

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

Absent: Pfeifer

Also Present: Village Manager, Spallasso  
Director of Public Safety, Woodard  
Public Services Director, Meszler  
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**

Rijnovean requested to move consent agenda item b, “Review and File Bills” to the business agenda.

Motion by Koss, second by Rijnovean, to approve the agenda as amended.

Motion passed (6 – 0).

### **PUBLIC COMMENTS**

None

### **CONSENT AGENDA**

Motion by Koss, second by Walsh, to approve the consent agenda as amended:

- a. Review and consider minutes of regular Council meeting held on June 20, 2006.

Motion passed (6 – 0).

### **BUSINESS AGENDA**

#### **REVIEW AND CONSIDER REVISED REQUEST FROM THE BIRMINGHAM PATRIOT YOUTH FOOTBALL LEAGUE FOR USE OF THREE AREAS IN BEVERLY PARK FOR FOOTBALL PRACTICE**

At its March 7, 2006 meeting, Council approved the use of Beverly Park as a practice site for the Birmingham Patriots Youth Football League from August 23 through mid-October. The Birmingham Patriots have submitted a revised proposal that requests the use of three areas including the outfield areas of both baseball diamonds from August 7 through November 7, 2006. The original plan was to use the area west of the sled hill for their practice area. The Parks and Recreation Board reviewed the modified plan at its June 15, 2006 meeting and recommended its approval with the caveat that the Village would review this use of the park at the conclusion of the football season.

Council discussed the revised proposal and asked questions that were addressed by Koss, who attended the June Parks and Recreation Board meeting, and Grant Fox, vice-president of the Birmingham Patriots Youth Football Board.

Grant Fox stated that the League would like to use Beverly Park because it is located between Groves and Seaholm high schools and would allow the Birmingham Patriots to present itself as a unified organization for all area youth. The three football and cheerleading squads will consist of 8 to 13-year-olds. The starting date for practices was moved up to August 7 to accommodate the practices that take place before the season starts on August 23. The park would be a place where parents could watch the practices.

Fox explained that the baseball fields were determined to be the safest areas for practice. The original location behind the sled hill has an uneven terrain and wet ground. Fox assured Council that any damage done to the fields would be repaired. He said that the Birmingham Patriots did receive a letter from Beverly Hills Little League supporting the use of the outfield for youth football practice. The Village will receive confirmation of liability coverage.

Cheerleading practice will be during the same time period as the football squad practice. The cheerleaders will move their practice away from the pavilion area closer to the ball diamonds if there is a group reserving the pavilion. Fox stated that there will be a general manager on site for every practice watching over the football and cheerleading practices.

Fox asked to bring in a storage pod to be located in the parking lot during the practice season to store equipment and medical supplies. Council was not amenable to allowing a storage pod or use of goalposts in the park. Fox agreed that the teams would not use goal posts and that an equipment trailer would be brought to the site and removed after each practice.

Walsh expressed concern with wear and tear on the ballfields, the safety of the youth, and the unavailability of those sections of the park for resident use.

Rijnovean remarked that a large part of the park is monopolized by organized ball teams at prime hours of the week all summer and on weekends. Residents may want to use that area. Rijnovean questioned whether the Village could ask the Patriots to discontinue football practice in the park if there are objections registered from residents. Spallasso responded that there is no contract with the League and that Council could halt the football practice at any time if problems arise.

Woodrow commented that Beverly Park is open to the public. Taylor suggested that many Beverly Hills residents are taking advantage of these sports programs.

Kathleen Berwick of 31381 Kennoway Court asked Council to consider any new use of the park from the perspective of Allerton residents.

Motion by Burry, second by Koss, that the Village Council approve the use of the outfield areas of both baseball diamonds and the area east of the sled hill for football practice by the Birmingham Patriots Youth Football League from August 7, 2006 through and including November 7, 2006. Approval is contingent upon providing proof of liability insurance coverage and the League's agreement to restore the ballfields to their original condition prior to the beginning of the practice season. The Village will review this use of the park at the conclusion of the football season.

Roll Call Vote:

Motion passed (6 – 0).

Grant Fox stated that the Birmingham Patriots will provide a donation to Beverly Hills for use of the park. The Patriots will also provide the Village with a framed jersey for being a sponsor of the league.

**ANNOUNCEMENT OF VACANCY ON THE CABLE BOARD**

Burry 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, July 13 at 4:30 p.m. A subcommittee consisting of Pfeifer as chairperson, Koss and Rijnovean will meet prior to the July 18, 2006 Council meeting at 7:00 p.m. to review applications and make a recommendation to Council.

**REVIEW AND CONSIDER PURCHASING REPLACEMENT MAPPING SYSTEM PLOTTER**

The plotter used by the Village to plot and print street maps and sewer systems generated by computer-aided-design (CAD) software has broken down after nine years of use and is in need of replacement. The company that manufactured the plotter is out of business, and parts are not available. Six quotes were received for new plotters with a minimum width of 36 inches.

Motion by Woodrow, second by Rijnovean, to authorize the Public Services Director to purchase a 42” HP Design Jet 500 (model C777OB) from the low bidder, Du-All Drafting & Art, Inc., in the amount of \$2,995.00. Funds for this purchase are available in account #536-977.03 Capital Equipment Water and Sewer Fund.

Walsh stated the Chapter 12.1 of the Village Charter calls for formal sealed bids for purchases in excess of one thousand dollars. Administration requested and received quotes on this equipment in lieu of going through the sealed bids process. She questioned whether there is an emergency situation that would justify bypassing the Charter requirement.

Taylor expressed the view that administration has done due diligence in seeking quotes for the needed equipment. Spallasso informed Council that this type of equipment was not available through MiDeal (state contracts). He asked that Council approve this purchase to replace a plotter that is no longer useable.

Roll Call Vote:

Koss - yes

Rijnovean - yes

Taylor - yes

Walsh - no

Woodrow - yes

Burry - no

Motion passed (4 – 2).

**REVIEW AND CONSIDER RESOLUTION PROCLAIMING JULY AS NATIONAL RECREATION AND PARKS MONTH**

Motion by Burry, second by Rijnovean, to adopt the following Resolution:

**Village of Beverly Hills Resolution  
National Recreation and Parks Month**

**Whereas**, Parks, recreation activities, and leisure experiences provide opportunities for young people to live, grow, and develop into contributing members of society, and

**Whereas**, parks and recreation creates lifelines and continued life experiences for older members of our community, and

**Whereas**, generating opportunities for people to come together and experience a sense of community through fun recreational pursuits, and

**Whereas**, park and recreation agencies provide outlets for physical activities, socializations, and stress reducing experiences, and

**Whereas**, parks, playgrounds, nature trails, open spaces, community and cultural centers, and historic sites make communities attractive and desirable places to live, work, play, and visit, in a manner that contributes to our ongoing economic vitality, and

**Whereas**, parks, greenways, and open spaces provide a welcome respite from our fast paced, high-tech lifestyles while simultaneously protecting and preserving our natural environment and,

**Whereas**, parks and recreation agencies touch the lives of individuals, families, groups, and the entire community, which positively impacts upon the social, economic, health and environmental quality of our community,

**Now, Therefore, Be It Resolved**, that we proclaim July as Recreation and Parks Month, and encourage all citizens to celebrate healthy, active lifestyles by participating in their choice of recreation and park activities.

In answer to an inquiry, it was indicated that state and federal governments urge local municipalities to support this resolution to proclaim July as national recreation and parks month. Walsh expressed objection to the first two paragraphs of the Resolution on the basis that they suggest age discrimination.

Roll Call Vote:

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

Roll Call Vote:

Motion passed (5 – 1).

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

Motion by Woodrow, second by Burry, that the Village of Beverly Hills Council appoint Robert Wiszowaty as the officer delegate and Ellen Marshall as the officer alternate representing Beverly Hills and Theresa Knoll as the employee delegate with Kathryn Rollins as the alternate employee delegate to attend the Annual Meeting of the Michigan Employees' Retirement System to be held September 19-21, 2006 in Grand Rapids.

Walsh inquired about the cost to the Village of sending delegates to this annual meeting and asked how many employees attend. Spallasso responded that one officer delegate and one employee delegate attend the conference. He will look into the cost and provide Council with that information.

Roll Call Vote:

Motion passed (6 – 0).

**REVIEW AND FILE BILLS RECAPPED AS OF MONDAY, JUNE 26, 2006**

Rijnovean observed that the list of bills includes refund of Beverly Park pavilion damage deposits. She suggested that administration consider streamlining the process of collecting and returning damage deposits. Spallasso stated that administration will look into this.

Motion by Woodrow, second by Rijnovean, to file bills recapped as of Monday, June 26, 2006.

Motion passed (6 – 0).

**DISCUSSION ITEM – VILLAGE ATTORNEYS' CONTRACTS**

Walsh asked that this item be a topic of Council discussion. Chapter 4 of the Village Charter states that the Village Attorney shall hold office by virtue of election by the Council, which body shall also set the salary. The Charter indicates that the Village Attorney acts as advisory counsel and also prosecutes cases. The labor attorney handles the union negotiations for Beverly Hills. Chapter 12 of the Charter addresses contracts. While the Village does not have to go out for competitive bids for professional service, Section 12.2 addresses the requirement for providing contracts.

Walsh stated that the attorneys employed by the Village do not have a contract or written agreement for the services they provide. She did not think that this was a business-like approach. Walsh is looking at accountability and specific information relative to attorney fees and who can contact the attorneys. The Village Manager has furnished Council with information relative to how much surrounding communities pay for legal service, which indicates that Beverly Hills' costs do not exceed those of other communities. Walsh remarked that her concern is with why the Village does not have a contract or written agreement with its attorneys and whether Council is comfortable with that arrangement.

Tom Ryan stated that he started his 29<sup>th</sup> year of service with the Village of Beverly Hills on July 1. He also represents Bloomfield Township and Keego Harbor, and has no contract with those municipalities. Ryan indicated that he does not charge for Village Council members'

phone calls. He rarely receives phone calls from Board members other than an occasional phone call from the Zoning Board of Appeals. He occasionally gets a call from a citizen after they have spoken with administration. Most of his work is done through Village administration. Ryan emphasized that his office provides the Village with detailed monthly statements that itemize every charge. Charges include phone calls, faxes and letters, Council meetings, and court appearances. Council granted Ryan a 2% increase for fiscal year 2006/07, which brings his fee to \$110/hour.

In answer to an inquiry about working under a contract, Ryan commented that he is comfortable with the current practice but would agree with whatever the majority of Council wants to do. He views his position with Beverly Hills as both a professional and personal relationship.

Woodrow noted the reasonable hourly charge for the services of our attorney and remarked that the current relationship has been working well for 30 years. He recalls that there have been letters of understanding between the Village and Tom Ryan regarding salary increases.

Walsh reiterated that she does not propose going out for bids for attorney services. Her purpose is to acquire a contract or written agreement with the Village attorneys to be in line with the Village Charter.

At the direction of Council, the Village Manager will prepare a letter of Agreement with Tom Ryan indicating his employment as Village Attorney at a rate of \$110/hour. A similar letter of agreement will be prepared for the two labor attorneys employed by the Village.

### **REPORTS – MANAGER**

Spallasso reported that administration continues to wait for a response from the Michigan Department of Environmental Quality regarding the status of the municipal parking lot project. He will keep Council informed.

Last week there was a Michigan based film and video production company, Rare MEDIUM Well Done, Inc., shooting scenes for a DTE commercial in Beverly Park. Spallasso mentioned to them that the Village is in the process of replacing the broken lantern that hangs from the archway into the parking lot and asked if they would consider a contribution towards the expense. The company gave the Village a check in the amount of \$700 to cover most of the cost of the park lantern replacement.

Permit applications are being submitted to the MDEQ for the upcoming Acacia Relief Project (Kinross/Bates). This is the first formal step in preparing for the project.

### **COUNCIL**

Burry reported that the Personnel Committee of Council met on Thursday, June 29 at 6:00 p.m. to discuss reappointment of Board members whose terms are expiring. A recommendation was made that Council reappoint all of the Board members except the two members of the Finance Committee. The recommendation is that the Village seek new applications for those positions and allow the members who were not appointed to reapply for those seats on the Finance Committee.

Council met at 6:30 p.m. on June 29 to discuss Council and Village goals and objectives. Council scheduled the next special Council meeting for July 19 at 6:30 p.m. to review the Village Policies and Procedures Manual.

Woodrow stated that Birmingham put on a great fireworks display at Lincoln Hills golf course. Many people came to enjoy the show, and the crowd was well behaved.

Woodrow mentioned that his company made a contribution to the Village to help pay the cost of a fourth summer concert in Beverly Park. He related that a resident approached him today and presented him with a check to help defray his company's cost for that concert. The donation was greatly appreciated. The first concert in the park will be on Thursday, July 13.

Walsh announced that the Zoning Board of Appeals will meet on Monday, July 10 at 7:30 p.m. The Finance Committee will meet on Tuesday, July 11, at 7:00 p.m.

Rijnovean suggested that residents who plan to attend the special Council meeting on July 19 may want to bring a copy of the Village Policies and Procedures manual, which will be discussed at that meeting. Rijnovean remarked that Franklin's two summer concerts are completely underwritten by two corporations. She informed residents that there is a new recycling policy that expands the list of curbside recyclables. Additional information is available on the Village web site.

Koss announced that there will be a Southfield Township Board meeting on Tuesday, July 11 at 7:30 p.m. She commented on the great fireworks at Lincoln Hills and thanked the Beverly Hills Public Safety Officers for patrolling the streets during the event.

Spallasso referred to a letter to the Village dated June 16, 2006 from the MDEQ regarding the Village's compliance with the conditions of the General Storm Water Permit annual review.

Taylor commented that he was impressed by the Birmingham Fireworks display.

Motion by Koss, second by Walsh, to adjourn the meeting at 8:54 p.m.

Motion passed (6 – 0).

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

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

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