

Present: President Taylor; Members: Koss, Pfeifer and Woodrow

Absent: Burry, Rijnovean and Walsh

Also Present: Village Manager, Spallasso
Assistant Manager/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. Taylor offered Council's condolences to Greg and Maureen Burry on the passing of her mother and asked everyone to observe a moment of silence in her memory.

The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

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

Motion passed (4 – 0).

PUBLIC COMMENTS

Greg Kowalski, editor of the Birmingham Eccentric newspaper, was present to assure Council that the newspaper is continuing its coverage of the Village of Beverly Hills contrary to recent comments. Kowalski explained that the newspaper has scaled back its coverage due to a recent staff reduction and reorganization of its editorial department. In addition, the Eccentric has been focusing its attention on covering the upcoming August Primary Election. Following the election, the Eccentric will be back in town covering meetings on a regular basis as well as the Beverly Hills election. Kowalski affirmed that the Eccentric Newspaper has had a long association with the Village of Beverly Hills.

Richard Smart, City of Southfield resident, stated that he is the author and founder of a leadership training program called "The Smart Move Leadership Training Program". Its focus is on motivating young people from grades 3-12 in order to teach them to excel academically. Smart developed the program and has been running it for the last six years out of Southfield-Lathrup High School, although it is open to the public. Smart stated that he was encouraged by a couple of Beverly Hills residents to make the Village aware of the program. Smart announced that he is a candidate for 46th District Court and is interested in issues as they relate to the entire district and not only Southfield and Lathrup Village. Smart urged people to vote on August 8 and to consider voting for him.

Paul Kleppert of 20855 W. 14 Mile Road recognized that southeastern Michigan lost one of its most prominent people recently, Maryann Mahaffey, a longtime councilwoman in the City of Detroit. He asked that Beverly Hills consider sending a note to the family or to the City of Detroit Council on behalf of Village residents acknowledging her loss.

Kleppert mentioned that the large office building at 31333 Southfield Road has been vacant for over six years, which he views as an eyesore to the Village. Spallasso responded that he was contacted last week and informed that something is in the works for that building.

Sharon Tischler of 21415 Virmar Court, Township Clerk, related that many people in Oakland and Macomb counties have been receiving a piece of literature from Mark Grebner of Practical Political Consulting out of Lansing. While the letter encourages people to vote, it contains information on the recipients' voter history and the voter history of their neighbors. There have been many complaints about this correspondence and the fact that people's voter history is being sent to their neighbors.

Tischler contacted the Secretary of State Office in Lansing and was sent a copy of an article written by Mr. Grebner in 2004 explaining his rationale for sending out the letters, which were meant to encourage people and not intimidate them. Tischler made the public aware that, if they are unhappy with receiving this letter, there is a section of Election Law that speaks to receiving material that could be considered intimidating.

In response to an inquiry, Tischler announced that voters in Precinct 4 should have received cards advising them that their polling location has temporarily been moved from Beverly School to Groves High School due to construction at the elementary school.

Doyle Downey of 30865 Lincolnshire West stated that Lions Club volunteers cleaned up two miles of roadway along Lahser Road last week. He came across an area along the route where concrete was dumped on the side of Lahser Road south of 13 Mile Road. Downey commented that August 15 is the last filing day for Council candidates. He indicated his frustration with this Council as a whole being focused on items that are not important to the community. He wants to vote for a candidate who supports a beautiful Beverly Hills and encourages residents to do a "clean up" day in the fall and in the spring. He would support Council members who encourage development. Downey urged residents who are interested in serving the community to come forward.

Spallasso stated that staff will investigate the area mentioned by Downey where construction debris may have been dumped.

Marcia Gershenson, Oakland County Commissioner representing District 17, presented news from Oakland County. The County is in the midst of its budget process and is reviewing proposed cuts. Many departments have already been consolidated to address shrinking revenues, so there should not be too many surprises. Gershenson stated that there is a new proposal on the table that would enable municipalities to issue bonds that would fully fund retirement health care trust funds. She will keep Council posted while this issue is being debated.

If residents have not received their Oakland County prescription drug cards, they are available in the Clerk's office. Gershenson commented on workshops offered in August by the Oakland County Planning and Economic Development offices. She would like residents to be aware of the United Way 2-1-1- Program. It is the nation's first 24-hour community information and

referral service. Dial 2-1-1 to be provided access to local health and human service programs and agencies.

Gershenson commended the Parks and Recreation Board for its wonderful outdoor music series at Beverly Park. This Thursday from 7 – 9 p.m. Mystery Train with Jim McCarty will be featured.

Gary Grabowski of 19251 Warwick thanked the current Council members for being stewards to the investment we have all made in this community and for everything they do for residents. Because there is a County election coming up on Tuesday, August 8, Grabowski recognized current Council President Dave Taylor, who is running for County Commissioner. He will be voting for Dave Taylor because of his strong moral character and guiding principles.

