

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, Pasiaka
Village Clerk, Marshall
Director of Public Safety, Woodard
Village Attorney, Ryan
Building Official, Byrwa
Finance Director, Wiszowaty

President Domzal called the regular Council meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. Council is reconvening after a 6:30 p.m. closed session to discuss labor contract issues related to the Public Safety Command Officers Union. The Pledge of Allegiance was recited by those in attendance.

Domzal remarked that there was a discussion at the last Council meeting on distribution of Council packages to the public. After hearing the sentiments of Council members and having further discussion with the Village Manager, it was decided that Village administration will make Council packages available to the public on the Friday before a Council meeting.

ADDITIONS TO AGENDA/APPROVE AGENDA

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

Motion passed (7 – 0).

Domzal recognized Oakland County Commissioner Marcia Gershenson, who was present to update Council on the Village's application to become one of the five pilot villages for the County's wireless initiative. She related that applications are being reviewed and verified. The County is also interviewing private sector partners to determine carriers and compatibility. No decision is expected until August.

Gershenson highlighted events and programs going on at the County and will leave flyers at the Village office. She announced that the County will be having its first evening meeting on Thursday, June 23 at 7:00 p.m. in the Commissioners' Auditorium. The guest will be Michigan Department of Transportation Director Gloria Jeff who will answer questions about state roads and the future of public transportation. All residents are invited to attend and participate.

CONSENT AGENDA

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

- a. Review and consider minutes of a regular Council meeting held on June 7, 2005.
- b. Review and file bills recapped as of Tuesday, June 13, 2005.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER REQUEST FROM GROVES HIGH SCHOOL FOR ANNUAL FUN RUN

Sheila Brice was present on behalf of the Groves High School administrative team requesting Council approval of their proposal to use Village streets for the 17th Annual Fun Run/Walk on October 18, 2005 to promote student involvement in ongoing community service and to promote participation in lifelong fitness activities. Council has received brochures highlighting the Fun Run/Walk. Brice invited members of Council to join in the event.

Motion by Taylor, second by McCleary, to approve the request of Groves High School to use Village streets for its 17th Annual Fun Run/Walk on Tuesday, October 18, 2005 conditioned upon receipt of appropriate insurance.

Motion passed (7 – 0).

PUBLIC HEARING REGARDING CINGULAR WIRELESS REQUEST FOR SITE PLAN REVIEW AND SPECIAL APPROVAL OF ANTENNAS ON THE WATER TOWER AT 16111 FOURTEEN MILE ROAD

Before Council for consideration is a site plan and special approval request from Cingular Wireless. Cingular is proposing to collocate wireless antennas on the existing Southeastern Oakland County Water Authority (SOCWA) water tower and construct a control building on property located on 14 Mile Road east of Pierce that is zoned PP Public Property. Council has referred this proposal to the Village Planning Board for review and recommendation. The Planning Board held a public hearing and reviewed the site plan and has recommended special use and site plan approval with certain conditions.

Woodrow commented that the property is owned and operated by SOCWA, and the Water Authority has approved the collocation proposal from Cingular. The Village has the authority to regulate the building and use of the property through its Zoning Ordinance.

Norm Burns, on behalf of Cingular Wireless, commented that the SOCWA water tower is a location point for several other wireless carriers including Verizon and Nextell. Cingular is asking to collocate on the water tank. Following Planning Board review, modifications were made to the site plan including a spot landscaping design and the addition of a gabled roof to the shelter.

Legal counsel from SOCRRA, Robert Davis was present in the audience for another agenda item. He mentioned that SOCWA has looked at the contract and terms of the property issues and has examined the site location and structural issues, and they have no problems.

Domzal declared the public hearing open at 7:45 p.m. on the Cingular Wireless site plan and special use proposal.

Lawrence Needham of 15588 Kirkshire expressed the view that the Planning Board did not look into all the aspects of this proposal. Consideration has not been given to alternative sites

in surrounding communities, use of smaller antenna panels, the possibility of an underground control structure, and financial negotiations between Cingular, SOCWA, and Beverly Hills. Needham suggested that it would be irresponsible for Council to approve the Cingular proposal without a more comprehensive review of the issues by the Planning Board. Needham referred to a section of the Zoning Ordinance that states what the community should be looking at in terms of authorizing a wireless antenna. He questioned how the proposal promotes the public health, safety and welfare of Beverly Hills. Needham believes that the Village has the right and the duty to reject an inappropriate proposal for collocation of a wireless antenna at a site. He maintains that there will be a negative aesthetic effect to this proposal, which could influence property values.

John Keck of 16075 Kirkshire questioned Council's control over what happens on that property owned by SOCWA. He supported the comments made by Mr. Needham.

Kay Michael of 15767 Kirkshire requested that the site plan presented by Cingular be denied and that Cingular be required to submit a revised site plan. Cingular is proposing to construct a control building to house its facility in the area between the two water towers on Kirkshire. Nextell presently has a building under the legs of the silver water tower and Verizon has a cabinet and concrete pad under the legs of the same water tower. Since there are two SOCWA buildings, the proposed building will be the fifth structure in the park-like area.

Michael anticipates requests for collocation and control structures at this site from other cell companies. She believes that the property values of area residents depend on the SOCWA land continuing to have a park-like look. Multiple commercial structures have a negative visual impact on the neighborhood, change the character of the community, and diminish property values.

The Zoning Ordinance requires the Village to minimize the negative visual impact of wireless communication facilities in neighborhoods. Michael read from the ordinance with respect to allowing as few structures as reasonably feasible in a residential neighborhood. She suggested that a viable solution would be to require Cingular to locate its facility under the legs of the water tower so as not to block the residents' park-like view of the open grassy area. Since Nextel and Verizon are already under the water tower, Cingular would need to collocate within the same infrastructure as those wireless companies. Michael maintains that the Zoning Ordinance supports this solution of collocating wireless communication support structures to minimize the number of newly established structures and to encourage the use of existing structures for wireless communication.

Michael expressed the view that the Cingular site plan proposal violates the historical intent of the property use for the SOCWA land. She provided background information on the acquisition and use of the site. In summary, Michael requested that Council stop the approval of randomly placed commercial structures on SOCWA land, which diminishes property values of area residents. She requests that Council require a plan to collocate as many of the facilities and cell companies as possible within the same building.

Bunker Kelly of 21526 Corsaut Lane voiced the opinion that this issue should go back to the Planning Board for further consideration including consolidation of control buildings. He expressed concern for the property values of the homeowners surrounding the SOCWA site. Kelly provided a visual to demonstrate what he believed to be the size of the antennas proposed to be located on the water tower.

James Scharret of 16083 Kirkshire, who lives directly across the street from the water tower, urged Council to vote against the proposal from Cingular Wireless. He stated that residents were told by the Planning Board that Council has the authority to make a decision on this proposal. He noted that there was no mention of 7'x10' antenna panels made at the two Planning Board meetings at which time this request was discussed.

Scharret talked about the appearance of the antennas and control building and the affect on property values as well as a conflict with the residential nature of the surrounding area. Overloading the area with more commercial uses threatens to change the nature and appearance of the area from residential to commercial or industrial. He believes that this will reduce the motivation of residents to maintain their property and the neighborhood will suffer. The installations require service and maintenance at all times of the day or night interfering with the residents quiet enjoyment of their homes. Scharret maintains that the request constitutes use of public land without public benefit. He urged Council to vote against the request for special use and site plan approval.

Norm Burns stated that the antennas proposed are a combination of the AT&T merger with Cingular. They are 7' x 10" antennas that are held together with a bracket. A propagation study of the service area demonstrated Cingular's coverage with and without the antennas on the water tank. The study showed that the proposed antennas would provide seamless coverage and that this specific site is important to the Cingular network. Burns mentioned that Cingular has an E-911 obligation to the FCC to identify a cell call within 100 feet, which provides safety to the public. He maintains that the integration of different cell carriers would never happen for the reason that each one has a different agreement approved with SOCWA.

No one else wished to be heard; Domzal closed the public hearing at 8:10 p.m.

REVIEW AND CONSIDER REQUEST FROM CINGULAR WIRELESS FOR SITE PLAN REVIEW AND SPECIAL APPROVAL FOR THE COLLOCATION OF ANTENNAS ON THE WATER TOWER AT 16111 14 MILE ROAD AND CONSTRUCTION OF CONTROL BUILDING

Building official Byrwa referred to the pages of the site plan document that provide a drawing and scale of the antennas. Three antennas are proposed to attach to three legs of the water tower. Each assembly consisting of four 7' high panels of less than 1' in width will span an area of 10 feet.

In response to questions about the Village's authority over the SOCWA site, Village Attorney Ryan stated that the property is located in the Village of Beverly Hills and is subject to certain Zoning Ordinance provisions. He affirmed that collocation is a policy under the Telecommunications Act and the Village Ordinance. There are already two providers on the

tower currently. The concern expressed by individuals tonight is whether there is a way to minimize the ground buildings relative to this site and whether that question has been fully researched.

Woodrow questioned whether the Village Council has the authority to reject the site plan and limit the antennas and control buildings on the site. Ryan stated that Council could deny the site plan based on specific reasons or refer the plan back to the Planning Board for further review.

Byrwa stated that a SOCWA representative made the statement at a Planning Board meeting that the site would be maxed out after the Cingular installation if it were to be approved, due to the underground wiring involved with each cellular carrier.

Comments and questions from Council members were addressed by Mr. Burns. Topics of discussion included the need for further Planning Board review in terms of compliance with the Zoning Ordinance and exploring options such as an underground control facility or collocation of support buildings. The absence of funding to the Village for the cell tower collocation was mentioned.

Burns stated that Cingular would not consider an underground vault because they are extremely expensive in terms of construction and protection of workers. Burns stated that he has represented every carrier and believes that the carriers would not consider sharing control buildings. They have a specific lease area, and there would not be a cooperative effort by the other carriers to create one facility.

There were members of Council who were in support of approving the special use approval as it relates to collocating the antennas at the site but would recommend referring the site plan back to the Planning Board for consideration of collocating the facilities.

Domzal summarized the issues before Council. The Village is trying to promote the policy of collocation of antennas on a tower. Before Council for approval is a site plan for the design of the facility on the SOCWA property. The special land use approval would allow the property to be used as a wireless communication facility.

The question becomes how to minimize the number of structures on that site. Negotiations on the site plan have taken place between the Planning Board and Cingular representatives and have resulted in the petitioner modifying the plan. Domzal suggested that the additional impact of the antenna panels is minimal. The question is the control building and whether the support structures on that site can be consolidated.

Motion by Woodrow, second by Pfeifer, to approve the request by Cingular Wireless for special approval to collocate antennas on the legs of the SOCWA water tower and to install a gable roofed control building on site at 16114 W. 14 Mile Road.

Taylor questioned whether the Village could benefit financially from this collocation. Spallasso responded that the Village is indirectly benefiting because Beverly Hills is part of

the SOCWA organization. The lease money goes into SOCWA's general fund and helps offset its expenditures. Ryan stated that the Village can enter into a lease agreement with entities collocating on the Public Safety cell tower; Beverly Hills is not a property owner in this case.

Roll Call Vote:

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

Motion passed (5 - 2).

Motion by Woodrow, second by Pfeifer, to approve the request by Cingular Wireless for Site Plan Approval to collocate antennas on the legs of the SOCWA water tower and to install a gabled roof control building on site at 16114 W. 14 Mile Road.

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

Motion failed (5 – 2).

Motion by Woodrow, second by Pfeifer, to refer the Cingular Wireless site plan to the Planning Board for consideration of collocation of the control buildings and the capacity for future operators on the site.

Woodrow commented that the direction to the Planning Board will be to look into the possibility of consolidating or minimizing the structures on the site as well as the size of the antennas.

Ryan commented that there has been anecdotal information that this site may be maxed out in terms of collocation. He suggested that the Planning Board obtain a record of that data so that it will know what the future is in terms of collocation at the site.

Robert Davis from SOCRRA commented that the conversation between the Planning Board and Cingular would be difficult without including the party that has the lease rights.

Domzal commented that if it is determined that the Village has limited options, the request for site plan approval will return to Council for consideration.

Roll Call Vote:

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

Motion passed (6 – 1).

REVIEW AND CONSIDER REVISED AGREEMENT WITH THE SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY

Domzal asked to recuse himself from discussion and voting on this agenda item for the reason that he has a conflict of interest with respect to matters involving SOCRRA. There were no objections from Council members to recuse Domzal from participating in this agenda item. Domzal passed the gavel to President Pro-Tem Woodrow.

Beverly Hills has a member municipality contract with Southeastern Oakland County Resource Recovery Authority (SOCRRA) for its solid waste disposal service that expires on June 30, 2007. SOCRRA has proposed a new member municipality contract that would include both collection and disposal and extension of the contract among the member communities to 2027. The financial impact of entering into this contract with SOCRRA will be to reduce the Village's costs by at least 10 percent.

McCleary reviewed that the Village Council passed a resolution on March 1, 2005 approving the contract with the Southeastern Oakland County Resource Recovery Authority. Minor revisions have been made to the document since that time. The governing bodies of nine member communities have already approved the revised contract and the remainder are in the process of taking action. The SOCRRA Board approved the revised contract on April 14, 2005.

Robert Davis, General Counsel for SOCRRA, outlined the contract revisions in Section 9 and the reason for the changes, which are primarily due to issues raised by the City of Royal Oak. He noted that the thrust of the contract remains the same. SOCRRA is currently involved in the bid process and is seeking rates that will be 10% lower. It is still a springing contract whereby, if the waste disposal contract elements are not delivered to the communities by January 1, 2006, the Village can exercise the termination option.

Koss commented that the Beverly Hills resolution authorizing the execution of the contract states that the contract is for an indefinite period but at least to June 30, 2027. She proposed that the resolution be in line with new Contract Section 5.A.(3)c., which states, "the duration of the Service Contract(s) is set at a ten year term (from July 1, 2007 to July 1, 2017) with a ten year renewal at the option of the Authority, and if said ten year option is exercised, this Agreement shall remain binding on the Authority and the Municipality." Davis concurred that Council's resolution could site this section of the contract.

A number of questions and comments from Council members on the revised contract were addressed by Davis. In response to an inquiry, Village Attorney Ryan stated that he has reviewed and recommends approval of the revised contract with the qualification that it is a policy decision of Council to approve the changes in the initial contract approved in March.

Motion by McCleary, second by Taylor, to adopt the following resolution:

RESOLVED that a certain contract between the Southeastern Oakland County Resource Recovery Authority and the Village of Beverly Hills, whereby the said Authority shall collect, process and dispose of the municipal solid waste, yard waste and recyclables accumulating within this municipality, and the Village of Beverly Hills shall pay the Authority for this service at rates established annually by the Authority Board of Trustees for a period as stated in Section 5.A.(3)c. of the membership contract.

BE IT FURTHER RESOLVED that the President and Clerk of the Village of Beverly Hills be and are hereby authorized and directed to execute said contract as presented with the Southeastern Oakland County Resource Recovery Authority for and on behalf of the Village of Beverly Hills.

The contract with SOCRRA is available for public review at the Village offices.

Roll Call Vote:
Motion passed (6 – 0).

Domzal resumed the chair.

REVIEW AND CONSIDER RESOLUTIONS REGARDING ELECTIONS AND SPENDING LIMIT BALLOT LANGUAGE FOR SEPTEMBER 2005 ELECTION

Pfeifer stated that Council has voted to place two Charter Amendments on the September ballot. The ballot language has been drafted by the Village Attorney and has laid on the table for 30 days in accordance with the statute.

Before Council for consideration at this meeting are resolutions to adopt the Charter Amendment language to be presented to the Governor of the State of Michigan for approval. Council discussed the language in Ballot Proposal A and agreed on a few minor changes, which were incorporated into the Resolution.

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

VILLAGE OF BEVERLY HILLS
RESOLUTION

WHEREAS, on the 17th day of May, 2005, Charter Amendments were proposed by the Village Council; and

WHEREAS, in accordance with the statute in such case made and provided, such Resolution was published in the Observer-Eccentric, a newspaper circulated within the Village; and

WHEREAS, said Resolution has been duly laid on the table for at least thirty (30) days;

NOW, THEREFORE, BE IT RESOLVED as follows:

That the following Charter Amendment be voted upon by the qualified electors of the Village of Beverly Hills at a regular Village Election to be held on Tuesday, September 13, 2005, to wit:

BALLOT PROPOSAL A

November Elections in even years:

QUESTION: Shall Section 3.3 and Section 3.5 of the Charter of the Village of Beverly Hills be amended to provide regular Village elections in November of the even years; rather than the current schedule for elections in September of the odd years with all seven (7) council members being elected for two (2) year terms, provided that the three (3) council members elected in September of 2005 shall be elected for a term ending in November 2006?

New Section 3.3 and 3.5 shall be amended to read as follows:

ELECTION DATES:

SECTION 3.3 A regular Village election shall be held on the regular Election Day in November in even numbered years commencing in 2006.

ELECTIVE OFFICERS AND TERMS OF OFFICE:

SECTION 3.5 The elective officers of the Village shall be a Village Council of seven (7) members. One (1) of said Councilmembers shall in turn be elected annually by the Council as Village President. At each bi-annual Village election seven (7) Councilmembers shall be elected on a single ballot for a two (2) year term. Each elector shall be entitled to vote for not more than seven (7) candidates. All terms shall commence the next Tuesday following the scheduled election. This provision shall commence in November of 2006, except that to implement this provision, the three (3) Council candidates who receive the highest number of votes at the 2005 Village election held on September 13, 2005, shall be elected to terms ending with the 2006 regular Village election.

YES _____
NO _____

That prior to the submission of the vote of the electors of the Village, such Charter Amendments shall be presented to the Governor of this State.

That before its submission to the electors of the Village, the Clerk shall give such notice thereof as is required by law.

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

Motion by Pfeifer, second by McCleary, to adopt the following Resolution:

VILLAGE OF BEVERLY HILLS
RESOLUTION

WHEREAS, on the 17th day of May, 2005, Charter Amendments were proposed by the Village Council; and

WHEREAS, in accordance with the statute in such case made and provided, such Resolution was published in the Observer-Eccentric, a newspaper circulated within the Village; and

WHEREAS, said Resolution has been duly laid on the table for at least thirty (30) days:

NOW, THEREFORE, BE IT RESOLVED as follows:

That the following Charter Amendment be voted upon by the qualified electors of the Village of Beverly Hills at the regular Village Election to be held on Tuesday, September 13, 2005, to-wit:

BALLOT PROPOSAL B

Increases the dollar amount for certain Village purchases, sales and contracts:

QUESTION: Should the current amount of \$1,000.00 (One Thousand Dollars) be amended to \$2,500.00 (Twenty-Five Hundred Dollars) for purchases and sales that Village officials may enter into without competitive bidding or prior approval of Council (Section 12.1) and for Village contracts entered into without formal certification that an appropriation has been made for payment thereof certified with the Village Clerk (Section 12.2)?

New Section 12.1 and 12.2 shall be amended to read as follows:

PURCHASE AND SALE OF PROPERTY:

SECTION 12.1 The Council may authorize a purchasing officer to make purchases and sales in amounts not in excess of Two Thousand Five Hundred dollars (\$2,500.00) without prior approval of Council. In all sales and purchases in excess of Two Thousand Five Hundred dollars (\$2,500.00), the sale or purchase shall be first approved by the Council, and formal sealed bids shall be called for. (The other provisions of the section shall remain the same).

CONTRACTS.

SECTION 12.2 The authority to contract on behalf of the Village is vested in the Council and shall be exercised in accordance with the provisions of statute and this Charter, provided that purchases and sales may be made by a purchasing officer subject to the provisions of Section 12.1. No contract for employment or an agreement for the purchases of goods, wares or merchandise or services in the amount in excess of Two Thousand Five Hundred dollars (\$2,500.00) shall be made unless the officer responsible for maintaining the Village accounts shall first have certified that an appropriation has been made for payment thereof or that sufficient funds will be available if it be for a purpose to be financed by the issuance of bonds or special assessments or for some other purpose chargeable to a budget appropriation. (The other provisions of the section shall remain the same).

YES _____

NO _____

That prior to the submission of the vote of the electors of the Village, such Charter Amendments shall be presented to the Governor of this State.

That before its submission to the electors of the Village, the Clerk shall give such notice thereof as is required by law.

Roll Call Vote:

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

Motion passed (5 – 2).

REVIEW AND CONSIDER PROCLAMATION RECOGNIZING ELLEN MARSHALL AS 2005 VILLAGE CLERK OF THE YEAR

Koss stated that it was her pleasure to announce that, from over 1800 municipal clerks in the State of Michigan, Village of Beverly Hills Clerk Ellen Marshall has been named as Village Clerk of the Year. Koss and Council President Domzal presented Ellen Marshall with a framed proclamation from the Village of Beverly Hills that reads as follows:

**VILLAGE OF BEVERLY HILLS
PROCLAMATION**

WHEREAS, ELLEN E. MARSHALL has been employed by the Village of Beverly Hills since 1995 as Administrative Secretary/Deputy Clerk, and in 1996 was appointed as Village Clerk, and

WHEREAS, in 2003, on her own initiative, she additionally assumed the duties of National Passport Acceptance Agent for the Village, which has provided over \$10,000 in annual revenue for the Village, and

WHEREAS, Ms. Marshall has taken the initiative for professional personal improvement by attaining a Bachelor of Science degree in Community Development and Public Administration from Central Michigan University in 2001, and is currently on schedule to complete the requirements for a Master of Science of Administration with a concentration in Public Administration in 2006, and

WHEREAS, she has achieved Certified Municipal Clerk status and completed Level One of the International Institute of Municipal Clerks at the Master Municipal Clerk Academy, and

WHEREAS, she has been extremely active in her professional Clerk organizations by serving as Treasurer and President of the Oakland County Clerks Association, and

WHEREAS, Ellen served as a Conference Committee member and Education Committee member of the Michigan Association of Municipal Clerks, and

WHEREAS, she continues to serve as a member of the National Association of Parliamentarians and as a member of the International Institute of Municipal Clerks, and

WHEREAS, Ms. Marshall has been duly recognized among her peers and by the Michigan Association of Municipal Clerks as the “**2005 Village Clerk of the Year.**”

NOW, THEREFORE, BE IT RESOLVED THAT the Village of Beverly Hills extends sincere congratulatory wishes to **Ellen E. Marshall** in recognition of her being presented the prestigious **2005 Village Clerk of the Year Award** presented by the Michigan Association of Municipal Clerks for her outstanding contribution to the professional development of Municipal Clerks especially in promoting continuing education with an emphasis on encouraging professional development. The residents of Beverly Hills are extremely proud in recognizing Ellen Marshall for her skilled efforts as a valuable Village employee and to extol the noteworthy achievement of this impressive professional award.

Koss displayed another resolution that has been prepared as a special tribute to Ellen Marshall and signed by Governor Jennifer Granholm and State Senator Gilda Jacobs, which will be presented to her at the Annual Clerk’s Conference. Koss also announced that Ellen has qualified for the first level of membership in the IIMC Master Municipal Clerks Academy.

Marshall remarked that it is an honor to be selected as Clerk of the Year. She thanked Council for the recognition and Beverly Hills for the opportunity to be involved in the various organizations available to municipal clerks.

Domzal added that Ellen Marshall is part of a great team and that she does a wonderful and professional job on a day-to-day basis.

REVIEW AND CONSIDER AWARDING A CONTRACT FOR ASPHALT RESURFACING

Five bids were received for the bituminous resurfacing program with the low bid of \$612,641.00 from John Carlo, Inc. of Clinton Township. This is a contractor that is well known in the State and has a good reputation.

Motion by McCleary, second by Downey, to award Contract R-05-02 to John Carlo, Inc., 45000 River Ridge Drive, Clinton Township, MI 48038 in the amount of \$612,641.00 for the construction of the 2005 Bituminous Resurfacing Program. This award is contingent upon the contractor submitting all bonds and insurance coverage as required in the project contract documents.

Questions from Council were addressed by Spallasso.

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

THIRD ANNOUNCEMENT OF A VACANCY ON THE CABLE BOARD

Pfeifer made the third announcement of a vacancy on the Birmingham Area Cable Board since no applications were received by the first deadline of June 10, 2005. Pfeifer talked about some of the interesting activities and undertakings of the Cable Board.

Applications are available at the Village office or on the Village web site (www.villagebeverlyhills.com). The deadline for accepting applications is Friday, June 24, 2005 at 4:30 p.m. A subcommittee of Pfeifer as chairperson, McCleary and Taylor will meet on Tuesday, July 5 at 7:00 p.m. in the Council chamber to review applications and recommend an appointment to Council.

SECOND ANNOUNCEMENT OF A VACANCY ON THE PARKS & RECREATION BOARD

McCleary made the second 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. 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 2004/2005 FISCAL YEAR BUDGET AMENDMENTS

Pfeifer stated that Council considers amendments to the budget annually near 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 2004/05 adopted Village budgets for the General and Major Road Funds. Pfeifer highlighted the adjustments reflected in the document prepared by the Finance Director.

Motion by Pfeifer, second by McCleary, to authorize Village Administration to transfer or reserve monies from the General Fund and Major Road Fund to other funds as noted in the memorandum from the Village Finance Director dated June 16, 2005

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

A budget worksheet indicates the adjustments needed to the 2004/05 adopted Village budgets for the General Fund and Water & Sewer Operating Funds. These budget amendments will not only reflect estimated monies still to be expended in this fiscal year but also budgeted and reserved monies in balance sheet accounts or transfers to the Capital Project Fund and Local Street Fund because the expense will not take place until after July 1, 2005. These items were included in the previous resolution.

Motion by Pfeifer, second by McCleary, to amend the 2004/05 General Fund, Major Road Fund, Local Road Fund and Water & Sewer Operating Fund budgets as noted in the memorandum from the Village Finance Director dated June 16, 2005.

Pamela Rijnovean questioned how the budget amendments will affect the \$307,000 budget deficit for 2005/06.

Wisowaty commented that the Village received approximately \$164,000 in additional revenue over and above projections. Additional expenses will offset that additional revenue. The bottom line is that the fund balance will probably be at the same level as discussed at the time the budget was adopted.

Woodrow clarified that the expenditures referred to by Wisowaty represent money reserved in certain accounts rather than actual spending. Wisowaty highlighted which funds will receive these funds as reserves.

Domzal asked if the additional funds could be applied toward the General Fund fund balance. Wisowaty responded that these monies are already budgeted in the General Fund to be used for a particular purpose. For example, the Village reserves \$10,000 each year into the River Rouge Maintenance Fund, an ongoing project, because Beverly Hills will receive a large bill at some point.

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

Motion by Pfeifer, second by McCleary.
Resolved that the Village of Beverly Hills Council amend the 2004/05 Retiree Health Care Budget in the amount of \$402,612 for revenues and \$374,212 for expenditures,

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

Motion by Pfeifer, second by McCleary.
Resolved that the Village of Beverly Hills Council amend the 2004/05 Vacation Reserve Budget in the amount of \$41,400 for revenues and \$15,800 for expenditures,

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

Motion by Pfeifer, second by McCleary.
Resolved that the Village of Beverly Hills Council amend the 2004/05 Sick Leave Reserve Budget in the amount of \$19,000 for revenues and \$17,100 for expenditures,

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

Motion by Pfeifer, second by McCleary.

Resolved that the Village of Beverly Hills amend the 2004/05 Drug Law Enforcement Budget in the amount of \$11,300 for revenues and \$11,300 for expenditures.

Roll Call Vote:

Motion passed (7 – 0).

THE 2004/05 VILLAGE BUDGET AMENDMENT MEMO IS ON FILE AT THE VILLAGE OFFICES FOR PUBLIC REVIEW

REVIEW AND CONSIDER REAPPOINTMENTS OF VARIOUS BOARD MEMBERS

Downey stated that eight Board members whose terms expire on June 30, 2005 have expressed an interest in reappointment. It has been Council's policy to consider these reappointments based upon a minimum attendance of 70% of the meetings that were held during the last term. There was one Board member who fell slightly short of that goal. Council has deviated from its policy in the past if there was a particular circumstance. Downey acknowledged Zoning Board of Appeals member Todd Stearn, who was present in the audience.

Motion by Downey, second by Taylor, to reappoint the following Board members to a three-year term to expire on June 30, 2008:

Planning Board

David Jensen
Vincent Borowski
Nanci Freedman

Zoning Board of Appeals

Todd Schafer
Michael Brady
Todd Stearn

Parks & Recreation

Patricia Greening
Tammy Wilms

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER CHANGE ORDER #2 FOR CONCRETE REPAIRS TO DOMINIC GAGLIO CONSTRUCTION

Dominic Gaglio Construction Inc. has agreed to perform the 2005 concrete repair program at last year's unit prices and will sign a Change Order to that effect. The Village awarded Contract R-04-03 to low bidder Dominic Gaglio Construction in August of 2004 for concrete repairs. In consideration of increased costs for materials, labor and particularly fuel, this is a good opportunity for the Village to accomplish the project at last year's unit prices.

Motion by McCleary, second by Pfeifer, to approve Change Order No. 2 to contract R-04-03 2004 Concrete Road Program for the 2005 concrete repairs in the amount of \$174,245.00 to Dominic Gaglio Construction Inc. The General Conditions of the original contract shall govern all work.

Bunker Kelly of 21526 Corsaut asked for clarification on the amount of the Change Order, which was provided by Spallasso. He questioned the reason for the Village not going out for bids again this year. Spallasso responded that bids received from a neighboring community on a similar project came in substantially higher than these prices. Ryan clarified that the firm that received the contract last year was the low bidder in that bidding process.

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

PUBLIC COMMENTS

Gladys Walsh of 20655 Smallwood Court suggested that Council not minimize the importance of its 70% meeting attendance policy for Village Board members. Attendance is particularly important on the Zoning Board of Appeals.

Pamela Rijnovean of 32400 Evergreen questioned the Village policy regarding FOIA requests related to a report on Council activities. It was determined that the particular document requested had to be reviewed by the Village Attorney prior to distribution. Rijnovean questioned the charge for attorney's review of the document and whether it is in compliance with the Freedom of Information Act. FOIA states that the charge for review cannot be more than the lowest hourly paid employee for the municipality.

A letter from Tom Ryan refers to a published opinion on a City of Novi case that allows charging of attorney fees if an attorney has to look at something under a FOIA request.

Bunker Kelly of 21526 Corsaut posed a question on the budget amendments and asked to receive a response at Council's convenience. He suggested that it may be time for Council to review trends with respect to the Public Safety Department's trial 12-hour shift. Kelly asked for a tally of the bills paid by the Village in support of the Beverly Hills Woman's Club for Memorial Day festivities.

REPORTS

MANAGER

Pavilion construction continues at Beverly Park. This week rotted roof boards were replaced and shingles were installed. The contractor is making good progress on the brick work.

Restoration of the areas disturbed by the water main construction is progressing well and should be completed in another week or ten days. After restoration is completed, the contractor will start construction in Section 2 west of Southfield.

As a reminder, three Council seats will be available on the September election ballot. Council members whose terms are expiring are Domzal, Downey and McCleary. Nominating petitions can be obtained from the Clerk's office at any time and must be filed with her between Tuesday, July 12, 2005 and Tuesday, August 2, 2005 at 4:00 p.m.

The Village Council will be holding a special meeting tomorrow night, Wednesday June 22 at 7:30 p.m. at the Township building. Council will also be meeting with the Strategic Planning Development Committee on Thursday, June 23 from 7 pm to 10 pm in the Council chamber.

Taylor requested that administration provide Council with numbers on the Village's indirect financial benefit from lease of SOCWA property for wireless antennas.

COUNCIL

Downey remarked that he will be out of town and unable to attend the Wednesday and Thursday Council meetings. He commented on the need for Council approval of all expenditures of \$1,000 including extension of contracts of consultants. Downey suggested that the Council President reconsider allowing resident comments at the start of the meeting.

Taylor commented on the reappointment of Board members noting that there were extenuating circumstances with one particular applicant.

Pfeifer stated that Cable Board Executive Director Tom Hanson has a new telephone number (248/336-9445). Tom Hanson takes ombudsman calls from subscribers who are having a problem with their cable service and are not satisfied with the service or resolution of the issue that they received from Comcast.

Koss congratulated Clerk Ellen Marshall for her outstanding achievement in receiving the Village Clerk of the Year award.

Domzal reminded Council that it will be meeting with the Planning Board tomorrow, June 22 at 6:30 p.m. before going into a Council Study session at the Township offices at 7:30 p.m. The meeting on Thursday, June 23 is at 7:00 p.m. with the Strategic Planning Committee.

Domzal requested that residents call the Village office if they observe cement contractors flushing silt into Village drains.

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

Motion passed.

Dave Domzal
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary