Hubbell, Roth & Clark on this project that will be charged to the engineering account. In response to an inquiry, Spallasso informed Council that the Village will address ditching maintenance on Marlin Court in priority order along with other areas identified in the ditching study.

Motion passed (7 – 0).

Motion by McCleary, second by Pfeifer, to rescind a Council motion adopted on June 1, 2004 authorizing an expenditure not to exceed \$11,301.00 and approval of the preliminary engineering for drainage and road improvements on Marlin Court.

McCleary understands that there are residents who prefer to live on an unpaved road. He encouraged Marlin Court residents to consider a special assessment district to construct underdrains to improve the drainage conditions on the road.

Downey suggested that it might be appropriate, in order to avoid this type of re-consideration of an improvement project, for the Village to notify all area residents when a petition comes forward for consideration so that people are not left out of the process. Council may want to consider this as part of its procedure.

Pfeifer disagreed with the Village notifying residents of these petitions on the basis that a special assessment is a process initiated by the residents themselves.

Woodrow encouraged people circulating a petition to contact everyone in the affected area so as not to cause the Village to spend money needlessly. He does not think it is Council's position to notify everyone about a petition being circulated.

Downey agreed that the Council is not in a position to advocate petitions. However, the Village has a policy to encourage people to come forward with petition wording to ensure that the language is valid.

Domzal commented that he thinks that there is a missed opportunity on Marlin Court. He has observed the depressed condition of the roadway, filled in ditches, and broken down culverts. He asked the residents of Marlin Court to give some consideration to proceeding with underdrain improvements whether or not they decide to pave the road. The current Village policy is to allocate money to share in the difference between an open drain system and an underdrain system.

Domzal received emails from the following residents who are in opposition to drainage and road improvements on Marlin Court: Michael Wilson and Norman and Kathy Burns.

Sharon Tischler of 21415 Virmar Court suggested that petitions be worded in such a way that Council would know at the time a petition is submitted which residents are in favor of an improvement and who is opposed.

Spallasso commented that it has been his experience that property owners circulating a petition are aware of those people who are in opposition to an improvement and may not contact those individuals. He does not see a problem with inquiring as to whether everyone in the area was contacted. If a petition shows a majority of property owners are requesting an improvement, it is administration's obligation to bring it to Council.

Motion passed (7 – 0).

SECOND ANNOUNCEMENT OF VACANCY ON BEAUTIFICATION COMMITTEE

Downey made the second announcement of a vacancy on the Beautification Committee. The last day to accept applications for this position will be this Friday, July 9 at 5:00 p.m. The committee to review the applications will meet on Tuesday, July 20, 2004 at 7: 00 p.m.

REVIEW AND CONSIDER REPAIR TO FIRE APPARATUS

At its May 18, 2004 meeting, Council reviewed and approved a request from the Public Safety Department to schedule repairs to Engine 3-11 with Smullen's Fleet Service of Howell. The work to be performed was the installation of an updated Pressure Relief Valve on the apparatus. Prior to doing the work, technicians examined the apparatus and informed the Village that the installation would require an additional part at a cost of \$1,300. This part had not been included in the low bidder's initial estimate of the repair. The repair was cancelled and the apparatus returned for further consideration.

Contact was made with the second lowest bidder, Apollo Fire Equipment, who quoted the repair at \$2,250. Apollo technicians stand by their estimate and claim that their quote includes all necessary parts and labor to complete the task.

Motion by Koss, second by Pfeifer, that the Beverly Hills Council rescind the award for repair services granted to Smullen's Fleet Services on May 18, 2004 due to the inability of the vendor to perform the stated repairs at the quoted prices, and to award the purchase of one Pressure Relief Valve including installation in the amount of \$2,250 to Apollo Fire Equipment of Romeo, Michigan. Funds are available for this purchase in the Fire Truck Reserve.

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

REVIEW AND CONSIDER RESOLUTION PROCLAIMING JULY AS NATIONAL RECREATION AND PARKS MONTH

Motion by McCleary, second by Downey, to adopt the following Resolution.

**Village of Beverly Hills Resolution
National Recreation and Parks Month**

Whereas, Parks, recreation activities, and leisure experiences provide opportunities for young people to live, grow, and develop into contributing members of society, and

Whereas, parks and recreation creates life lines and continued life experiences for older members of our community, and

Whereas, generating opportunities for people to come together and experience a sense of community through fun recreational pursuits, and

Whereas, park and recreation agencies provide outlets for physical activities, socializations, and stress reducing experiences, and

Whereas, parks, playgrounds, nature trails, open spaces, community and cultural centers, and historic sites make communities attractive and desirable places to live, work, play, and visit, in a manner that contributes to our ongoing economic vitality, and

Whereas, parks, greenways, and open spaces provide a welcome respite from our fast paced, high-tech lifestyles while simultaneously protecting and preserving our natural environment and,

Whereas, parks and recreation agencies touch the lives of individuals, families, groups, and the entire community, which positively impacts upon the social, economic, health and environmental quality of our community,

Now, Therefore, Be It Resolved, that we proclaim July as Recreation and Parks Month, and encourage all citizens to celebrate healthy, active lifestyles by participating in their choice of recreation and park activities.

Motion passed (7 – 0).

REVIEW AND CONSIDER PURCHASE OF ADMINISTRATIVE VEHICLE

Council is in receipt of a memo dated July 6, 2004 describing the vehicle replacement schedule. The Village replaces one administrative vehicle annually paid from the Motor Pool fund. It is proposed to replace the vehicle issued to Renzo Spallasso. Following receipt of the new vehicle, the current minivan will be rotated into the fleet, and one of the older fleet vehicles will be sold as well as the retired minivan previously issued to the building official.

Motion by McCleary, second by Pfeifer, to approve the proposal from Red Holman Pontiac under the Oakland County Cooperative Purchase program for a 2004 Pontiac Montana in the amount not to exceed \$21,033. The cost of the services will be paid from the Motor Pool Fund.

Ralph Lohrengel of 18346 Beverly Road questioned the purchase of a General Motors as opposed to a Ford vehicle.

In answer to his inquiry, Mark Melendy of 16905 Kinross was informed that the Village will not be paying for Onstar services for the vehicle.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER PURCHASE OF STOP STICKS FOR PUBLIC SAFETY DEPARTMENT

The capital budget for FY 2004/05 contains funds for the purchase of “stop stick” technology. Only one vendor was consulted on this equipment quote for the reason that a staff review limited the product to that specific device. A quote from the manufacturer of stop sticks, Stop Tech, Ltd. of Harrison, Ohio was received in the amount of \$1,259. The Village’s risk insurance carrier, Michigan Municipal Risk Management Authority (MMRMA) awarded the Department 50% matching grant monies (\$1,180) for this

purchase as such an acquisition can act to reduce the Department's potential civil liability. The Capital Budget contains \$1,200 for this purchase.

Motion by Koss, second by McCleary, that the Village of Beverly Hills Council award the purchase of Stop Stick Tire Deflation Equipment (5 patrol car kits, 1 SUV kit, 1 training kit) in the amount of \$2,359 from Stop Tech, Ltd. Funds are available for this purchase in Account #101-900-980 Capital Purchases: PS-Equipment. MMRMA will reimburse \$1,180 of this purchase price.

Domzal mentioned that Council spent time this evening considering two relatively minor purchases. In order to make meetings more productive, Domzal thinks there is a need to raise the administrative expenditure limit to a slightly higher amount. Council will be approaching the voters about increasing this limit to a \$4,000-\$5,000 amount.

Woodard explained that a stop stick is a device designed to be deployed across the roadway in the path of a fleeing vehicle. It is positioned so that the pursued vehicle drives across it, puncturing the tires and causing a controlled deflation. It is expected that the pursuit will then terminate in a manner less dangerous to the violator and responding officers as well as the general public.

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

REVIEW AND CONSIDER PROPOSAL FOR PUBLIC RATING OF THE DRINKING WATER REVOLVING FUND BOND ISSUE

Woodrow stated that the Village was informed at the Drinking Water Revolving Fund (DWRF) pre-closing conference that it needed a rating on its Water and Sewer Fund as part of the bond issue process. With the assistance of Bendzynski and Associates, the Village's financial advisor on this issue, a rating was obtained from Fitch Ratings on the Water and Sewer Fund in time for the closing. The invoice from Fitch for work performed is before Council for consideration.

Motion by Woodrow, second by Pfeifer, to approve the proposal from Fitch Ratings for the public rating on the Water and Sewer Fund for the DWRF Bond Issue in the amount of \$1,500. The cost of services will be paid from the proceeds of the DWRF Bond Issue.

Questions from Council were addressed by Murphy.

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

REPORTS - MANAGER

The first concert in the park is scheduled for Wednesday, July 14. The Sun Messengers will take the stage at 7:00 p.m.

Murphy reminded residents that the rubbish collection will be a day late this week due to the holiday. He announced that, beginning this week, residents will be able to recycle white paper including junk mail by putting it in the recycle bin with newspapers.

COUNCIL

Pfeifer reported on the June 16 Cable Board meeting. The Cable Board is attempting to clarify the new installation charges instituted by Comcast. The Board supports the decision of Congress to have a la carte pricing researched by the FCC before taking legislative action. Menu pricing would allow subscribers to pick the channels they watch and pay for. Pfeifer reported that a direct computer feed switcher was installed in the control room in the Beverly Hills Council chamber. Beverly Hills now has the ability to have all presentations viewed as a direct source feed during live and rebroadcasts of the program. The next meeting of the Birmingham Area Cable Board will be held on Wednesday, July 21 at 7:45 a.m. in this chamber.

Pfeifer recognized and congratulated resident June Beauvias for her award winning quilt work. Council is glad to have her as part of our community.

Pfeifer quoted from a recent newspaper article by columnist Thomas Sowell on the topic of talkers who attack doers. She remarked on how she has been disturbed over the last several months by criticisms issued during public comments. She is outraged by the amount of time that Village administrative and personnel staff have devoted in defending decisions of this Council and its staff.

Disseminating information is extremely important. Defending ourselves before critics becomes redundant. Pfeifer commented on the farsighted efforts that the engineering staff and administration continually put forward to make residents aware of projects being undertaken in the Village. She talked about the tradition of fiscally responsible councils and related a number of accomplishments instituted by current and past councils that have served the Village. Pfeifer asked where the recognition is for these actions and the public thank you to administration and staff.

Pfeifer stated that we are seven members elected by the people to serve the citizens of the Village. Council members are average citizens, not experts. With the guidance of administration, and with hard work, investigation, and thoughtful decision making, Council sets the course for this Village. Council must recognize that its obligation is to the 4,000 plus households and the 10,000 plus residents of the Village.

Citizen questions and problems that arise should always be addressed, but Council should focus on those it represents and not the handful of people that want to make it their life's ambition to criticize our actions just for the sake of criticizing. It is Pfeifer's view that Council has spent far too much time defending actions that this body has already deliberated over for countless hours. The Village will be facing tough financial and policy decisions over the next several years. Pfeifer has faith that this and future councils along with our citizens will rise to the challenge because that is who we are and what we are about.

Woodrow mentioned that it was noted at a recent Council study session that recycling has dropped off by about 30% nation-wide since 9-11. He urged residents to get back into recycling because it saves the Village money.

Taylor congratulated Beverly Napier on her appointment to the Zoning Board of Appeals. He announced that the Southfield Township Board will meet on Tuesday, July 13 at 8 p.m. Taylor mentioned that the fireworks display in Lincoln Hills Golf Course was fantastic.

McCleary thanked Pfeifer for her well stated comments.

Downey commented that he will be following up on a recent newspaper article about a child safety program initiated in the City of Birmingham. He announced that the Beautification Committee will meet on July 13 at 8:30 a.m. Applications can be submitted until that time to recognize homeowners or business owners for beautification efforts on their property.

There will be a Personnel Committee meeting at 6 p.m. on July 20 prior to the regular Council meeting.

Downey noted that the Sugar Maple is on a list of trees approved for planting in the Village. It was pointed out to him recently that there is a threat to maple trees posed by the Asian longhorn beetle.

The Lions Club is holding its international convention in Detroit this week. Downey mentioned a recent newspaper article about the value of service organizations to the community. It cites their lack of membership and difficulty recruiting. Downey urged people to join local service clubs.

It was with a heavy heart that Domzal acknowledged the sudden passing of his neighbor and friend Trish Battersby on June 25. She was a community service organizer at Groves High School. Trish was a pillar of this community and many mourn her passing. Our sympathy goes out to her family.

Motion by Pfeifer, second by Woodrow, to adjourn the meeting at 8:54 p.m.
Motion passed.

Dave Domzal
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary