

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 Clerk, Marshall
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 those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

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

Motion passed.

PUBLIC COMMENTS

Kathleen Berwick of 31381 Kennoway Court voiced several comments and criticisms. She was concerned that the agenda format does not allow an opportunity for residents to comment at the conclusion of the meeting. She expressed the view that changing the Council meeting day from Monday to Tuesday evenings was not in the best interest of the community. The Village attorney cannot attend every meeting; Council meetings are the same day as Birmingham Board of Education meetings. Berwick commented on remarks made at the last meeting by Dorothy Pfeifer regarding criticisms issued during public comments. Berwick believes it is the duty of the Council to listen to the residents.

Berwick stated that new drains being installed on the east side of Beverly Hills are unfairly billed to the Village at large. West siders have an adequate drain system yet are being taxed for these improvements.

As a resident of Kennoway Court, Berwick stated that she was one of several neighbors who attended a Birmingham Board of Education meeting to discuss concerns relative to Groves High School renting its athletic fields to outside groups. Area residents are dealing with crowds, loud noise, music, and bright lights until 11 p.m. in the evening. Kennoway residents need Council's help working with the Birmingham Board of Education to alleviate this situation.

Domzal responded that Council tries to accommodate the public by hearing comments at the beginning of Council meetings and during discussion of each agenda item, which is more than most communities do.

Manager Murphy and Director of Public Safety Woodard related their discussions with Birmingham School Board and Groves High School representatives regarding the rental of the high school athletic fields to a professional woman's football team. They discussed noise complaints and other issues raised by area residents. Some concessions were agreed upon to reduce the impact on the neighborhood with regard to noise.

Director Woodard believes that the football season is over for the summer. He remarked that officers have responded to complaints of noise and parking issues on game nights and did not find an unruly situation. It is not unusual for the Public Safety Department to receive calls from Kennoway residents objecting to noise from stadium activity late in the evening. The Department has dealt with those issues on a case by case basis.

Dragica Schwartz of 31533 Kennoway Court, a resident of the Village for 30 years and former member of the Planning Board, stated that she and her husband have been dealing with the Birmingham School Board since April. They have related the situation that confronts the neighborhood and have had little response that makes area residents feel like anything will be done.

Schwartz commented that people who reside in her neighborhood have lived with the high school football teams, the marching band, and the usual activities of a high school and never called to complain. The current activities are way beyond a noise complaint. Schwartz related the many ways that the sporting events intrude on residents' lives from early morning until 11 p.m. at night with crowd noise, loud music from the public address system, and bright lights. They are bombarded with disruption caused by a number of teams in addition to the Detroit Demolition on a daily basis.

Schwartz feels that the School Board has stonewalled the residents. They are not a commercial enterprise. The purpose of the School Board is to govern schools for students, not make business propositions to fund the School District. We are told that the School Board rents to 28 teams. Notices were never sent to affected residents to inform them that the School Board was considering renting those fields. The field has been enlarged to the point where batting cages and baseball fields come right up to the property lines of the people on Ronsdale and Kennoway.

Schwartz stated that residents are present tonight to address Council as our elected officials and request Council support and assistance to do more than just converse with the Birmingham School Board. Residents in the area believe that nothing will happen unless Council helps them. Schwartz concluded that the School Board does not have the right to have changed our neighborhood to the degree that people want to move away. Property values have depreciated. Residents are entitled to the right to quiet enjoyment of their neighborhoods.

Allen Sefton of 20205 Ronsdale, President of the Ronsdale Homeowners Association, has become aware of what is going on at the Groves High School fields. Baseballs are bouncing off houses. People coming over the fence to retrieve balls are being disrespectful. He asked what can be done and how the situation can be improved.

Charles Layton of 20724 Kennoway Circle stated that his home backs directly onto the Groves High School fields, and he has similar concerns to those raised previously. He can no longer enjoy his back yard because of the noise, floodlights, and offensive public address system. He accepted that there would be a certain amount of activity occurring at the fields when he purchased his home, which was no problem for many years. It has become more of a problem with the increasing use of the field. It is intrusive, reduces property values, and has changed our quality of life significantly. He appealed to Council to support the residents in this situation and help them to return their properties to what they were when they bought them.

Bill Pelfrey of 20153 Evans Court was present to endorse the comments of Mrs. Schwartz and others on Kennoway and Ronsdale. His family lives further east from the main activity. He commented on problems experienced with the soccer leagues noting that complaints to the coaches are met with belligerence. Pelfrey questioned whether problems with soccer teams and ball fields are going to worsen. He hopes that Council can initiate some answers and action for the residents.

Howard Schwartz of 31533 Kennoway Court stated that he has lived in a quiet, rural setting for 32 years. The School Board is now renting the Groves athletic fields to 28 different teams. People on Ronsdale and Kennoway hear the sound of metal bats hitting balls in the batting cages for hours and days. He related other problems experienced by residents to describe how their once rural neighborhood has been changed by this commercial enterprise. A big business is being run in a residential neighborhood in violation of all the ordinances of Beverly Hills including the noise, building, and lighting ordinances. Schwartz sincerely hopes that Council can protect its citizens.

Domzal responded that the message relayed today by residents in the area of Ronsdale and Kinross elevates this whole discussion. He does not think that Council was aware of the severity of the issue. Domzal remarked that there are limitations in terms of what Council can do as elected officials. The School Board is an independent body. There has been past litigation regarding commercial related enterprises, specifically the erection of cell towers and whether they can be regulated under municipal ordinances.

Domzal stated that Council has tried to become more engaged with the School Board. The Village Manager meets regularly with the Birmingham School Superintendent. Domzal cannot promise that Council will be able to solve the problem, but it will address these legitimate concerns with the School Board. The residents are entitled to some answers. Domzal suggested that there be a representative appointed from the Ronsdale and the Kennoway neighborhoods and that these names be forwarded to the Village Manager. The Village will make every effort to involve the neighborhood or communicate the results of meetings as they take place. This will be a future Council agenda item.

Dragica Schwartz urged Council to address some of these issues with the School Board before contracts are signed for the next season.

Tom Ryan stated that it is unfortunate that this is occurring. He will contact the School Board Attorney in an effort to get some answers and speak with Director Woodard about the nature of the complaints received by the Village. Ryan indicated that the Michigan Legislature has ruled that the School District is exempt from Village zoning and site plan requirements. The Village will pursue the nuisance aspect of this issue and whether or not the school is engaged in a commercial enterprise.

Charter One Assistant Branch Manager Alethea Sowell announced the opening of the Beverly Hills branch of Charter One bank at 31255 Southfield Road in Beverly Venture Plaza. She invited everyone to attend the Grand Opening on Saturday, August 18, 2004.

Dave Aurora, Southfield resident, commented that he sent a letter to Council describing an automobile accident that involved his daughter and himself. He described the incident and the court appearance contending that the accident report was incorrect and will have a detrimental effect on his daughter, who was driving the car.

Domzal responded that this is a private matter and will be discussed by the Village Attorney and Director of Public Safety. Mr. Aurora will be advised as to the results of that conversation.

Norm Downey of 23042 Nottingham Drive is pleased that Council is listening to residents who have issues with the use of the fields at Groves High School. At the last Council meeting, Pfeifer expressed concern with the lack of appreciation of Council members. Downey assured Council that he and everyone else in Beverly Hills appreciates and respects each member of Council for dedicating their time and talents to the residents. He remarked, however, that Council still has work to do until Village expenses match income.

N. Downey stated that he does not think it is a waste of time reviewing ongoing programs. Decision factors can often be modified to accommodate changes. At a minimum, residents want to be informed and kept up to date. He gave examples of the need for frequent review of ongoing programs.

Downey stated that the City of Birmingham reports that it will abandon water mains located in back yards when the Acacia Relief Sewer is installed. Residents will then be connected to water mains at the street level. This is being done on the basis that back yard water mains have outlived their useful lives and main breaks are difficult to repair. Downey noted that there is a similar situation on Kinross, but Beverly Hills has decided to retain the back yard mains until breaks occur. He requested assurance that Beverly Hills has considered all the factors in making this decision.

Downey requested written confirmation from Oakland County that the existing CSO tank has the capacity to accept the added input from the new Acacia sewer and meets all governmental requirements.

N. Downey commented that the Village web site needs updating. Murphy responded that the web site is in the process of being rewritten in a different format.

Spallasso informed Norm Downey that a statement from the Oakland County Drain Commissioner can be provided to the Village regarding the capacity of the CSO facility. There is no problem with the capacity. Spallasso stated that water mains in back yards are not breaking or causing problems in Beverly Hills. He commented on the excessive cost of replacing these water mains.

Bunker Kelly of 21526 Corsaut Lane displayed a sign being used in the City of Birmingham as part of a national safety campaign targeting observance of the residential speed limit. The wording reads, “Keep Kids Alive – Drive 25”. The sign is being displayed in his subdivision and has received some positive response. Kelly referred to a web site explaining the campaign (keepkidsalivedrive25.org).

Kelly referred to the discussion earlier in the meeting about the disturbance to abutting neighborhoods from the Groves High School fields. Beverly Hills recently helped pass a \$35 million bond issue for Birmingham Schools. He hopes that the School Board will be responsive to the issues raised by our residents. He urged Council and administration to look at this as an opportunity to build better relationships with the School District.

Kelly understands that the State Department of Natural Resources is helping communities restore trees to replace ash trees lost to the emerald ash borer. He questioned whether the Village is investigating participation in this program.

Kelly received a flyer about the Beverly Park concert series inserted in the Eagle newspaper. He questioned why the reverse side of the flyer did not contain current Village information perhaps about new SOCRRA regulations. Kelly questioned why a portion of the expenditure on the park pavilion renovation is not going to replace trees in the park. Kelly responded to Pfeifer’s comments at the last Council meeting when she referred to a newspaper article entitled “talkers versus doers”.

Sharon Tischler of 21415 Virmar Court questioned whether the Albanian Church has approached the Village with a request to hold its Labor Day weekend festivities. If so, she asked how the Village is accommodating the Church.

Director Woodard responded that the Albanian Church has approached the Public Safety Department indicating that it will have its festival on Labor Day weekend. As has been done in the past, the Church has requested and will pay for dedicated public safety officers to be on site during the event. Their request for a special permit to sell beer and wine at the festival has been denied this year.

Kathleen Berwick asked a question about use of easements, which was answered by Spallasso.

CONSENT AGENDA

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

- a. Review and consider minutes of a special Council meeting held on June 29, 2004.
- b. Review and consider minutes of a regular Council meeting held on July 6, 2004.
- c. Review and file bills recapped as of Monday, July 12, 2004.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER SUBCOMMITTEE’S RECOMMENDATION TO FILL VACANCY ON BEAUTIFICATION COMMITTEE

Downey reported that the Personnel Committee met this evening and considered three applications to fill a vacant position on the Beautification Committee. The Committee voted unanimously to recommend the appointment of Randy Mungia for this position.

Motion by Downey, second by Pfeifer, to appoint Randy Mungia to the Beautification Committee for a term to expire on June 30, 2007.

Motion passed (7 – 0).

REVIEW AND CONSIDER REQUEST FROM GROVES HIGH SCHOOL FOR USE OF VILLAGE STREETS ON OCTOBER 12, 2004

The Village is in receipt of a request for permission to use Village streets for its 16th Annual Fun Run/Walk on October 12, 2004 to promote student involvement in ongoing community service and to promote participation in lifelong fitness activities. A map showing the route of the 5K run/walk is included in Council’s material.

Motion by McCleary, second by Woodrow, to approve the request of Groves High School to use Village streets for its 16th Annual Fun Run/Walk on Tuesday, October 12, 2004 at 1:00 p.m. conditioned upon receipt of appropriate insurance.

Motion passed (7 – 0).

REVIEW AND CONSIDER PROPOSED FEE SCHEDULE

A memo to Council dated July 15, 2004 from Village Clerk Marshall proposes adoption of a fee schedule for services provided to customers at the Village office. The purpose of the fee schedule is to develop a standard for procedure in the office. A fee schedule attached to the memo shows the current fee (if any) and the proposed change. The fees addressed in the schedule are for notarial services, returned checks, solicitation license, photocopies, and water service.

Motion by Pfeifer, second by Woodrow, to accept the proposed Schedule of Fees for the Village of Beverly Hills to include Notarial Services, Photocopy Services, Returned Check Fee, Solicitation Licenses and Water Service Fees.

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

REVIEW AND CONSIDER APPOINTING REPRESENTATIVE AND ALTERNATE TO THE MICHIGAN MUNICIPAL LEAGUE ANNUAL BUSINESS MEETING

Domzal turned the chair over to President Pro-Tem Woodrow and made the following motion:

Motion by Domzal, second by Downey, to appoint Dorothy Pfeifer as the official representative of the Village of Beverly Hills and Ellen Marshall as the alternate to attend the Michigan Municipal League annual business meeting to be held September 29 – October 2, 2004 at the Grand Hotel, Mackinac Island.

Motion passed (7 – 0).

Domzal resumed the chair.

REVIEW AND CONSIDER RESOLUTION APPOINTING DELEGATES TO THE MICHIGAN EMPLOYEES' RETIREMENT SYSTEM ANNUAL MEETING

Motion by Woodrow, second by McCleary, that the Village of Beverly Hills Council appoint Stan Pasieka as the officer delegate representing Beverly Hills and Theresa Hanson as the employee delegate with Elizabeth Burgess as the alternate employee delegate to attend the Annual Meeting of the Michigan Employees' Retirement System to be held September 21-23, 2004 in Grand Rapids.

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

REVIEW AND CONSIDER AWARDING CONTRACT FOR CONCRETE REPLACEMENT

Ten contractors submitted bids on a contract for the 2004 concrete repair program. The low bidder is Dominic Gaglio Construction, Inc. out of Southgate, Michigan with a low bid of \$151,475.00. This contractor has never done work for Beverly Hills but is currently doing work in Royal Oak. Spallasso related that his counterpart in Royal Oak has indicated that the contractor is performing well. Hubbell, Roth & Clark have checked references and received positive reports.

Motion by McCleary, second by Downey, to award Contract R-04-03 to Dominic Gaglio Construction, Inc. of Southgate, Michigan for the construction of the 2004 Concrete Repair Program for the low bid amount of \$151,475.00. The award is

contingent upon the contractor submitting all bonds and insurance certificates per contract document requirements.

Spallasso answered inquiries from Council and the public. He was pleased to have 10 contractors participate in the bidding and noted that the low bidder came in with good unit prices. Spallasso anticipates work to start in August. He has been assured by the city engineer for Royal Oak that the low bidder has done good quality work for Royal Oak.

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

REVIEW AND CONSIDER FINAL PAYMENT TO L. SQUARED CONSTRUCTION FOR 2003 CONCRETE REPAIRS

Motion by McCleary, second by Pfeifer, to approve final payment to L. Square Construction (Lacaria Construction) for the completion of Contract R-00-2 (3 years) and C.O. #1 in the amount of \$5,000.00

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

REPORTS

MANAGER

The Sun Messengers performed for the first 2004 Concert in the Park. The show was cut short due to a sudden storm. The next concert takes place this Wednesday, July 21st when Bobby Lewis and the Cracker Jack Band take the stage at 7:00 p.m. Steve King and the Dittlies finish out the series on Wednesday, July 28th.

The Village Council will hold a work study session on July 29th at 6:00 p.m. in the Council chamber.

Village residents interested in paying their tax bill by credit card may do so starting this year. The service is made available through Oakland County via an on-line service. To pay by credit card, please visit the www.paylocaltaxes.com website. There is a convenience fee charged for this service.

Murphy turned the floor over to Stan Pasieka to present an update on the Village tree sale and other tree related programs.

Pasieka reported that the Village received two matching grants that will be used to replace trees lost due to the emerald ash borer. A \$3,000 matching grant was received in May from DTE Energy. The Village was awarded a \$17,000 DNR matching grant in June for tree planting. A total of \$40,000 will be available for replacement trees in the devastated areas in and around the park.

Administration has been working with the Parks and Recreation Board and an ad hoc tree committee on a tree planting program. Parks and Recreation Board member Jack Harmon was instrumental in putting together a program whereby Village residents can purchase trees from the Village. The Village will commit to purchasing 100 trees of eight different species. Residents will be able to fill out an order form to purchase trees at a cost of \$250 for a planted tree and \$125 for a tree that they will plant themselves. The purchased trees can be planted in the residents' road right-of-way, on private property, or donated for planting in Beverly Park. Administration requests Council approval to proceed with this program.

Pasieka outlined another opportunity for Village residents to purchase trees at a discount at Franks Nursery and Crafts store at 14 Mile and Crooks. The Village will prepare an order form that could be taken to the store for purchase of trees 50% off the retail price. There are no arrangements for planting of the trees. There are still some details to finalize relative to this program. Council approval is also needed to proceed with the program.

Downey encouraged subdivision associations to take advantage of these tree planting programs. He mentioned that compost available on the Village municipal site occasionally works well for tree planting.

Domzal thanked the group that has been working on the tree program. He assumes that a funding request will come before Council as a formal proposal and that bids will come to Council for consideration. Domzal hopes that the Village tree planting programs has the widespread support of the community. The public will be hearing more about the programs shortly.

COUNCIL

Koss informed Council that a Boy Scout from Troop 1029 is working toward earning his Eagle Scout badge by doing proper disposal of the American flag. There are drop boxes at the Public Safety Department and at Our Lady Queen of Martyrs School.

Koss encouraged people to attend Council and Board meetings to be apprised of what is going on in the Village. Koss is the Council liaison to the Birmingham Board of Education. Unfortunately, School Board meetings are held on the same evenings as Council meetings. She has tried unsuccessfully to contact the School Board about setting up a monthly meeting with a representative. Koss stated that she will be in contact with the Village Attorney and Public Safety Director to investigate the situation on Ronsdale and Kennoway and keep the residents apprised of the Village's discussions with the School Board.

Pfeifer announced that the Birmingham Area Cable Board will meet in this room tomorrow morning, July 21, at 7:45 a.m. Pfeifer attended the Zoning Board of Appeals meeting last week. The new chairperson is Todd Schafer, and Ron Berndt was elected as the Vice-Chair. There were six appeal cases heard at the July 12 meeting, which reflects the kind of renovation and upgrading going on in the community.

Pfeifer rebutted and clarified a comment attributed to her by a resident who spoke earlier in the meeting. She expanded on the reason for maintaining a fund balance and provided background on the Village policy relative to its fund balance.

Taylor congratulated new Zoning Board officers Todd Schafer and Ron Berndt and thanked Maryann Verdi-Hus for her time as chairperson. He congratulated Randy Munguia on his appointment to the Beautification Committee.

After listening to the concerns of residents on Kennoway and Ronsdale relative to problems associated with leasing Groves High School athletic fields to outside teams, Taylor had three words for the Birmingham School Board - shame on you. Beverly Hills residents approached the School Board with legitimate concerns, which were not effectively addressed by the Board. Activities at the athletic fields have disrupted the lives of those residents, and they have brought their concerns to our attention. It should not have reached this level of frustration.

McCleary commented on the lack of action by the Birmingham School Board to deal with the problems experienced by residents surrounding the Groves High School athletic fields. He suggested that there may be Beverly Hills residents who would like to run for a position on the Birmingham School Board.

McCleary asked the support of Council to move the August 3 Council meeting to August 4 due to the election.

Downey stated that it appears to be difficult to get the attention of the Birmingham School Board. He would like to see a representative from Beverly Hills on the Birmingham Board of Education. Downey commented on the frustration of the residents on Kennoway and Ronsdale and supports resolution of this issue.

Downey reported that the Personnel Committee met this evening and approved Manager Murphy's goals and objectives for this fiscal year. The Committee also met with Village Attorney Ryan to discuss his goals and objectives. Downey congratulated Randy Munguia on his appointment to the Beautification Committee.

Downey commented that the Southeastern Michigan Council of Governments (SEMCOG) will review and receive comments on the 2030 Regional Transportation Plan on July 28, 2004 at the Southfield Library.

Domzal congratulated Tom Ryan for being with the Village since 1978. Beverly Hills is lucky to have Tom Ryan with his distinguished and respected reputation in the state and his institutional knowledge of the Village.

A recurring theme of public comments at Council meetings concerns effective communication between Council and the community. This Council is looking at a number of measures to improve communication including municipal cable programming and newspaper articles in three local papers. Domzal asked that residents meet Council

halfway by watching municipal programming when it is aired and reading about Beverly Hills issues.

Motion by Pfeifer, second by Taylor, to adjourn the meeting at 9:37 p.m.

Motion passed.

Dave Domzal
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary