

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

Absent: None

Also Present: Village Manager, Spallasso  
Assistant to the Manager, Pasioka  
Village Clerk, Marshall  
Director of Public Safety, Woodard  
Village Attorney, Ryan  
Building Official, Byrwa

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.

Boy Scout Chris Kendall from Troop #1024 introduced himself and stated that he is working on his Communication Merit Badge.

**ADDITIONS TO AGENDA/APPROVE AGENDA**

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

Motion passed (7 – 0).

**PRESENTATION BY THE BIRMINGHAM BLOOMFIELD COMMUNITY COALITION**

Lisa Machesky, Executive Director of the Birmingham Bloomfield Community Coalition, thanked Council for its continued financial support over the years. The mission of the Birmingham Bloomfield Community Coalition is to mobilize the whole community to prevent the abuse of alcohol, tobacco and other drugs. The role of the Coalition is to serve as a catalyst to challenge individuals in all community sectors to initiate, encourage and support prevention efforts.

Machesky talked about what the Community Coalition does in terms of planning, coordinating and implementing community-wide summits, substance-free youth events, and leadership training for teens. She highlighted some of the educational resources and programs provided by the Coalition to prevent the abuse of alcohol, tobacco and other drugs in the communities. The group has released student usage survey data and established a parent survey. Machesky presented results of the parents' survey to Council and outlined activities and campaigns proposed for the future.

The Community Coalition has applied for a Federal grant of \$100,000 per year for five years and hopes that it will receive the award this summer. Machesky introduced an ongoing program called "Parents Who Host Lose the Most - Don't be a party to teenage drinking". She displayed a proclamation whereby parents express their commitment to oppose underage drinking and encouraged Council members to sign the proclamation. A letter signed by Public

Safety Director Woodard was sent to parents of eleventh and twelfth grade students at all public and private high schools in the area containing facts about the law on underage drinking.

**CONSENT AGENDA**

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

- a. Review and consider minutes of a regular Council meeting held on May 17, 2005.
- b. Review and file bills recapped as of Tuesday, May 31, 2005.

Motion passed (7 – 0).

**BUSINESS AGENDA**

**SET PUBLIC HEARING DATE OF 6/21/05 REGARDING CINGULAR ANTENNAS ON 14 MILE ROAD**

Woodrow stated that Cingular Wireless Communication is proposing to co-locate wireless antennas on the existing Southeastern Oakland County Water Authority (SOCWA) water tower located on 14 Mile Road east of Pierce on property zoned Public Property. The Planning Board has reviewed the site plan for the proposal and considered the request for special use approval.

Council set a public hearing date on the site plan and special use approval request from Cingular Wireless for Tuesday, June 21, 2005 at 7:30 p.m.

**SECOND ANNOUNCEMENT OF VACANCY ON CABLE BOARD**

Pfeifer made the second announcement of a vacancy on the Birmingham Area Cable Board to replace the position held by James Delaney, who has elected not to serve another term. The deadline for accepting applications is Friday, June 10, 2005 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 Pfeifer as chairperson, McCleary and Taylor will meet on Tuesday, June 21, 2005 at 7:15 p.m. in the Council chamber to review applications and recommend an appointment to Council. A Cable Board member will be appointed to a term expiring on June 30, 2008.

Pfeifer outlined the responsibilities and activities of the Cable Board. The Board meets at 7:45 a.m. on the third Wednesday of the month.

**FIRST ANNOUNCEMENT OF A VACANCY ON THE PARKS AND RECREATION BOARD**

McCleary stated that Dan Nelson has indicated that he will not seek reappointment to the Parks and Recreation Board. Nelson has been a great asset to the Board and has been responsible for organizing the Winter Family Fun Day in recent years. Council thanked Dan Nelson for his many years of enthusiastic service on the Parks and Recreation Board.

McCleary made the first announcement of a vacancy on the Parks and Recreation Board for a term to expire on June 30, 2008. The deadline for accepting applications for this position is

Friday, June 24, 2005 at 4:30 p.m. Applications are available at the Village office or online at [www.villagebeverlyhills.com](http://www.villagebeverlyhills.com). A subcommittee of McCleary as chairperson, Pfeifer and Woodrow will meet at 7:15 p.m. on July 5 to review applications and recommend an appointment to Council.

**REVIEW AND CONSIDER FLAG DAY PROCLAMATION**

Motion by Pfeifer, second by McCleary, 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 America 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 Tuesday, June 14, 2005.

Motion passed (7 – 0).

**REVIEW AND CONSIDER CHANGE ORDER #2 JOINT & CRACK SEALING 2005/2006 SEASON**

Joint and crack sealing is necessary maintenance that extends the service life of both asphalt and concrete pavements. Scodeller Construction, Inc. is proposing to continue the sealing program for 2005 at the same unit prices as 2004, which were extended from 2003. The contractor has performed well in the past. Council has budgeted \$39,000 for joint and crack sealing for the 2005 season.

Motion by McCleary, second by Koss, to approve Change Order #2 in the amount of \$35,440 to Scodeller Construction, Inc. for the 2005 Joint and Crack Sealing Program.

Questions from Council and the public were addressed. Spallasso explained that the estimated cost of the project at \$35,440 will not be exceeded without Council authorization. The Village's inspector will monitor the work. Spallasso clarified that the Village went out for bids two years ago; the contractor has agreed to perform the work at the same unit prices as in the original bid in 2003.

Roll Call Vote:

Taylor - yes  
Woodrow - no  
Domzal - yes  
Downey - yes  
Koss - yes  
McCleary - yes  
Pfeifer - yes

Motion passed (6 - 1).

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

Motion by McCleary, second by Taylor.

RESOLVED to appoint Renzo Spallasso as representative and Stan Pasiaka as alternate to represent the Village of Beverly Hills on the Board of Trustees of the Southeastern Oakland Resource Recovery Authority for the July 1, 2005/2006 fiscal year.

Motion passed (7 – 0).

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

Motion by McCleary, second by Woodrow.

RESOLVED to appoint Renzo Spallasso as representative and Bob Wiszowaty 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, 2005/2006 fiscal year.

Motion passed (7 – 0).

**DISCUSSION ITEMS**

**VILLAGE DEPARTMENT’S GOALS AND OBJECTIVES**

Domzal reviewed that Council adopted the budget for fiscal year 2005/06 last month. The budget document includes narrative sections that outline department goals and objectives. He proposed that Council go through the department goals to determine if there are any items that should be discussed or revised.

Domzal reviewed the Council objectives listed in the budget narrative. He added that Council has talked about establishing a finance committee, which could be included as a goal for the next fiscal year. Council has also discussed working with administration to develop an administrative staffing plan, developing a tree policy, and considering the issue of city hood.

Council members did not think there was anything further to discuss in terms of the goals and objectives included in the budget. It was suggested that Council hold a study session to review the status of the items on its action plan and determine what can be accomplished over the next fiscal year. The impact of the September Council election on goal setting was a topic of discussion. It was mentioned that it might be appropriate for Council to grade itself on last year's goals and objectives and discuss specific action for the current fiscal year.

It was proposed that Council schedule a study session on June 22 at 7:30 p.m. following its joint meeting with the Planning Board at 6:30 p.m. There was agreement that the proposal for establishing a finance committee would be a topic of discussion at the study session.

Norman Rubin of 31020 Rivers Edge Court suggested that Council's approach could be to start with a business plan, which would allow them to lay out items that are longer than one year in duration. That business plan should give rise to numbers and Council goals and objectives.

Bunker Kelly of 21526 Corsaut related how other communities in the area are cutting costs. He thinks that Council should continue to discuss department goals and accomplish something it can be proud of during the remainder of its term.

Ralph Lohrengel of 18346 Beverly Road commented on what he believes to be a lack of communication between Council and Village residents.

#### **DISCUSS RE-CREATION OF VILLAGE FINANCE COMMITTEE**

Council met with members of the Strategic Planning Development Committee in April to review and prioritize strategic initiatives developed by the Committee as part of the Village's strategic planning process. One of the key strategic issues involved establishing a long term financial plan. It was the recommendation of that subcommittee that the Village create a finance committee.

Strategic Planning Committee member Greg Burry has prepared a proposal for a finance committee for Council consideration. Burry commented on the importance of a finance committee given these challenging times when the Village is facing financial difficulties due to cuts in State revenue sharing and the effects of the Headlee Amendment and Proposal A. Council, administration and the citizens are being asked to come together as partners in resolving the fiscal dilemma facing the Village.

Burry outlined his general proposal for a finance committee. The objective of the committee is to make recommendations to Council on Village finances as directed by Council and to act as a fact finding committee at the direction of Council.

The function of a finance committee would be: 1) to review the annual budget and the five-year financial forecasts and recommend approval or modifications to Council; 2) to recommend a long term financial plan to Council on revenue and expenditures, and 3) to review Village operations as directed by Council for study and recommendations. The committee could study the efficiency of services, recommend productivity improvements, or

investigate the feasibility of privatizing, changing and/or consolidating services or developing revenue enhancements.

Burry's proposal recommends a seven member committee with an attempt made to recruit members from each Village precinct. Some but not all members should have financial experience in government, non-profit organizations or business. Basically, the committee should consist of citizens who are concerned with the welfare of the Village.

Council members discussed the proposal. All members were in support of establishing a finance committee. A majority of Council expressed the view that specific goals and objectives for this committee should be set by Council. The suggestion was made that consideration should be given to setting a specific time frame for the committee, possibly one year. The point was made that spending policies of the Village should be carried out by those individuals elected by and responsible to the voters.

There was agreement that Council will discuss finance committee goals and an outline of how the committee will be structured at the June 22 study session. A resolution for creation of a finance committee with specific goals and a time frame will be drafted after receiving input from the Council as a whole.

Bunker Kelly of 21526 Corsaut encouraged Council to start the process of establishing guidelines and creating a finance committee that will be charged with getting the Village's finances in order.

Sharon Tischler of 21415 Virmar Court applauded Council for considering the creation of a finance committee. She thought that the concept of having defined beginning objectives for a finance committee is a good one.

#### **PUBLIC COMMENTS**

Lawrence Needham of 15588 Kirkshire questioned the recent policy of the Village to replace concrete sidewalk in need of repair at the expense of the community at large rather than at the cost of the benefiting homeowner. Many surrounding communities bill their residents for sidewalk repair and replacement. Needham contacted the staff of State Representative Shelly Taub and learned that there is no statute or ruling that prohibits municipalities from passing on the cost of sidewalk repairs to residents. This is an opportunity for Council to correct an inequity and reverse an error that is costing the Village more than \$28,000 per year. He asked Council to place this issue on its agenda.

Kathleen Berwick of 31381 Kennoway Ct. expressed frustration at Comcast for its failure to respond to her phone calls regarding a recent cable television outage. Pfeifer responded that the Birmingham Area Cable Board accepts and follows through with complaints from Comcast subscribers. She will provide Ms. Berwick with a contact person and phone number.

Norm Downey of 23042 Nottingham Drive stated that Village information is being withheld from residents. He understands that the Village Manager and Village Clerk have been advised not to release information relating to Council meetings until the day of the meeting. The

explanation given for this new policy is to give legal counsel and administration the time to review the materials and decide if some materials will not be presented at the Village Council meeting. Other communities place all government meeting information on their web sites. He asked Council to reinstate the ability for individuals to receive the Council packet information on Fridays.

Village Attorney Ryan stated that he was asked by Village Administration to opine on the procedure for distributing Council packet information. Citizens have a right under the Freedom of Information Act (FOIA) to request periodic information that is produced by the Village, in this case the Council packet. Village administration sought his advice on whether the Council packet should be given to the public at the same time Council members receive it on the Friday before the Council meeting.

The Act allows the Village five business days in which to respond to a request for information. It was noted that the Council packet may not be finalized at the time it is delivered to Council members. It seemed appropriate to balance the needs of the Village with those of the individual requesting the information by making the packet available to the public the morning of the meeting at 9 a.m. This would give Council and administration until Monday evening to finalize the packet information and provide the person picking up the information with a complete packet. Ryan noted that Beverly Hills does not have the Information Technology staff to place the material on the Village web site.

The current Village policy is to provide the Council packet to whomever requests it on Tuesday morning the day of the Council meeting. A memo was presented to Council on this matter. If Council does not agree with this procedure, it can modify the process. Ryan emphasized that he was trying to balance the needs of the public for information with the needs of the Village relative to staff and time constraints.

On another matter, Ryan stated that he was requested to review the President's newsletter to Council to determine whether any information was exempt under FOIA or should be redacted. The Village is entitled to bill the person requesting the document for the Village Attorney's review of the material.

Sharon Tischler of 21415 Virmar Court commented that she did not agree with the Village's decision to hold up the Council packet until Tuesday if it is distributed to Council on Friday. Council members have the option to remove an item from the agenda at a Council meeting. Reviewing information that cannot be distributed to the public is a different issue. Tischler does not think it should be difficult for people to receive information or participate at a meeting. She asked Council to reconsider its current policy.

Tischler questioned the Village's policy for removing dead or diseased Ash trees in the Village.

Gladys Walsh of 20655 Smallwood Court was disconcerted by the policy of withholding information from members of the public preventing them from adequately preparing for a Council meeting. Walsh stated that a person can have a standing request for information

according to the Freedom of Information Act. She asked Council to reconsider the Village's policy on issuing public records. Walsh expressed the view that Council needs to build its credibility with the people in the Village.

Greg Burry emphasized that the finance committee proposal was a product of Villagers including members of the previous finance committee, Council members, and citizens. There is concern about the financial condition of the Village. The finance committee is meant to work under the direction of the Council and make recommendations on what needs to be done to resolve our finance dilemma. Burry thinks it should be a long standing committee that not only works on items directed by Council but could research items of interest.

Soter Art Liberty of 20850 W. 13 Mile Road expressed the view that Council should respond to the voters. He gave examples of instances where he believes Council did respond to the citizens and when it did not. Liberty commented on the need to reduce costs in the Village.

Bunker Kelly of 21526 Corsaut commented on the importance of communication between Council and the public and the ability to trust Council. Residents want to be informed and involved. He noted that some communities have individuals from council or administration research and answer questions asked by residents.

Bob Walsh of 20655 Smallwood Court questioned the nature of a small construction project taking place on Evergreen Road just north of Beverly on the east side of the road.

Walsh commented that the Village's policy regarding financing the repair and replacement of sidewalks in the community was changed by ordinance approximately three years ago. The responsibility of replacing and repairing sidewalks in the Village was shifted from the homeowner to the Village at large. This is an unfunded liability that will grow as sidewalks deteriorate. Walsh suggested that Council reconsider its policy.

John Mooney of 19111 Devonshire expressed the view that the majority of people in this town believe that Council is doing an outstanding job of taking responsibility and communicating with residents. To suggest that this community does not trust the Council is an exaggeration and an opinion shared by a limited number of individuals. There are problems in the Village with money and infrastructure, and Council is handling those problems well.

#### **MANAGER'S REPORT**

The 2005 Memorial Day Parade and Carnival was a success. Spallasso thanked the Village Woman's Club, the Beverly Hills Lions Club, as well as Stan Pasieka and the Public Safety and DPW staffs for an outstanding job.

Construction is moving along on the Beverly Park pavilion. The block wall is up and the next step is to install brick work for the new building. At this time the project is on schedule and should be completed within the original timeframe of 90-120 days weather permitting. Construction is proceeding on the water main replacement project with the contractor concentrating on restoration.

The Village participated in another Rouge River Cleanup Day on Saturday, June 4 with volunteers picking up litter and targeting removal of invasive species at the Douglas Evans Nature Preserve.

Three Council seats will be available on the September election ballot. Nominating petitions can be obtained at the Clerk's office at any time and must be filed between Tuesday, July 12, 2005 and Tuesday, August 2, 2005 at 4:00 p.m.

Spallasso stated that diseased or dead Ash trees located on public or private property will not be required to be removed unless they create a public safety hazard. Residents will be notified if a tree on their property is creating a hazardous situation. The Village cannot afford to remove all dead and diseased Ash trees.

The work on Evergreen mentioned by a resident represents the completion of the junction chambers of the force main project undertaken by the County.

Downey stated that there was discussion at a recent Retirement Board meeting on how Village expenditures are authorized. He understood that there is a distinction between Council approving the budget and the actual expenditure of funds. There is money budgeted for the Village's contribution to the Retirement Fund for Public Safety. The comment was made that administration had the authority to disburse those funds because the money was budgeted. It was his understanding that all direct expenditures have to be approved by a vote of Council.

Spallasso responded that Council reviews the bills. Some of the bills are for fixed costs related to insurance payments, contractual obligations or contributions to funds.

Pfeifer remarked that the Beverly Road restoration is looking great.

### **COUNCIL REPORT**

Woodrow commented that the Memorial Day Parade and Carnival were great events. Pfeifer and other Council members congratulated Hugh Woodrow and his wife on the birth of their daughter Ainsley.

Pfeifer announced that the Birmingham Area Cable Board appointed Thomas Hanson as its new Executive Director at the May meeting. Hanson is employed by the City of Southfield as the producer and director of their cable station. Pfeifer urged interested residents to apply for the vacant Beverly Hills position on the Cable Board. The next meeting will be held on Wednesday, June 15 at 7:45 a.m.

Pfeifer thanked the Village Woman's Club for a successful Memorial Day parade.

As liaison to the Public Safety Department, Koss responded to comments made this evening regarding Council's decision on the proposal for joint dispatch services with the City of Birmingham. She expressed the view that the Village can find the \$40,000 savings somewhere else. The dispatch issue was a permanent decision made by Council whereas the change to a 12-hour shift was enacted on a trial basis.

Koss announced that Council will meet with the Strategic Planning Committee on June 23 from 7 – 10 p.m. in the Council chamber.

Downey reported that the Retirement Board met on May 24. He noted that the Village's contribution to the Public Safety Officers' Retirement System will be \$205,000 this year and is anticipated to be \$250,000 in the next fiscal year. Downey commented that the Retirement Board has made significant changes in the investment portfolio over a number of months with a target of 7% return on investments. There was a lot of effort involved by the members with valuable support from the investment advisors.

There will be a SEMCOG meeting on June 23. Downey will be unable to attend and asked if another Council member was interested in going in his place. The alternate representative from the Village is resident John Smith.

Downey commented that he does not support the current policy followed by administration with respect to distributing Council packets.

Downey urged Council members to recruit people to make application for upcoming vacancies on Village Boards and on Council.

Consumers Power has been replacing gas meters in the community. Downey reported that the company replaced a gas meter at his house but has not completed the restoration to his property. He asked if there is anything administration can do to improve the response of Consumers Power.

Downey thanked everyone for their support and participation in the Memorial Day Parade including the Lions Club, the Woman's Club, other volunteers and residents.

McCleary commented that the pavilion construction is moving along. McCleary sees no reason why people cannot have a copy of the Council packet at the time when it is available for distribution to Council. He thanked all of the volunteers for their work on the Memorial Day Parade.

Taylor urged interested residents to apply for a Council seat in September. He announced that the Southfield Township Board will meet on June 14 at 8 p.m.

Domzal referred to a multi-jurisdictional planning brochure available to Council and the public. The document addresses aspects of sharing services and how communities cooperate.

Domzal announced that the Federal Emergency Management Association (FEMA) has issued new flood plain elevations for our area. There will be notifications published in the Birmingham Eccentric. Spallasso indicated that there are no changes for the Village.

The Village received notification from the Governors Council on Physical Fitness, Health and Sports encouraging communities to take positive steps to adopt resolutions to encourage fitness and walkability within communities.

The Village also received a report from Beaumont hospital providing an annual report regarding community services. The document is available for public review on their web site.

Domzal commented that the issue of communication has been raised by residents who have used terms such as integrity and trust. This Council tries to communicate effectively and to run an open meeting. Council wants to look at ways to improve the delivery of service. He encouraged the public to keep things in perspective and not overreact to situations. The Village spends a lot of money on providing reports to residents. There have been staff cutbacks, and staff has been asked to do more with less. Domzal commented that administration and Council will find a balance with respect to demands on staff and providing information to residents. Policies that have been established are not efforts to withhold information from the public.

Motion by Pfeifer, second by Woodrow, to adjourn the meeting at 10:22 p.m.

Motion passed.

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

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

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