

Present: President Taylor; President Pro-Tem Walsh; Members: Burry, Koss, Pfeifer, Rijnovean and Woodrow

Absent: None

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

Interim Council President Taylor 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.

**ELECTION OF PRESIDENT AND PRESIDENT PRO-TEM**

Taylor opened the floor to nominations for the office of Council President. Rijnovean nominated Dave Taylor as Council President. Pfeifer nominated Hugh Woodrow. There were no further nominations.

Roll Call Vote for Dave Taylor:

Taylor - yes  
Walsh - yes  
Woodrow - no  
Burry - yes  
Koss - no  
Pfeifer - no  
Rijnovean - yes

Taylor was elected as Council President by a 4-3 vote.

Taylor accepted the responsibilities and challenges of the office of Council President. He remarked that good government is about diversity of opinion, and he will respect the opinions of his colleagues. Taylor commented on the uncertain financial circumstances in the State while noting that the state of the Village is healthy. He asked residents to have faith in their local government, Village administration, boards and committees, all of whom are reaching to achieve financial security and a safe community. Efforts will be undertaken to balance the Village budget while maintaining current levels of service. Council will attempt to optimize resident input to create effective communication. Taylor asked that Council meetings be conducted in a positive manner.

Taylor called for nominations to the office of President Pro-Tem. Koss nominated Dorothy Pfeifer. Burry nominated Gladys Walsh. There were no further nominations.

Roll Call Vote for Dorothy Pfeifer:

Walsh - no

Woodrow - yes  
Burry - no  
Koss - yes  
Pfeifer - yes  
Rijnovean - no  
Taylor - no  
(4 no – 3 yes)

Roll Call Vote for Gladys Walsh:

Woodrow - no  
Burry - yes  
Koss - yes  
Pfeifer - no  
Rijnovean - yes  
Taylor - yes  
Walsh - yes

Gladys Walsh was elected President Pro-Tem by a 5-2 vote.

The Pledge of Allegiance was recited by those in attendance.

**ADDITIONS TO AGENDA/APPROVE AGENDA**

Spallasso stated that Norm Burns representing Cingular Wireless has requested that Council action on the Cingular request to construct a control building at 16111 Fourteen Mile Road be delayed until the next regularly scheduled Council meeting. Item (a) should be removed from the agenda.

Motion by Pfeifer, second by Burry, to approve the agenda as amended.

Motion passed (7 - 0).

**CONSENT AGENDA**

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

- a. Review and consider minutes of a regular Council meeting held September 20, 2005.
- b. Review and file bills recapped as of Monday, October 3, 2005.

Motion passed (7 - 0).

**BUSINESS AGENDA**

**REVIEW AND CONSIDER FY 2005/06 FUNDING REQUEST FOR BIRMINGHAM BLOOMFIELD COMMUNITY COALITION**

Koss reviewed that Council budgeted \$1,620 for the Birmingham Bloomfield Community Coalition in its 2005/06 budget.

Motion by Koss, second by Pfeifer, to allocate \$1,620 to the Birmingham Bloomfield Community Coalition for fiscal year 2005/06. Funding is available in the Community Action Program Account #101-747-890.02.

Walsh stated that the Birmingham Community Coalition is an organization that mobilizes the community to prevent the abuse of alcohol, tobacco and other drugs. It serves as a catalyst to initiate, encourage and support prevention projects among community sectors. She indicated that initiatives undertaken by this organization are funded through the Birmingham Public Schools, churches, businesses, individuals, service organizations, fund raisers, and a recent \$100,000 matching grant.

Walsh maintains that the Village is not legally allowed to fund this organization with taxpayer money, and she is opposed to continuing to allocate money towards the program for that reason. Many municipalities are withdrawing their assistance to service oriented organizations. Funding needs to be allocated within communities for essential services to Villagers.

Rijnovean understands that the Birmingham Community Coalition is funded primarily by the federal government, which means that tax dollars from Village residents are going towards this organization. She views this group's work as a duplication of service in many aspects in terms of service provided by churches, schools, and police departments. Rijnovean thinks that the Village's financial situation is such that it should say 'no' to this request.

Woodrow asked the opinion of Village legal counsel on the legalities of funding this service organization. Village Attorney Ryan responded that it is not an illegal expenditure because a service is being provided by an organization that works in conjunction with the Public Safety Department and school liaison officer to provide counseling and other action relative to alcohol, tobacco and substance abuse problems in the area. There is a serious alcohol abuse and under-age drinking situation in the communities. It is Ryan's opinion that Council is not violating any law if it chooses to fund this program. Council also has the discretion not to fund the Birmingham Community Coalition.

Director Woodard commented that the Birmingham Coalition provides assistance throughout the year through its support programs and campaigns that educate people against substance abuse. The organization provides alternatives to teens for recreation and socializing in an alcohol free atmosphere.

Walsh remarked that she has reviewed the State Constitution as well as the Home Rule Act and does not interpret it as allowing the Village to fund non-profit organizations. She contends that taxpayer money should be used to fund a municipality's essential services. At the August 16, 2005 Council meeting, she voiced opposition to the Village funding another service organization for the same reason. It was indicated at that time that the Village could look at the funding as a contract for service, but the funding was approved without a contract. She believes that the Village has many expenses and should start drawing the line on funding service organizations.

Burry referred to an invoice included in Council's information from the Birmingham Coalition for fiscal year 2005/06 funding in the amount of \$1,620. Spallasso responded that the Village Council did commit to budget this amount in the 2005/06 budget document. Burry noted that the Birmingham Community Coalition receives money from other sources and questioned whether Council should continue funding the organization. He recommended that Council reconsider its funding of service organizations during its 2006/07 budget deliberations.

Rijnovean commented that she recently read that Oakland County has a policy whereby it is no longer funding service organizations.

Pfeifer concurred that Council consideration should be given to funding service organizations in the preparation of the 2006/07 budget. At this time, the Village has made a commitment to provide this funding to the Birmingham Community Coalition.

Koss concurred that good points have been made with respect to discontinuing funding for service organizations. However, the previous Council allotted this money to the Birmingham Community Coalition. She commented on the value of this program and indicated her support of the expenditure. Taylor expressed his support of this particular program.

Roll Call Vote:

Burry	- yes
Koss	- yes
Pfeifer	- yes
Rijnovean	- no
Taylor	- yes
Walsh	- no
Woodrow	- yes

Motion passed (5 – 2).

**REVIEW AND CONSIDER COUNCIL MEETING DATES FOR 2006**

Before Council for review and approval are proposed dates for 2006 Council meetings. The proposed dates reflect meetings on the first and third Tuesdays of each month with the exception of the first meeting in July and the first meeting in November.

Pfeifer stated that the Charter indicates that, if a Council meeting date should fall on a holiday, the meeting should be scheduled for the next secular day. Because the July 4 holiday falls on a Tuesday, it is proposed to change the regular Council meeting date to Wednesday, July 5. Tuesday, November 7 is Election Day with a Village Election scheduled to be held on that day. It has been suggested to move the regular Council meeting day to Wednesday, November 8. All regular Council meetings are held at 7:30 p.m. unless otherwise noted.

Council members discussed alternatives to holding the Council meeting on the day following the November 7 election. It was mentioned that election results do not become official until after the voting has been verified by the Election Board. Council discussed the options of holding the first Council meeting in November 2006 on Tuesday, November 7, which is

election night, or on Monday, November 6. It was suggested that holding a Council meeting on November 7 would not be a problem because the Township of Southfield will be conducting the election. The comment was made that the Council chamber has been used by the counting board in previous years.

Motion by Pfeifer, second by Woodrow, to accept the proposed schedule of Council meeting dates for 2006 reflecting meetings on the first and third Tuesdays of each month at 7:30 p.m. with the exception of Wednesday, July 5 and Monday, November 6.

Walsh saw no reason to change the regular Council meeting day from Tuesday, November 7 on the basis that the Election has no negative consequences on conducting the business of the Village. The Charter amendment indicates that all Council terms commence the next Tuesday following the scheduled election.

In answer to an inquiry, Ryan stated that the term of the newly elected Council members will start officially at the second Council meeting in November when they are sworn into office.

Roll Call Vote:

Koss - no  
Pfeifer - yes  
Rijnovean - no  
Taylor - yes  
Walsh - no  
Woodrow - yes  
Burry - no

Motion fails (4 – 3).

Motion by Burry, second by Walsh, to accept the proposed schedule of Council meeting dates for 2006 as follows reflecting meetings on the first and third Tuesdays of each month at 7:30 p.m. with the exception of Wednesday, July 5.

**2006 REGULAR COUNCIL MEETING DATES**

January 3	Wednesday, July 5
January 17	July 18
February 7	August 1
February 21	August 15
March 7	September 5
March 21	September 19
April 4	October 3
April 18	October 17
May 2	November 7
May 16	November 21

June 6  
June 20

December 5  
December 19

Thursday, September 21, 2006  
7:30 p.m. Council and Parks & Recreation

Wednesday, October 11, 2006  
7:30 p.m. Council and Planning Board

**Roll Call Vote:**

Pfeifer - yes  
Rijnovean - yes  
Taylor - yes  
Walsh - yes  
Woodrow - no  
Burry - yes  
Koss - yes

Motion passed (6 – 1).

**SET PUBLIC HEARING DATE OF 11/1/05 FOR 2006 COMMUNITY DEVELOPMENT BLOCK GRANT PROPOSAL**

Woodrow stated that, in order to receive federal funding, Council is required to hold a public hearing to review next year's Community Development Block Grant funding proposal. A public hearing date of November 1, 2005 was set for review of the 2006 CDBG proposal.

**REVIEW AND CONSIDER RESOLUTION REGARDING MUNICIPAL WIRELESS/BROADBAND AND CABLE FRANCHISING**

Pfeifer explained that the communities in the Birmingham Area Cable Consortium are entitled to receive franchise fees from Comcast in exchange for the right to use the municipalities' rights-of-way. This money goes into the general fund of the member communities. Comcast also pays PEG (Public, Education, Government) programming fees, which are used to underwrite the cost of broadcasting and airing municipal meetings and producing local programming. A bill before the State Legislature would eliminate local government opportunity to provide Internet access and propose a statewide franchise agreement in lieu of the current local cable franchise agreement system. It has been the suggestion of the Michigan Municipal League that communities adopt a resolution in support of local control of municipal broadband and cable franchising.

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

**VILLAGE OF BEVERLY HILLS  
RESOLUTION SUPPORTING LOCAL CONTROL MUNICIPAL BROADBAND  
AND CABLE FRANCHISING**

**Municipal Broadband:**

Whereas, cities/villages have an interest in making available telecommunications technology which is beneficial to all businesses, economic development, municipal service provisions, and all residents; and

Cities/Villages are developing programs and municipal broadband initiatives to offer high-speed and wireless internet to their citizens; and

The Village of Beverly Hills believes that internet services are an essential service that should be provided to all residents irrespective of age, race, education, or income level; and

The goal of these municipal broadband initiatives is to prepare cities/villages and their workforce for the jobs and technology of tomorrow and enhance the ability to attract and retain high-tech jobs; and

In many cases, Michigan urban and rural areas are underserved and uncompetitive, and in many cases the service is inadequate and unaffordable; and

This is a local control issue and our residents should be able to request any essential service from their local government; and

Members of the legislature have made inaccurate claims that these municipal broadband initiatives are anti-competitive and have proposed a moratorium on wireless expansion in the State of Michigan in order to stall or derail municipal broadband projects.

**Cable Franchising:**

Whereas, cities/villages have a long and very successful history of supporting the introduction of cable services by the cable industry, a successful deployment made possible in large part by the current system of local cable franchising; and

SBC and Verizon have been actively advocating across the country that local franchise agreements should be eliminated and replaced with a state-wide franchise agreement; and

Local government participation in the cable franchising process ensures that all residents irrespective of age, race, education, or income level, receive the same service; and

Cities/villages revenue sharing has been significantly reduced over the last few years, and franchise fee revenue assists cities/villages in providing essential services; and

Franchise agreements assure that the public education channels are provided for the community; and

A statewide franchise system would deny consumers local resolution of problems.

Now, Therefore, Be It Resolved, that the Village of Beverly Hills Council hereby affirms its support for municipal broadband initiatives creating broadband wireless service and is opposed to any effort by the State Legislature to place a moratorium, or further limitations, on the expansion of municipal broadband in the State of Michigan.

Be It Further Resolved, that the Village of Beverly Hills Council hereby affirms opposition to a statewide franchise agreement and supports the current local cable franchise agreement system. The Village Clerk shall forward a copy of this adopted resolution to the Governor of Michigan, State Representative Shelley Goodman Taub, State Senator Gilda Jacobs, the House Energy and Technology Committee, the Senate Technology & Energy Committee, and the Michigan Public Service Commission.

Walsh voiced her support of the resolution on the basis that she is not in favor of a monopoly or of losing cable franchise fees that go into the General Fund. These fees would be jeopardized with a statewide franchise agreement system. While she supports the proposal, she does not

agree with rhetoric that indicates that Internet service is an essential service. Internet service does enhance opportunities for economic development and the delivery of essential services such as health, safety, and education.

Burry supports this resolution advocating the current local cable franchise system.

Pfeifer cited that 67% of our residents are Comcast subscribers, and 44% of those subscribe to broadband service. Pfeifer commented on the leadership taken by the Cable Board in the areas where it has some control.

W. A. Zimmerman of 22191 Camelot Court commented that the Village would not lose its PEG funds if the State should assume franchising of cable service. Zimmerman believes that the Birmingham Area Cable Board regulates cable but eschews the responsibility of dealing with broadband service. Comcast has an absolute monopoly on broadband services in portions of the Village. He maintains that there will be no competition until the State assumes the responsibility for broadband and cable service. He appealed to Council not to support the resolution.

Roll Call Vote:

Motion passed unanimously.

#### **PUBLIC COMMENTS**

Jeffrey Pynnonen of 31724 Allerton expressed concern about the parking situation on Allerton Drive. He quoted from a letter dated June 10, 1986 from former Public Safety Director Tom Good to the Public Safety Department stating that permission should be given for street parking when requested by any resident of Allerton Drive. The letter says that officers should obtain the resident's name, address, phone number and hours of parking required.

Pynnonen related that one of his neighbors on Allerton requested that the Public Safety Department allow guests arriving to celebrate Rosh Hashanah to park on the street. This resident was told that parking along the street is in violation of the current parking order and would result in tickets being issued. Tickets were received by these people yesterday. Pynnonen indicated that another Allerton neighbor will be receiving guests at her home after a funeral this week. He thinks it is a shame that the Village would require Allerton residents or their guests to park in the parking lot and walk along the street in the dark.

Pynnonen proposes the following: No parking or standing along the park (west) side of Allerton Drive. Resident Parking Permit Only on resident side (east) of Allerton Drive. Allerton residents will fund and manage parking permits. Allerton residents will provide additional signs for parking. Parking without a permit in the windshield of a vehicle will result in being issued a parking ticket. Pynnonen asked Council to approve residential permit parking only along Allerton.

Taylor responded that Council cannot take action on an item that is not on its business agenda. He asked Mr. Pynnonen to present his concerns to Manager Spallasso for review. Pynnonen asked if residents can expect to be ticketed in the interim.

Director Woodard stated that he does not prefer to put his officers in a position of telling them not to enforce the law. If they encounter violators, they are likely to write the tickets after asking the person to move the car. Woodard has indicated that the family receiving guests after a funeral service should contact him to make arrangements for parking on the street.

Spallasso pointed out that Allerton is a public street. Parking has been prohibited at the direct request of Allerton residents. A no-parking order posted on a public street has to be enforced. At Council's direction, he and Director Woodard can look into whether resident-only parking is feasible and legal.

Koss asked if residential parking permits would be exclusive to residents or whether they could be used by guests. Woodard assumes that a program would involve giving a number of passes to each resident as part of the residential permit program.

Woodrow offered a motion that Council direct the Village Attorney to dismiss the four tickets issued to guests of Allerton residents yesterday. There was no support for the motion. Ryan recommended that Council authorize administration to work on a solution to this issue.

It was the consensus of Council to direct Manager Spallasso and Director Woodard to look into a proposal for resident parking on Allerton Drive.

Kathleen Berwick of 31381 Kennoway commented that she has attended a holiday party at a residence on Allerton for 25 years, and the guests have always been allowed to park in the street. Berwick asked if area communities could work together on the timing of traffic lights on 13 Mile, 14 Mile, Lahser, and Evergreen to make it possible to drive these roads without stopping at every light due to the high cost of gasoline.

Ralph Lohrengal of 18346 Beverly Road referred to a memo from Director Woodard dated September 19, 2005 regarding vehicle repair decisions. Lohrengal relayed that the service manager at Dean Sellers Ford would like the opportunity to bid on rates for mechanical maintenance on the Public Safety Department fleet.

Lohrengal referred to a Michigan Privatization Report publication distributed by the Mackinac Center for Public Policy. It includes information on how bidding out a wastewater treatment system to a private company called Earth Tech Operation Services can save money. He has provided Council member Rijnovean with a copy of this publication. Lohrengal also noted that his wife believes that the Village is paying too much for the park pavilion landscaping.

Sharon Tischler of 21415 Virmar Court reviewed that the Public Safety Department has been authorized by Council to move to a 12-hour shift schedule. There was agreement that the Director would monitor the system and share his findings with Council. Tischler asked when Council will receive a presentation from Director Woodard on this topic.

Woodard stated that Council has received a first quarter report and will receive a second quarterly report shortly. The 12-hour shift schedule was approved for a 12-month trial period through March of 2006.

**REPORTS – MANAGER**

Spallasso reported that it is anticipated that the pavilion renovation project will be completed by the end of the week.

With regard to the road resurfacing program, the contractor should be completing the base asphalt on all segments of the program in a couple of days. The top course will be completed before the end of the month.

The water main replacement project is proceeding on schedule. The contractor is working on punch list items.

Due to the lack of availability of Council members for an October meeting, the joint meeting of Council and the Parks and Recreation Board will be rescheduled to November 17, 2005 at 7:30 p.m.

Woodrow questioned the status of a mesh fence erected on Beechwood. Byrwa explained that the fence was constructed between the detached garage and the back of the house on a temporary basis to enclose the backyard and contain a dog. The fence will come down in a couple of months. Byrwa stated that the Village Zoning Ordinance does not regulate temporary structures that are up for less than six months.

Rijnovean reported that the baby changing stations in the pavilion restroom are positioned too high. Byrwa responded that these items will be checked on final inspection. There is a requirement for all the fixtures in the restroom to comply with plan specifications and Michigan Barrier Free Design requirements. Rijnovean suggested using sensor lights in the pavilion corridor. Byrwa commented that sensor lights could be added at a later date if needed.

Rijnovean asked whether the Village will provide a public pay phone at the park pavilion. Spallasso stated that a public phone costs the Village \$50 a month. Consideration could be given to removing the little used phone in the Village municipal building lobby and maintaining the pay phone in the park pavilion for safety reasons. Rijnovean suggested the possibility of installing a less costly crisis phone at the pavilion. These phones dial 9-1-1 when someone picks up the handset.

With regard to the Allerton parking issue, Burry questioned if the 1986 letter from the Public Safety Director is still valid. Spallasso will consult with the Village Attorney on this. Spallasso noted that there have been changes in the parking regulations on Allerton since that time. Allerton residents requested that ‘no parking’ be posted on both sides of the street.

Rijnovean observed a Beverly Hills truck watering trees in the park. She did not think that the Village had money for watering landscaping. Spallasso responded that the Village did not want to undertake additional plant watering. Those trees are likely to die if they are not watered.

**COUNCIL**

Koss thanked everyone who voted in the September Village Election; there was 18% participation. She welcomed new members of Council and looks forward to working with them.

Koss hopes that the Council President will pursue implementation of the Strategic Plan. Quarterly reports are due from the committees soon.

Walsh asked that the Wednesday, October 14 joint Council and Planning Board meeting be televised. Spallasso responded that at least two weeks notice is needed in order to request and arrange for a municipal meeting to be aired or taped for later viewing.

Pfeifer stated that BASCC will be offering free flu immunizations to seniors at its clinic on Tuesday, October 25 between 9 a.m. and 1 p.m. administered by the Visiting Nurses Association. Oakland County will conduct a mass inoculation in three clinics run in facilities to be determined on October 29. The County flu vaccine hotline is 1-800-434-3358. After these clinics, the County will administer flu shots for \$7 at its health facilities in Pontiac and in Southfield.

Rijnovean questioned the status of Public Safety Department monthly reports to Council on arrests as indicated in Section 6.10.(a) 2. of the Village Charter. Director Woodard responded the reports are available through May and that the Department has initiated a new report and data system as of June. Woodard mentioned that he lost his administrative aide to a medical issue for a month. She is now working on bringing the reports up to date for Council distribution in the format followed by previous administrations. The data does not include the detail outlined in the Charter. The reports issued list the number of arrests, violations and accident statistics but does not detail the fines, sentences, and status of all arrested persons. Some of that information can be accessed at the County Jail and at the 46<sup>th</sup> District Court.

Rijnovean requested an inventory sheet of Village vehicles including the year, mileage and repair status. She sees a need to track this information. Rijnovean would like the Public Safety Department to consider using a common vendor to see if it can do better with the repair cost of vehicles.

Woodard remarked that there is a good deal of specialized equipment in the patrol vehicles including computers and radios. It may be difficult locating a single vendor that would provide across the board good service at a single price.

Burry agreed that it is worth looking into exploring savings by using one vendor to service the Department's fleet. Burry questioned the status of resident complaints with respect to restoration following the water main replacement project. Spallasso responded that HRC Project Engineer Dan Mitchell is working on the punch list in Section One to resolve issues with hydroseed and ditch alignment.

Woodrow commented on a fund raiser he attended last week for Governor Jennifer Granholm. The Governor stated that she has a plan to get the economy in Michigan back on track. He found her to be an interesting and intelligent person.

Woodrow mentioned that a special gathering of Council and residents was held at the water tower site on 14 Mile Road on Monday, October 3. The site visit was posted on the municipal building door over the weekend. Not everyone on Council received a courtesy phone call from

the Council President about this meeting. Woodrow remarked that he took offense at being told by the Council President that he cannot speak on an issue after being granted the floor.

Taylor stated that he welcomes concerns or comments from Council or the audience that would assist him in doing his job better.

Motion by Pfeifer, second by Rijnovean, to adjourn the meeting at 9:04 p.m.

Motion passed.

**Dave Taylor**  
**Council President**

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

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