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 18, 2006.
- b. Review and consider minutes of a special Council meeting held on July 19, 2006.
- c. Review and file bills recapped as of Monday, July 24, 2006.

Motion passed (4 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER REQUESTING CABLE BOARD TO TAPE AND SCHEDULE ADDITIONAL VILLAGE MEETINGS

Pfeifer stated that requests to tape and air additional municipal meetings have been a previous topic of discussion by Council. Council is in receipt of a letter dated July 25, 2006 from an attorney representing the Cable Board on the policy regarding taping municipal meetings. The letter outlines provisions of the current contract between the Birmingham Area Cable Board (BACB) and Bloomfield Community Television (BCTV) for cable television programming services for its PEG (Public, Educational, and Government) access channels. The letter outlines policy and practice that is consistent with the contract language.

A resolution from a community's governing body is required if a citizen, Council, or Board wishes to have a particular municipal meeting taped. The decision is discretionary with each municipality with no statutory requirement that the municipality tape and/or telecast its meetings. It has been questioned whether a Council or Board member may ask that the BACB/BCTV tape a municipal meeting other than the meetings specifically addressed in the contract. The contract is clear that a municipality must request that the other meeting be taped and that only five such requests per month for the four consortium communities are covered by the contract. The request should come from a vote of the City Commission or Village Council. After a municipality requests that a special meeting be taped, there is a \$75 charge for each specific meeting to be paid by the requesting municipality. However, a grant request can be made by the municipality for the Cable Board to pay for the taping of those special meetings.

Pfeifer has prepared a resolution for Council consideration that outlines Village of Beverly Hills policy for requesting additional municipal meetings to be taped and aired by BCTV.

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

RESOLUTION TO REQUEST ADDITIONAL CABLE COVERAGE

Whereas it is the desire of the Village of Beverly Hills Council to provide its residents with as much information as possible in keeping with the Freedom of Information Act, now let it be known that the following requests are made to the Birmingham Area Cable Board:

In addition to our regularly scheduled meetings, we request that all Joint Meetings scheduled with our various Boards be taped and broadcast:

That all Planning Board meetings in which a Public Hearing of significance is scheduled be taped and broadcast:

That from time to time when special meetings are held by the Village Council, they be taped and broadcast, provided the request is made by action of the Council as a whole:

The Council requests that the Birmingham Area Cable Board consider providing a Grant to fund extra meetings that are not currently provided for in the Contract between the Birmingham Area Cable Board and Bloomfield Community Television.

It will be understood by the Village of Beverly Hills Council that such requests will be made by the Council and will provide at least a two-week notification prior to the requested taping.

Comments and questions from Council and the public regarding taping and airing of municipal meetings were addressed by Pfeifer and Cable Board Chair Robert Borgon. In response to a question about the availability of a schedule for rebroadcast of municipal meetings, it was noted that the bulletin board on Channel 15 now announces meetings dates and rebroadcast times. Greg Kowalski, editor of the Birmingham Eccentric, suggested that the Eccentric would publish the broadcast time of a municipal meeting if the particular meeting cannot get onto the bulletin board schedule.

Roll Call Vote:
Motion passed (4 – 0).

SECOND ANNOUNCEMENT OF TWO VACANCIES ON THE FINANCE COMMITTEE

Taylor made the second announcement of two vacancies on the Finance Committee for three-year terms expiring on June 30, 2009. The deadline for receiving applications for this position is Tuesday, August 8 at 4:30 p.m. A subcommittee will meet on August 15, 2006 prior to the next Council meeting to review applications and make a recommendation to Council on

appointments. There are three applications on file at this time for the two Finance Committee positions.

Pfeifer referred to comments made at the last Council meeting with respect to Board reappointments. She viewed the decision of Council at the July 18 meeting to be rather harsh and unfair from the standpoint that the Finance Committee is a newly formed group. Members of other Village Boards who were up for reappointment had a 36-month meeting record on which to assess their attendance. The Finance Committee had met only eight times. There was heavy weight given to Board members' attendance records, which is critically important for advisory committees. The expectation of regular attendance may not have been conveyed to those particular individuals on the Finance Committee. Pfeifer stated that it concerns her that Council may be sending the wrong message by handling the matter in the way that it did.

The Finance Committee is an important advisory committee in terms of developing financial recommendations for Beverly Hills. Pfeifer urged interested residents with a financial background who want to be involved and attend meetings to submit an application.

REVIEW AND CONSIDER FINAL PAYMENT TO JOHN CARLO, INC. FOR RESURFACING CONTRACT

Before Council for consideration is a request for final payment to John Carlo Inc. for the 2005 road resurfacing program in Beverly Hills in the amount of \$10,882.85. Woodrow noted that the project came in under budget. The original contract price was \$612,641.00, and the final contract amount including this payment is \$573,973.92.

Motion by Woodrow, second by Pfeifer, that the Beverly Hills Council approve final payment in the amount of \$10,882.85 to John Carlo, Inc. for the 2005 Resurfacing Program.

In response to an inquiry from Sharon Tischler, Spallasso stated that the contractor will not receive final payment until one outstanding restoration issue is completed.

Roll Call Vote:
Motion passed (4 – 0).

REVIEW AND CONSIDER PROPOSAL FOR PLAYGROUND WOOD CHIPS

Koss remarked that this purchase represents an instance brought to Council's attention by the Village Manager when it is not always in the Village's best interest to adhere to the Charter in terms of going out for sealed bids. The wood chips that cushion the playground area of Beverly Park are in need of replacing. The Village received two quotes via fax from two Michigan vendors for sanitized wood chips, with a low quote being \$1,300.

In conformance with Section 12.1 Purchase and Sale of Property, administration solicited sealed bids for this purchase. One sealed bid was received and opened on July 26 for 100 cubic yards of certified playground wood chips from Engan-Tooley-Doyle & Associates in the amount of \$1,551.65. This bid is in line with the expected cost for 100 cubic yards of wood chips delivered to the park; however, the bid is higher than the lower quote received via fax.

Motion by Koss, second by Pfeifer, that the Beverly Hills Village Council approve the purchase of 100 cubic yards of certified playground wood chips from Engan-Tooley-Doyle & Associates in the amount of \$1,551.65, which includes delivery. Funding for this purchase is available in account #101-440-778.03 with a present balance of \$8,000.

Questions and comments from Council and residents were addressed by Spallasso and Ryan.

Roll Call Vote:
Motion passed (4 – 0).

REPORTS – MANAGER

Spallasso reported that administration met with officials from the Michigan Department of Environmental Quality last week to discuss the status of the municipal parking lot. The MDEQ agreed to allow the Village to perform additional testing and to remove any contaminated soil that is found. There was discussion on the overall design of the project with the possibility of making some changes to expedite this project. Spallasso will advise Council of design changes if they occur.

The Water Main replacement project is essentially complete with the contractor to come back with a punch list of items to clean up. The Village will be soliciting bids for the 2007 calendar and for joint sealing.

The next concert in the park is scheduled for Thursday, August 3 from 7 to 9:00 p.m. Spallasso directed Council's attention to a memo in their information packet regarding health care costs.

Spallasso extended condolences to the Burry family from administration.

COUNCIL

Woodrow reminded everyone that the last concert in the park this summer will be held on Thursday, August 3 at 7 p.m. in Beverly Park. This concert is being sponsored by his company with contributions from Council members Koss and Pfeifer and from an unnamed resident. Woodrow encouraged other businesses and/or members of the community to come forward and sponsor future concerts in the park.

Koss reminded people to vote in the primary election next Tuesday, August 8. The regular Southfield Township Board meeting scheduled for the second Tuesday of the month will be held on Thursday, August 10 at 7:30 p.m. next week due to the election.

Pfeifer commented that she attended the last Parks and Recreation Board meeting that took place in Beverly Park prior to the concert. Former Planning Board member and map maker Bob Bliven presented the Parks and Recreation Board with a grid he prepared showing where every personalized brick in the pathway is located. People will be able to come to the Village office and find their brick.

At the same meeting, the Parks and Recreation Board elected Jim O'Reilly as the new chairman for the coming year and Tami Wilms as vice-chair. Pfeifer recognized the many things that

former Chairperson Pat Greening has done for the community. She has served on the Parks and Recreation Board since 1994. If it had not been for Greening's devotion to the park and the Board, Beverly Hills would not have its Halloween Hoot. Greening has organized various fund raisers for the park; she spearheaded the park millage initiative along with other members of the Parks and Recreation Board, which resulted in a capital improvement program for Beverly Park. Pfeifer commended Greening for being a selfless, community-minded individual. The Village owes a great deal to Pat Greening for everything she has done for the community.

Pfeifer mentioned that new Parks and Recreation Board Chair Jim O'Reilly has served on the Board since 1999. He has been active in park events, scout activities, and has been a driving force in terms of maintenance and upkeep of the ball diamonds. Bob Bliven, Pat Greening and Jim O'Reilly are examples of a number of individuals who make up the positive force of many volunteers who serve our community.

Pfeifer reminded people that the SMART millage renewal will be on the August 8 ballot. This is a vital program for our area that residents should consider supporting.

Taylor expressed appreciation for the contributions made by citizen volunteers who add to the quality of life in the Village. Taylor stated that the deadline for filing an application for a seat on the Council for the November election is on August 15 at 4:00 p.m.

Taylor reminded the public that he is a candidate for County Commissioner. The Primary Election will be held on Tuesday, August 8.

Taylor expressed well wishes to Council member Rijnovean, who has a family member who is gravely ill.

Motion by Pfeifer, second by Woodrow, to adjourn the meeting at 8:36 p.m.

Motion passed (6 – 0).

Dave Taylor
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary