

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

Absent: Woodrow

Also Present: Village Manager, Spallasso
Village Clerk, Marshall
Director of Public Safety, Woodard
Village Attorney, Ryan

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. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Walsh, second by Burry, to move both consent agenda items to the Business Agenda and approve the agenda as amended.

Motion passed (6 – 0).

PUBLIC COMMENTS

Beata Lamparski of 31326 Downing Place introduced her neighbor Shane Kalugar, Boy Scout from Troop 1024, who was present to observe the Council meeting. Shane Kalugar of 18740 Walmer stated that he attends Berkshire Middle School and hopes to become an Eagle Scout.

Martha Haas of 19321 Devonshire stated that she and her husband received a water bill in the amount of \$58 after being away from home for a couple of months. She disputed the charge for water they did not use.

Manager Spallasso explained that residents whose homes are unoccupied for a period of time receive a minimum bill even if no water is used for the reason that the residence is connected to the water system, which must be maintained. Mrs. Haas is welcome to visit the municipal office and have someone explain the rationale for the Village collecting a minimum charge for water service.

Marcia Gershenson, Oakland County Commissioner representing District 17, was present to report news from the County. She expressed condolences to the families of Lauren Jolly and Jamarl Fordham, Groves High School students who passed away over the last couple of months.

Gershenson updated Council on the new Oakland County prescription drug card and informed those watching that the cards are available at the Beverly Hills and Southfield Township Clerks' offices. She talked about potential problems with the continuation of Community Development Block Grant funds received from the federal government. President Bush proposed cutting all funding for this program last year; some funding was restored after commissioners nationwide protested that action. Legislators and County Commissioners are again fighting to retain CDBG funding. Beverly Hills received \$21,076 in CDBG funds last year.

Gershenson noted that Tammi Shepherd from the Oakland County Department of Information Technology will present an update on the Wireless Oakland project later in the meeting. Gershenson provided information on upcoming business workshops offered in June, July and August. Gershenson congratulated Village administration for presenting a balanced budget considering the pressure local communities are facing. She expressed concern, however, with the manner in which funds are distributed to the Birmingham Bloomfield Community Coalition and Birmingham Youth Assistance and asked Council to consider restoring specific line items in the budget for these two non-profit organizations. Gershenson commented on their mission and programs and stressed the importance of supporting these two worthwhile groups.

Gershenson attended the Beverly Hills Memorial Day Parade and congratulated the Village Woman's Club for once again putting on a wonderful family event. She extended special thanks to the two main organizers, Sheila Seaver and Maryann Troy and also to Margaret Bancroft for chairing the Carnival. This was the 25th year that the Woman's Club has sponsored these festivities. All of the money raised goes back into the community.

Bob Borgon of 32340 Drury Lane commented on the length of Beverly Hills Council meetings. He recently attended a Birmingham City Commission meeting and observed that they accomplished 10-12 major agenda items in a timely fashion. He observed that Birmingham Commissioners seemed to trust the manager and city clerk to do their jobs and present their recommendations, and the Commission received legal opinions from their attorney without challenging his loyalty.

Borgon accepted his invitation to the Beverly Hills volunteer appreciation dinner. He has been a volunteer in the Village for over ten years and has never expected or received compensation. Borgon stated that he enjoyed the dinner for volunteers held at the Birmingham Country Club in a previous year and will attend the dinner held at Beverly Park this year.

Angela Throop of 17004 Madoline outlined the property damage that occurred on her lot during the water main replacement project last summer. The construction company used her easement to store dirt and sand and broke the curb and sidewalk with heavy equipment in the process. She brought it to the attention of the Village last August that the sidewalk needs to be repaired by the contractor. Throop understands that residents will be responsible for repairing their own sidewalks if the proposed ordinance amendment is passed by Council. She should not have to pay to repair the damage done to her sidewalk by the contractor.

Spallasso assured Ms. Throop that whatever damage was incurred on her property will be repaired by the contractor, who is in the process of doing final restoration. Spallasso will be meeting with field people to determine what needs to be done to complete the restoration. He addressed other questions from the resident about the contractor and the project.

Rijnovean referred to comments made by Bob Borgon; she viewed his remarks as being inappropriate.

Taylor passed the gavel to President Pro-Tem Walsh and approached the lectern to comment on his candidacy for Oakland County Commissioner. He talked about the focus of his campaign, which is centered on the issue of family. Taylor resumed the chair.

Rijnovean stepped to the lectern to speak as a resident and expressed the opinion that it is inappropriate for the Council President to use the Council meeting forum to campaign.

BUSINESS AGENDA

ANNOUNCEMENT OF VACANCY ON BIRMINGHAM AREA CABLE BOARD

Pfeifer made an announcement of a vacancy on the Birmingham Area Cable Board for a term to expire on June 30, 2008 and urged interested residents to make application to serve on this body. The deadline for accepting applications will be Thursday, June 15 at 4:30 p.m. A subcommittee consisting of Pfeifer as chairperson, Koss and Rijnovean will meet prior to the June 20 Council meeting at 7:00 p.m. to review applications and make a recommendation to Council.

SECOND ANNOUNCEMENT OF VACANCY ON ZONING BOARD OF APPEALS

Walsh made the second announcement of a vacancy on the Zoning Board of Appeals for a term of office to expire on June 30, 2009. The deadline for accepting applications will be Friday, June 9 at 4:30 p.m. A subcommittee of Walsh as chairperson, Pfeifer and Taylor will meet at 7:00 p.m. before the Tuesday, June 20 Council meeting to review applications and make a recommendation to Council on an appointment that same evening. There are currently two applications on file for a position on the Zoning Board. All applicants will be invited to attend the subcommittee meeting.

ACCEPT DONATION FROM SOUTHFIELD TOWNSHIP OF METRO ACT FUNDS

Council members are in receipt of a correspondence from Southfield Township Supervisor Raymond Mills regarding distribution of Metropolitan Extension Telecommunication Rights-of-Way Oversight (METRO) Act funds. The Township Board of Trustees approved action to offer the Village of Beverly Hills a portion of the Township's \$40,000 allocation of Metro Act Funds for its use. The funds can be used for certain expenditures that occur in public right-of-ways. It was noted that the Village also receives an allocation of Metro Act Funds. It received \$31,582.15 in fiscal year 2005/06 under PA 48 of 2002.

Motion by Walsh, second by Rijnovean, to acknowledge and accept the offer from Southfield Township to allocate a portion of its Metro Act Funds to the Village of Beverly Hills in the amount of \$20,000 to be used for right-of-way maintenance and repair in accordance with the Metro Act Guidelines For Payment Authorization.

Questions from Council were addressed by Township Clerk Tischler and Spallasso.

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

ACCEPT THERMAL IMAGER EQUIPMENT GRANT FOR PUBLIC SAFETY DEPARTMENT

The Village has been awarded with an equipment grant by the Department of Homeland Security for a thermal imaging device for use in tactical firefighting responses. The Bullard T3MAX Thermal Imager has a value of \$11,000, and the grant has no cost match from the Village. This device will enhance firefighters' ability to search for trapped or unconscious victims and will help in locating hot spots or overheated equipment in smoke investigations. A Department representative will travel to Florida (expenses included in the grant award) to complete the necessary training and will return with the device. Rijnovean indicated a web site that can be accessed for further details on this equipment (www.bullard.com/thermalimager).

Motion by Rijnovean, second by Koss, that the Village of Beverly Hills accept the grant award from the U.S. Department of Homeland Security through the Commercial Equipment Direct Assistance Program for the Bullard T3MAX Thermal Imager including all training with related expenses.

In response to an inquiry, Director Woodard stated that any request for optional accessories will be considered after receiving and evaluating the equipment. He addressed questions about the possibility of seeking additional funds for accessories through an Assistance to Firefighters Grant. Woodard indicated that the Department has already applied for grant funds this year in terms of MSA (Mine Safety Appliances) breathing apparatus. He will keep Council apprised of the grant status.

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

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

The Southeastern Oakland County Resource Recovery Authority (SOCRRA) is a 12-member community consortium that provides for collection of solid waste, yard waste, and recyclables and for the proper disposal, processing and/or sale of the same for the purchase, maintenance and care of the collection and disposal facilities.

Motion by Walsh, second by Pfeifer, to appoint Renzo Spallasso as representative and Ellen Marshall 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, 2006/2007 fiscal year.

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

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

The Southeastern Oakland County Water Authority (SOCWA) provides Detroit water through its member distribution systems for 11 member communities.

Motion by Walsh, second by Koss, 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, 2006/2007 fiscal year.

Motion passed (6 – 0).

REVIEW AND CONSIDER FLAG DAY PROCLAMATION

Motion by Pfeifer, second by Rijnovean, to adopt the following 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 14th 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 Wednesday, June 14, 2006.

Roll Call Vote:

Motion passed (6 – 0).

FIRST READING OF AN ORDINANCE TO AMEND CHAPTER 5 OF THE MUNICIPAL CODE REGARDING CONSTRUCTION, RECONSTRUCTION, REPAIR AND CLEANING OF SIDEWALKS

Walsh read from a proposed Ordinance Amending Ordinance 312 and Chapter 5, Section 5.05(b) of the Municipal Code changing the responsibility for maintenance and repair of the sidewalk back to the adjacent property owners.

The Village of Beverly Hills Ordains:

Section 1.01. That Ordinance No. 312 and Chapter 5, Section 5.05(b), of the Village of Beverly Hills Municipal Code is hereby amended to read as follows:

5.05 CONSTRUCTION, RECONSTRUCTION, REPAIR AND CLEANING OF SIDEWALKS.

b. Responsibility.

- 1) The adjacent property owner shall keep, repair and maintain the sidewalk along all public streets, avenues, boulevards or lanes within the public rights-of-way, and sidewalk sections that extend from the sidewalk to the curb to facilitate street crossings.
- 2) Approach walks between the public street and the main sidewalk and driveways and damage to sidewalks directly caused by the adjacent property owner or his or her designee, licensee, contractor or other person shall remain the responsibility of the individual owner of the adjacent lot or parcel of land.

The proposed ordinance includes a Saving Clause, Repealer Clause, and Penalties Clause. The Penalties Clause indicates that any persons violating the provisions of this Ordinance shall be responsible for a municipal civil infraction and upon a finding of responsibility thereof shall be fined not exceeding \$500.00. The provisions of the Ordinance will become effective 20 days following its publication in The Eccentric newspaper.

Rijnovean questioned the use of the word ‘adjacent’ in lieu of ‘abutting’ in Section 5.05(b)(2). Ryan believes that ‘adjacent’ is the appropriate word.

Burry understands that the language in Ordinance No. 312 not affected by the proposed Ordinance Amendment will remain the same. Ryan responded that Council made a policy decision to change the responsibility for maintenance and repair of sidewalks to the adjacent property owners. Council may want to review and provide direction on other provisions of Ordinance No. 312 in terms of the tree root policy and the snow and ice issue.

Burry questioned whether it should be stated in the Ordinance that the Village will replace the sidewalk and assess the property owner in the event that the property owner fails to do the work upon notification. Ryan did not think it was necessary to include the procedure followed by the Village.

Walsh commented that the 1994 version of the Ordinance addressed the manner in which abutting property owners are notified, work by the Village, cost specifications, and permitting. She questioned whether it is necessary to indicate these processes and procedures in the ordinance or in another document.

Ryan stated that the Village Municipal Code did not include a Municipal Civil Infractions section when the 1994 sidewalk repair ordinance was passed. There are currently more tools at the Village’s disposal. Ryan outlined the process followed when there is a notice of violation for a defective sidewalk that needs repair. It is his view that the Village does not need to include the original language in the ordinance due to existing enforcement procedures for municipal civil infractions in the Village’s Municipal Code.

In response to an inquiry, Ryan stated that it is not necessary to change the “Purpose” section of the amended ordinance. Council included section 5.05(a) Purpose in the ordinance at the time it changed the policy to state that it was the responsibility of the municipality to maintain sidewalks. The section signified that there was a change to the funding of the sidewalk repair program.

Walsh referred to section 5.05(e) Tree Roots, which may suggest that the Village is going to restore sidewalk.

Spallasso recalled that this topic was debated at the time the Village conducted a sidewalk replacement program in 1989-1992. The Village Council at that time decided that work related to tree roots either in the right-of-way or on private property would be the responsibility of the property owner, since trees in the right-of-ways were not planted by the Village. He believes that it is the intent of the proposed ordinance that all sidewalk repair will fall under the property owners’ responsibility.

Lawrence Needham of 15588 Kirkshire suggested that the Village publicize the amended ordinance in the next Villager newsletter because people are accustomed to the idea that the Village will repair sidewalks.

REVIEW AND CONSIDER APPROVAL OF AN INTERGOVERNMENTAL AND LICENSE AGREEMENT WITH OAKLAND COUNTY REGARDING WIRELESS OAKLAND

Council has received a letter from Phil Bertolini, Deputy County Executive, explaining the Intergovernmental and License Agreement with Oakland County regarding Wireless Oakland and a letter from Village Attorney Tom Ryan regarding the utilization of public assets in the Village for wireless Internet coverage with Oakland County. The recommendation from Village administration is to approve the Agreement.

Walsh related that, in a letter dated May 18, 2006, Attorney Tom Ryan indicated that he finds the Agreement involves no cost to the Village, the contractor will indemnify the Village and add the Village as an additional party insured on its liability policy, and there is a 60-day clause to terminate the Agreement. Ryan finds the Agreement in appropriate form.

The Project Manager for the County Department of Information Technology, Tammi Shepherd, presented an update on the Wireless Oakland project. The County’s efforts have been focused to date on the selection of a private sector provider (MichTel Communications) and the deployment of seven pilot projects. A contract between DTE and MichTel has been signed, and the parties have been working diligently to collocate equipment on DTE poles as well as using public assets in exchange for free Internet access from MichTel. Together, all the public assets and DTE assets will be used for access points to comprise the network. Shepherd reminded people that a portion of the network will be free so that people will be able to surf the Internet at 128 kb per second, five times faster than dial-up connections.

At this point, the County is working on starting construction of the network, which should begin in June. They are looking at hanging access points within the next two weeks starting in the pilot

areas. It is anticipated that the seven pilot areas will be complete by the end of September and that the entire County network may be complete by 2007.

Shepherd explained that the crux of the business model is that, in exchange for public assets, we are getting free Internet access for the entire populous of Oakland County. The provider will be able to sell higher speed services above and beyond that free service to anyone who is interested. There will be a variety of offerings beginning with a base level plan.

Shepherd commented that she hopes for Beverly Hills' support of the project. The Wireless Oakland Project Team has developed a standard Intergovernmental and License Agreement that will facilitate the county-wide build-out of the Wireless Oakland network. The legislative bodies of each of the seven pilot communities have approved the standard agreements that facilitate access to the public assets that will be used to deploy the wireless service in each community. The Project Team would like each remaining community to review the Agreement so that the team may begin facilitating approval in their communities. The timely approval of these agreements allows the team to begin the overall planning, permitting and engineering phase of the project, which will result in a more rapid deployment of the wireless service to community residents.

Shepherd addressed questions from Council and the public. She described the signaling device that will be installed. The device is about 12"x 12"x 6" deep and will be hung on the public access point at a height of 10'- 20' off the ground. Questions pertaining to specific provisions of the Intergovernmental and License Agreement were answered by Shepherd and Ryan.

Shepherd stated that there is no maximum or minimum amount of public assets required in a community. Beverly Hills submitted a pilot application that included a list of assets that the Village considered as candidates for the project. The list will be reviewed with the Village and provided to the company for a determination on which assets to use. They will go through the local permitting process at which time Village administrative staff will have an opportunity to review the proposal and address any concerns as far as location of the assets. Additional information on Wireless Oakland can be found on www.wirelessoakland.org

Motion by Walsh, second by Koss, that the Village of Beverly Hills approve the Intergovernmental and License Agreement with Oakland County regarding Wireless Oakland.

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

REVIEW AND CONSIDER POLICY REGARDING BOARD/COMMITTEE MEMBERS EXPIRED TERMS AND FILLING THOSE VACANCIES

Walsh stated that there is a selection process for board and committee reappointments outlined in the Organizational Policies and Procedures Manual. Council has generally reappointed members whose terms have expired if they meet the 70% attendance requirement. The purpose of this agenda item will be to discuss whether Council wants to continue this practice. Walsh proposed that board or committee members be required to reapply for a position on a board or committee

when their terms expire. An appointment would be made after considering all of the candidates who have applied for the position. Walsh believes that this procedure would open up positions to Villagers and allow more people to participate in the activities of boards and committees. She clarified that this would not preclude current members from being selected to serve on the board.

Rijnovean stated that she contacted surrounding communities and learned that many have a policy of placing names of individuals whose terms have expired in a pool along with applications from residents who are applying for a seat on a board. She noted that the Village's policy on reappointments requires that consideration be given to opening up opportunities for new people to serve. This measure could bring in new ideas. Rijnovean mentioned that there are members who have served on Village boards for 12-17 years, which discourages new people from applying to those boards. She supported a change in the policy so that people who are up for reappointment are placed in a pool for consideration along with individuals who have applications on file.

Pfeifer stated that the Village has never placed term limits on council or board members who have graciously volunteered to serve. She does not think it is appropriate. People who serve on a board for more than one term gain institutional knowledge that is shared with new members. Pfeifer remarked that there are often turnovers on boards that allow new members to be appointed.

It was noted that, if Council is unhappy with the way a board member is serving, it has the mechanism to remove that person. Board members serve at the pleasure of Council.

Burry concurred that there could be experienced people on a board that the Village would not want to lose. He also thought it was important that interested individuals are given the opportunity to sit on a board or committee.

Koss remarked that there is a commitment that comes with appointment to a board. People sometimes lose interest. She thought that people who meet the guidelines deserve the chance to be reappointed to the board. Koss commented that each board in the community has had a new member appointed to it during the two years she has served on Council.

Rijnovean clarified that the suggestion is not to place term limits on board members, which would mean that they are not eligible to run again. The proposal is to require members whose term expired to place their application in a group of other applicants. The idea is to give other residents an opportunity to be active in the community and possibly offer new points of view. Rijnovean pointed out that terms are staggered so that a board would not end up with numerous new members all at once. In addition, new members might have helpful knowledge from their personal life or business experience.

While he respects the opinions of other Council members, Taylor expressed the view that the Zoning Board of Appeals and the Planning Board benefit from members' longevity and depth of knowledge.

Motion by Walsh, second by Rijnovean, to revise the Policy for Reappointments in the Organizational Policies and Procedures Manual to require that all Village Board or Committee members reapply for positions on a Board or Committee when their terms expire.

Sharon Tischler of 21415 Virmar Court commented that past councils have struggled with trying to determine an appropriate way to fill vacancies or reappoint people to Village boards. The attendance factor was made a consideration for reappointments. Tischler urged against not reappointing members just because they have served for a substantial number of years. Long term members have a wealth of knowledge and history. Tischler commented that all boards and committees with the exception of the Zoning Board of Appeals are accountable to Council, and Council can make a determination on whether to reappoint an individual.

Roll Call Vote:

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

Motion failed (4 – 2).

REVIEW AND CONSIDER FINAL PAYMENT TO DOMINIC GAGLIO CONSTRUCTION

On August 4, 2004, the Village of Beverly Hills awarded Contract R-04-03 to Dominic Gaglio Construction, Inc. for the annual concrete repair program. On June 21, 2005, the Village Council approved a Change Order for the 2005 concrete repairs. The contractor agreed to do the work at the same unit prices as the original contract. The total contract price was \$354,187.50. Construction was completed in September of 2005. The recommendation from Dan Mitchell with Hubbell, Roth & Clark is to close the contract and release to the contractor the \$5,000 being retained.

Motion by Walsh, second by Koss, to approve final payment to Dominic Gaglio Construction, Inc. in the amount of \$5,000 for the completion of the 2004/2005 concrete repair programs.

Questions from Council were addressed by Spallasso.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER COVENANT ALLIANCE CHURCH PARKING AGREEMENT

Foresite Design Inc. submitted a joint parking agreement between Birmingham School District and Covenant Alliance Church on May 31, 2006 for Council consideration. Special approval and

site plan approval for increasing and improving the Church parking lot at 15858 W. 13 Mile Road was granted at the March 21, 2006 Council meeting. The Village Zoning Ordinance requires that a written agreement for joint use of the parking lot must be approved by the Village Attorney and the Village Council, filed, and made part of the application for a building permit.

Walsh stated that Council will determine whether the proposed joint parking agreement between Birmingham Public Schools and Covenant Alliance Church meets the requirements of Ordinance Section 22.28.010 h.1. She asked if the Village Attorney has reviewed the Joint Parking Agreement.

Attorney Ryan stated that he has reviewed the Joint Parking Agreement and offered the following comments. The Agreement needs to be in recordable form signed by the appropriate parties. The language needs to be tightened up in terms of the specific obligations of the School and the Church and the specific rights and responsibilities of the Village of Beverly Hills under the Agreement.

Walsh expressed concern that the ordinance requirements be fulfilled in terms of Section 22.28.010 h.1. She compared the previous draft agreement with the Parking Agreement submitted for approval and questioned areas that were changed or omitted.

Spallasso stated that the drainage on the site has not been resolved at this point. The Village will make sure that the drainage proposed is in the best interest of the Village as well as the other two parties.

Randy LaCompte, representing Covenant Alliance Church, commented that he thought that the Agreement had been worked out between Birmingham Public Schools and the Village. He understands that the Agreement needs to be put in a form that meets the Village Attorney's requirements. In response to an inquiry, LaCompte explained that this joint parking agreement does not represent a condition where a facility is short of parking and requires secondary parking that must stay in place. In this case, both parties have enough parking for normal operations except for the period of time when two schools will be operating on the Greenfield School site.

LaCompte remarked that the church held a congregation meeting and authorized the church to take out a loan for a program to install an irrigation system and upgrade the landscaping on the site. Upon completion, there should be a considerable improvement to the site.

Motion by Walsh, second by Rijnovean, to table review and consideration of Covenant Alliance Church parking agreement.

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

REVIEW AND CONSIDER MINUTES OF A REGULAR COUNCIL MEETING HELD ON MAY 16, 2006

Walsh stated that Council members received a legal opinion from Attorney Ryan regarding combination of Village Clerk and Assistant Manager position. She raised a question at the last

Council meeting about whether these two titles can be combined within the framework of the Village Charter Section 4.10(a): *The Office of Village Clerk shall be filled thusly. The Clerk shall be elected by and hold office at the pleasure of the Council, which body will also set the salary of the Clerk in accordance with budget appropriations.*

On page 12 of the May 16, 2006 Council meeting minutes, third paragraph from the bottom of the page, it is indicated, “Walsh expressed concern as to whether the Manager’s proposal for combining titles is within the framework of the Charter.” Walsh clarified that her concern was not about whether titles can be combined, but with the specific titles that are proposed to be combined. Walsh’s question was about paragraph 4.10(a), which she did not think was addressed in Ryan’s legal opinion. Walsh believes that the legal opinion addressed the ability of Council to approve combining administrative titles. She was concerned as to whether this can be done with the Clerk’s position, since the Clerk is an officer hired by the Council.

Walsh requested that a sentence on page 12, third paragraph from the bottom, line 6, be changed to read: “Walsh expressed concern as to whether or not the plans to combine the Village Clerk position with the Assistant to the Manager position is appropriate.” The following two sentences are to be deleted.

Motion by Walsh, second by Burry, to approve the proposed amendment to the May 16, 2006 Council Meeting minutes.

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

Motion by Walsh, second by Pfeifer, that the minutes of a Regular Council meeting held on May 16, 2006 be approved as amended.

Motion passed (6 – 0).

Attorney Ryan stated that he believed that his memo answered the question asked by Council. The direction from Council at the last meeting was to research the combining of the office of Village Clerk and Assistant Manager. Spallasso stated that Council received a legal opinion indicating that it is within his responsibilities as Village Manager to combine these positions. Council has not taken a contrary position by resolution, which it has the authority to do.

Walsh clarified that she has not said that she opposes the combining of the two positions. She read from Ryan’s legal opinion and stated her concerns. Walsh stated that she is requesting guidance and direction for the purpose of making sure that things are run efficiently and effectively. Walsh has asked Spallasso for a current organization chart of the Village and a job description for the proposed position and has not received this information to date.

Spallasso responded that he has indicated that an updated organizational chart and position descriptions are being prepared and will be forthcoming. He commented that Beverly Hills operates under a Council/Manager form of government, which works well if Council does its job and permits the Manager to do his job. He mentioned that there has to be some trust between the

parties. Spallasso stated that there is a precedent for combining the positions. Pat Sullivan held the joint Clerk/Assistant Manager position in Beverly Hills for four years. In addition, there was a period of time when Manager George Majoros served as Village Clerk.

Spallasso stated that he proposes to combine the Village Clerk and Assistant Manager position and to create a lower salary/benefit level position to perform administrative assistant duties. The goal is to save money for the Village and get the job done with a bare bones staff. Job descriptions are being prepared for the Clerk/Assistant Manager position and the administrative assistant position.

Rijnovean commented that she is not opposed to the combined position, but had questions as to whether the action complies with the Village Charter. Burry asked that Council members receive a job description for the Clerk/Assistant Manager position prior to the next Council meeting.

REVIEW AND FILE BILLS RECAPPED AS OF MONDAY, MAY 29, 2006

Questions from Walsh regarding the bills were addressed by Burry.

Motion by Walsh, second by Pfeifer, that the bills recapped as of Monday, May 29, 2006 be approved and filed as submitted.

Roll Call Vote:

Motion passed (6 – 0).

DISCUSSION ITEM – COUNCIL/VILLAGE GOALS AND OBJECTIVES

Taylor stated that he would like to bring forth discussion on the topic of what Council would like to accomplish during its term or set forth in motion for the next Council. Issues have been raised in the last months including the need for Charter revisions and establishment of a community foundation in the Village. He asked for discussion on Council goals and objectives.

Taylor remarked that he has been in contact with the administrator for the Southfield Community Foundation, who has offered to attend a Council meeting and provide information on how the Village could join in their program to bring in private funds for capital improvements.

There was agreement among Council to set a special Council meeting for discussion of Council goals and objectives due to the importance of the topic and the late hour. A special Council meeting was scheduled for Thursday, June 29 at 6:30 p.m.

REPORTS – MANAGER

Spallasso reported that approximately 26 volunteers attended the Rouge Clean Up day at the Acacia Park Retention Treatment Facility in the Douglas-Evans nature preserve on Saturday, June 3. All volunteers deserve the Village's thanks with special recognition given to Howard Knorr for organizing the event and doing a great deal of work.

New Public Services Director Tom Meszler's first day of work in Beverly Hills was yesterday. He is a registered professional engineer who worked for the Road Commission for about 34

years. Meszler will be introduced at the next Council meeting, but Spallasso encouraged Council members to stop by and meet him if they are in the Village office.

Spallasso stated that there has been no construction taking place on the municipal parking lot for the last couple of weeks. During excavation for the installation of underground storm pipes, onsite crew members began to smell oil and suspected that there may be soil contamination. Spallasso explained that three fuel tanks were removed from the DPW area a number of years ago with closure reports received at the time from the DEQ.

The contractor proceeded to have soil and water samples collected to perform testing. A preliminary report of the results show some level of contamination, but not as bad as it could have been. This is a setback that will add to the cost of the project of rebuilding the parking lot. The Village has no choice but to proceed and complete the work. Spallasso is working with the Department of Environmental Quality on expediting the process and will keep Council informed. He does not have an estimate of the additional cost involved, but it could be between \$25,000-\$50,000. Spallasso addressed questions from Council.

COUNCIL

Rijnovean remarked that the last *Villager* newsletter included a report on the adopted 2006/07 budget. She thought that the information was misleading because the Southfield Township and SMART millage was not included in the total millage reported. In addition, the article did not indicate that the decrease in the millage rate was due to the Headlee Amendment and not due to Council action.

Koss announced that the Southfield Township Board will meet on Tuesday, June 13 at 7:30 p.m. A Volunteer Appreciation Dinner will take place on Monday, June 19 at Beverly Park. Koss cautioned parents to be mindful of what is going on around them and to watch their children carefully during the summer months.

Pfeifer urged interested residents to apply for a position on the Birmingham Area Cable Board. She thanked Sharon Tischler for her helpful comments on the topic of Village Board appointments. Pfeifer asked that Council members come to the work session on June 29 with a list of items that they would like placed on a Council priority list. She remarked that the Village's 50-year-old Charter is very much outdated and in need of rewriting.

Pfeifer took exception to the suggestion that the Southfield Township and SMART millage should be added to the total Village millage rate. Township taxes are assessed and collected by the Township; they are not part of the Village's responsibility nor part of the Beverly Hills budget. She noted that there are also School taxes included in the total amount of taxes paid by residents.

Burry responded to the view expressed by some people that this Council takes too long to carry out its business. He thinks that this Council has done an excellent job and has exhibited due diligence and critical thinking.

Walsh stated that the Zoning Board of Appeals will meet on Monday, June 12 at 7:30 p.m. The Parks and Recreation Board will meet on Thursday, June 15 at 7:30 p.m. at Beverly Park.

Walsh commented that the minutes of the May Parks and Recreation Board meeting indicated that new signage is proposed for Riverside Park. The question was raised whether the sign requires Planning Board review and approval. Rijnovean responded that the park sign does not require Planning Board approval because it will be erected on municipal property.

Walsh asked for a report in the near future on how the new Michigan Zoning Enabling Legislation will effect the Village.

Taylor commented on his attempts to separate the individual from the office of Council President in terms of his candidacy for Oakland County Commissioner. He asked for Council's indulgence to approach the public lectern to make comments.

Rijnovean left the meeting at 10:20 p.m.

Taylor stated that he is running for public office and that Council does not have a protocol for such things. People in the audience have come to the lectern to announce and discuss their candidacy for county commissioner or district court judge. He is also running for office and thinks it is important to make his aspirations known to the public. He intends to set the gavel aside upon occasion and approach the lectern to speak as a member of the public.

Taylor took his seat at the Council table. He congratulated the Village Woman's Club on the Memorial Day Parade and Carnival. Taylor stated that he will invite the executive director of the Southfield Community Foundation to attend the June 20 Council meeting and make a presentation on how the Village could dovetail into their program.

Motion by Pfeifer, second by Koss, to adjourn the meeting at 10:23 p.m.

Motion passed (5 – 0).

Dave Taylor
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary