

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

Absent: Rijnovean

Also Present: Village Manager, Spallasso
Assistant Manager/Clerk, Marshall
Director of Public Safety, Woodard
Building Official, Byrwa
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 Pfeifer, second by Woodrow, to approve the agenda as published.

Motion passed (6 – 0).

PUBLIC COMMENTS

Doyle Downey of 30865 Lincolnshire West proposed that Council consider sponsoring an activity that will bring the community together and suggested a Beverly Hills clean up event this fall. He mentioned that the Lions Club is conducting a clean up along two miles of Lahser Road in the Village on Thursday, July 20 at 7:00 p.m. Those interested in helping can meet at the County Road Commission building at 13 Mile and Lahser Roads.

Sharon Tischler, Southfield Township Clerk, related that the Birmingham School District has advised her that the Township will be unable to use Beverly School as a polling place for the August 8 election due to construction. The school is currently without electricity or water, and it is not certain whether the building will be ready by August 8. Tischler has had discussions with the School District about using Groves High School for a voting location for Precinct 4 in addition to Precinct 6. Precinct 4 encompasses residences north of Beverly Road to Saxon and from Southfield to Evergreen Roads. Tischler will receive firm information on an alternate voting site later in the week. A post card notice will be mailed to residents in Precinct 4 advising them of a change in voting location for the August election only. Beverly School will be posted to notify people of the alternate voting site, and the change will be published in the Eccentric newspaper.

Cynthia Nagle of 15823 Kirkshire, Parks and Recreation Board member, invited residents to participate in the summer concert series at Beverly Park. The first concert held last Thursday featuring the Sun Messengers was well attended. There are three more concerts with Dal Bouey performing on July 20, Tartar Sauce Jazz Band on July 27, and Jim McCarty and Mystery Train on August 3. Nagle thanked Hugh Woodrow for underwriting a fourth concert with contributions from Rosanne Koss and Dorothy Pfeifer. The Parks and Recreation Board hopes to see everyone at the concerts.

Kathleen Berwick of 31381 Kennoway Court commented on the lack of compost available this year due to construction at the municipal building parking lot. Spallasso responded that compost was made available when work was suspended in the parking lot, and the supply was depleted. The compost location will remain the same after completion of parking lot improvements.

CONSENT AGENDA

Motion by Pfeifer, second by Koss, to approve the consent agenda as published:

- a. Review and consider minutes of a regular Council meeting held on July 5, 2006.
- b. Review and consider minutes of a special Council meeting held on June 29, 2006.
- c. Review and file bills recapped as of Monday, July 10, 2006.

Motion passed (6 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER SUBCOMMITTEE’S RECOMMENDATION TO FILL VACANCY ON THE CABLE BOARD

Pfeifer related that a subcommittee comprised of Koss, Walsh and herself met prior to tonight’s Council meeting to review two applications for a position on the Birmingham Area Cable Board. The candidates were Doyle Downey of Lincolnshire West and Alan Heyman of Saxon Drive. After consideration, the subcommittee recommended the appointment of Alan J. Heyman to the Cable Board.

Motion by Pfeifer, second by Koss, to appoint Alan J. Heyman to the Birmingham Area Cable Board to fill the unexpired term ending June 30, 2008.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER REAPPOINTMENT OF VARIOUS BOARD MEMBERS

At its June 20 meeting, Council discussed reappointments to Village Boards and was unable to come to a conclusion. Action was taken to extend the terms to August 31, 2006 for members whose terms expire on June 30, 2006. This would give the Personnel Committee an opportunity to meet, which occurred on June 29. Following discussion of the candidates, the Committee recommended that Council consider reappointment of those members of the following boards whose terms expire on August 31, 2006 to a three year term expiring June 30, 2009: Cable Board, Parks and Recreation Board, Planning Board, Retirement Board and Zoning Board of Appeals.

Motion by Koss, second by Walsh, to reappoint the following Board members to three year terms to expire on June 30, 2009:

Cable Board

Mary Ann Verdi-Hus

Parks & Recreation

Jack Harmon
Cynthia Nagle
James O'Reilly

Planning Board

Soter "Art" Liberty
George Ostrowski
Michele Tillman

Retirement Board

Donald O'Connell

Zoning Board of Appeals

Larry Needham
Mary Ann Verdi-Hus

Burry commented that Council should consider all of the criteria for reappointments outlined in the Village's Policies and Procedures Manual and not just the 70% attendance requirement. There should be opportunities for new people in the community to serve on Village boards and committees. Burry requested that the next Villager newsletter advertise for citizens to apply for positions on boards and committees so that the Village will have a number of applications on file to consider when a vacancy occurs.

Walsh commented that each year the Village Clerk solicits those individuals who have applications on file and inquires as to whether they remain interested in being considered for a position. Walsh thought it would be a good idea to publicize the fact that Council would like people to express their interest in serving the community.

Taylor remarked that applications for a position on Village boards and committees are available on the Village web site at www.villagebeverlyhills.com. Applications are also available at the municipal office.

Roll Call Vote:

Motion passed (6 – 0).

FIRST ANNOUNCEMENT OF TWO VACANCIES ON THE FINANCE COMMITTEE

Burry made the first announcement of two vacancies on the Finance Committee for terms to expire on August 31, 2006. After reviewing attendance records of individuals seeking reappointment, the Personnel Committee determined at its June 29 meeting that these two positions should be posted to allow other people in the community to apply. Those members whose terms are expiring were invited to reapply for these positions. The Village will be accepting applications until Tuesday, August 8 at 4:30 p.m. for two terms on the Finance Committee to expire on June 30, 2009.

REVIEW AND CONSIDER PURCHASE OF VILLAGE ADMINISTRATIVE VEHICLE

The Public Safety Department is requesting to remove one of its older administrative vehicles from the fleet, a mini-van with over 120,000 miles that has served the Village for ten years. Rather than make a necessary repair or additional repairs to a vehicle with this mileage, administration is suggesting that the vehicle be removed from fleet service and sold. The vehicle would be replaced with a van with 100,000+ miles currently being driven by a detective during business hours. The fleet rotation practice calls for the Village Manager's vehicle to be next in line for replacement. His vehicle would then replace the vehicle used in the detective bureau.

The Village Manager is requesting authorization to purchase a 2006 Pontiac Montana from Red Holman Pontiac GMC through the Oakland County cooperative purchase program in an amount of \$20,496.00. Funds are available in capital expenditures account #401-905-979-00.

Motion by Woodrow, second by Koss, that Council authorize the Village Manager to purchase a 2006 Pontiac Montana from Red Holman Pontiac GMC for a purchase price of \$20,496.00. Funds are available in capital expenditures account #410-905-979-00.

Director Woodard addressed questions from members of Council regarding the Village's vehicle inventory and use, vehicle repair history, and the reduction in number of vehicles in the fleet over the past five years. The vehicle proposed to be removed from the fleet will be sold.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER REQUEST BY ADMINISTRATION TO DISCUSS SHARED DISPATCH SERVICES WITH FRANKLIN-BINGHAM FIRE DEPARTMENT

Chief Tony Averbach of the Franklin-Bingham Fire Department (FBFD) has indicated an interest in the Beverly Hills Public Safety Department providing dispatch services to his department. The Franklin-Bingham agency is a private corporation providing fire and emergency medical response to the villages of Franklin and Bingham Farms. They currently obtain their radio and paging service from American Medical Response (AMR) of Pontiac. AMR will lose the ability to dispatch for public safety clients with the advent of the new Oakland County radio system for the reason that they are a private ambulance company and will lack access to the new radio network.

Although informal conversations have occurred over the past six months, it is important for issues to become more formalized to determine if a proposal will be forthcoming or if the FBFD needs to seek another contractor. An analysis of radio and paging hardware and software compatibility and associated costs are logical steps in considering this sharing of services between the three villages. Impact on the work flow of the current department dispatch staff will also be taken into account.

Motion by Koss, second by Pfeifer, that the Village of Beverly Hills Council authorize administration to enter into discussions with the Franklin-Bingham Fire Department

staff to determine if a contract for shared dispatch services is in the best interest of the two departments and their respective protected communities.

Burry questioned the nature of the informal conversations between Beverly Hills and the Franklin-Bingham Fire Department and why Council was not made aware of this contact.

Koss responded that that the concept of a consolidated dispatch between Beverly Hills and the Birmingham Police Department has been a recurring topic of conversation at Council meetings. She has indicated that her preference is for the Beverly Hills Public Safety Department to pursue ways to consolidate and reduce costs by providing services for another community. Koss assumed that Director Woodard probably had conversations with FBFD to determine its willingness to consider the idea of providing service for their department before approaching Council for authorization to explore the possibility.

Woodard remarked that Department staff talks to people from neighboring departments on any number of subjects regularly. Beverly Hills was approached by Chief Averbach about providing dispatch services to their department for the reason that the FBFD must seek alternative dispatch service due to the forthcoming radio system. They are considering Beverly Hills and other agencies. Woodard stated that there was research to be done prior to coming to Council with adequate information for their consideration.

In response to inquiries, Woodard stated that further information will include cost considerations related to fees for this service, potential revenue, recurring costs and whether there would be changes required to the department's technical infrastructure or staffing.

Woodrow commented that there have been discussions by this Council and the previous Council regarding shared services. At the last discussion, it was suggested that Beverly Hills consider providing services for nearby communities. He supported this direction and contends that Council concurred with that course. Woodrow encouraged the Department to begin informal conversations with other neighboring communities relative to sharing services.

Sharon Tischler of 21415 Virmar Court stated she has had exposure to the Bingham-Franklin Fire Department as Township Clerk. Chief Tony Averback has done an outstanding job for the FBFD, and Tischler is confident that this proposal will be thoroughly researched. She noted that this arrangement would be for fire service only; dispatching for the Franklin-Bingham Police Department is provided by Farmington Hills. The FBFD is run by volunteers.

Toni Grinnan of 1 Stonehouse Lane asked if this request is to provide only fire dispatch services.

Woodard clarified that the Franklin-Bingham Police Department receives dispatch service from Farmington Hills with all 9-1-1 calls going to Farmington Hills. Calls of a fire nature are transferred by the Farmington Hills dispatcher to the fire dispatcher, which is currently AMR (American Medical Response). Beverly Hills is being asked to provide dispatch for fire runs and EMS runs in the Franklin-Bingham area.

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

DISCUSSION ITEM – VILLAGE CHARTER

Pfeifer reviewed that the topic of Charter amendments was brought up at a recent Council meeting. She has provided Council with a list of recommendations for Charter amendments or corrections, which was prepared in July of 2002. The cover letter indicates that some of the Charter revisions or amendments have been addressed. Changes in state election law render the entire section on election process outdated. Other sections such as the Clerk's duties require revisions to conform with current practices.

The Village Clerk has provided Council with a schedule of election dates and deadlines to be followed for the August 8, 2006 Primary and November 7, 2006 General Election. The information indicates filing dates for local ballot proposals and ballot wording. Petitions to place questions on the November general election ballot must be filed by August 15.

Pfeifer asked Village Attorney Ryan about the number of signatures required on a nominating petition under new State election guidelines. She noted that Southfield Township operates under General Law whereas the Village of Beverly Hills operates under its Charter. General Law of the State of Michigan requires a community with a population of over 10,000 to have 40-100 signatures on a petition. The Village Charter calls for 25-50 signatures on a nominating petition.

It was Mr. Ryan's opinion that the Village should follow state law and require 40-100 signatures on a nominating petition for council candidates.

Sharon Tischler, Township Clerk, related that she was notified by the state that the Village Charter should be followed in terms of the number of required signatures on nominating petitions for Beverly Hills Council candidates. She commented that nothing in the election consolidation law addresses petitions and signature requirements.

Ryan reiterated that he would feel comfortable if the low end for the required number of signatures were 40 rather than twenty-five. He was asked to provide Council with an opinion letter.

Pfeifer proposed Council consideration of a Charter amendment that would require a vote of the electorate on four-year staggered Council terms. There are seven seats open in the November 2006 election, which makes Village residents vulnerable to the possibility of having seven new people sitting on Council.

Pfeifer reviewed that the previous Council decided to retain two-year terms with the understanding that Council has the ability to create four year terms without a vote of the people. She maintains that the length of Council terms is a choice that should be made by the electorate. The voters were asked to decide whether to have Village elections in September or November. Pfeifer would like Council to consider placing a Charter amendment on the ballot that would

allow for four year terms commencing with the next election and provide for staggered terms in order to retain continuity on Council.

Council members discussed the suggestion for a ballot proposal to allow four-year terms of office for Council members with staggered terms. It was noted that there is barely enough time to place a proposal on the ballot. A resolution would required a super-majority or five Council votes to be approved.

Walsh recalled that this issue was placed on the ballot for a vote of the electorate, and it was determined that seven Council members would be elected in November of 2006. Pfeifer responded that she believes that the vote dealt with the election cycle and not the number of Council members elected. Council discussed the intent of the September 13, 2005 ballot proposal, actual ballot language, and the ensuing reduction of Council members' terms.

Walsh thought that the Charter Committee of Council should meet to discuss proposed Charter amendments. She is not in favor of proceeding with Charter revisions on the basis of meeting a deadline. Walsh stated that she was not uncomfortable with having all seven members elected at the same time. Although the possibility of seven new people being elected is unlikely, it may not prove objectionable.

Spallasso explained that the intent of bringing this discussion to Council tonight was to allow members the opportunity to place a proposal on the ballot if they felt that a particular issue should be expedited.

Woodrow recalled that terms of office were discussed by the previous Council, and the decision was not to propose four year terms.

Koss expressed the view that it is unlikely that Council could place a proposal on the ballot in time for the November election. The Charter Committee could meet and discuss possible Charter amendments. Koss was of the opinion that the entire Charter needs rewriting. She mentioned that it was pointed out by Pfeifer at the last Council meeting that the Finance Committee will be looking into the village versus city issue as part of its analysis of the long-term financial interests of the Village. Koss suggested that Council look at the big picture before proceeding with major Charter revisions.

Woodrow concurred that consideration should be given to whether there is an overriding need to amend the Charter before a recommendation is received from the Finance Committee.

It was the consensus of Council not to pursue the topic of Charter Amendments at this time.

REPORTS – MANAGER

Spallasso reported that the contaminated soil has been removed from the municipal site. A meeting is scheduled with the Michigan Department of Environmental Quality for July 26 to discuss the next step in terms of the parking lot improvements.

Attorney Ryan will be reviewing and rewriting Chapter 27 (Fire Prevention) of the Municipal Code. There were no objections from Council.

A session with the Public Safety Officers bargaining unit has been scheduled for August 10. The session will involve a mediator as requested by the union. Spallasso will call an executive session of Council to provide an update on labor negotiations.

The Village is advertising for bids for two projects: the annual concrete road repair program and the asphalt resurfacing program. Council will consider the award of bids following receipt of the proposals. Proposals will also be sought for sterilized wood chips for the park playground area.

Administration met last week with Mr. Jerry Graczyk, agent from the MML Workers' Compensation Fund, to review recent activities and the current status of the Village. Due to a substantially reduced number of claims, the Village will be given a lower factor that will result in reduced premiums. Council will be kept informed.

Spallasso reported that Tom Ryan has reviewed and agreed to the draft employment letter prepared at Council's direction. A copy of the letter will be provided to Council members for their review before it is signed. Similar letters will be prepared for the labor attorneys.

Council inquiries regarding the Letters of Agreement were addressed. The Council President will sign the letter representing Council.

COUNCIL COMMENTS

Koss announced that a special meeting of Council will be held tomorrow, July 19 at 6:30 p.m. for the purpose of reviewing the Village Policies and Procedures Manual. The second concert in Beverly Park will take place on Thursday, July 20 at 7 p.m.

Pfeifer commented that the Birmingham Area Cable Board will meet in the Council chamber at 7:45 a.m. tomorrow, July 19. Pfeifer informed Council that the annual Michigan Municipal League convention will be held from September 27-29, 2006 in Marquette. She is considering attending and would encourage other Council members to take advantage of this worthwhile event.

Burry asked for clarification on the Letter of Agreements prepared by administration for signature by the attorneys representing the Village. Renzo addressed questions and reiterated that copies of the letters will be provided to Council.

Burry commented on the Finance Committee meeting held on July 11, at which time a member presented a history of Village Parks and an outline of park revenue and expenditures. It was agreed to develop a long-range proposal that would identify how much money is needed to maintain the park and provide the necessary capital expenditures that will keep it from deteriorating. Burry stated that the Finance Committee is doing a great job and will provide information that will assist the future direction of the Village.

Burry noted that Council is in receipt of a copy of a letter from Farmington Hills Mayor Vicki Barnett addressed to Congressman Joe Knollenberg regarding his vote on the COPE legislation. This letter would be of interest to Village residents. The correspondence questions why Congressman Knollenberg supports legislation that eliminates a local government's right to require private entities using local government property to serve all members of our communities.

Woodrow commented on Council's action tonight to announce two vacancies on the Finance Committee when those members did not resign. The Personnel Committee met and decided that two individuals up for reappointment did not have an acceptable attendance record. In answer to an inquiry, Woodrow was informed that the attendance record for all members whose terms were expiring was provided to Council in a previous memo.

Walsh announced that the Planning Board will meet on Wednesday, July 26 at 7:30 p.m. The Zoning Board of Appeals met on July 10. She noted that the ZBA agenda did not include public comments. Walsh asked for an opinion from the Village attorney on this and also on whether or not a Council liaison can comment at a Zoning Board meeting with no intent to influence that body's decision.

It was mentioned at the last Zoning Board meeting that the Village Attorney was reviewing necessary changes required by the new Zoning Enabling Act. Walsh asked that Council receive an update regarding Public Act 110 of 2006.

Walsh brought it to Council's attention that a Zoning Board member commented on the unsightly appearance of the newspaper stands in front of Starbucks at 13 Mile and Southfield Roads. It was suggested that Council consider regulations that would require uniform newspaper boxes as has been done in a neighboring community.

Motion by Pfeifer, second by Woodrow, to adjourn the meeting at 9:02 p.m.

Motion passed (6 – 0).

Dave Taylor
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary