

Present: Chairperson Belaustegui; Members: Fassett, Merritt and Mooney

Absent: Nowland, Piotrowicz and Roberts

Also Present: Finance Director – Wiszowaty
Council Members – Walsh and Burry

Belaustegui called the meeting to order at 7:05 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

APPROVAL OF AGENDA

Motion by Mooney, second by Fassett, to approve the agenda as submitted.

Motion passed (4 – 0).

APPROVE MINUTES

Motion by Mooney, second by Merritt, that the minutes of the Finance Committee meeting held on June 13, 2006 be approved as submitted.

Motion passed (4 – 0).

REVIEW AND DISCUSS COMMENTARY ON PARKS

Mooney stated that he has researched the history of Village parks and has reviewed park revenue and expenditures in terms of capital improvements and repair and maintenance of parks. Up until a park dedicated millage was passed, the Village did not spend much on capital improvements. The park millage has now expired. Mooney related the history of Beverly Park, Douglas-Evans Nature Preserve, Hidden Rivers, and Riverside Park with emphasis on the origin of the parks, deed restrictions, and future use. A written commentary was distributed to the members and those in attendance.

The major focus was on Beverly Park. Mooney discussed when and how Beverly Park was conveyed to the Village, the nature of the deed restrictions, and specific restrictions set forth in the transfer of the property from Southfield Township. His conclusion was as follows: Short of a complete abandonment of the site as a public park by both the Village of Beverly Hills and Southfield Township, the property will continue to be maintained as a public park. The Village of Beverly Hills by agreement with Southfield Township is obligated to continue the maintenance of the park and to ensure the use of the park by the various groups outlined in the deed restrictions. There is absolutely no option for the Village of Beverly Hills to sell the 35 acres that constitute Beverly Park for any type of development.

Mooney remarked that he does not foresee the property going back to the State of Michigan and affirmed that the Village of Beverly Hills cannot sell this property. The Village cannot make any money from Beverly Park except through taxes if it were redeveloped.

Belaustegui added that the fact that the Village used federal grant money for park improvements imparts restrictions on what the Village, Southfield Township, or the State can do with Beverly Park.

There was some discussion on the origin of Riverside Park. It was learned from resident Bob Bliven that, going back to the mid 1800s, a bridge over the river took Evergreen Road northeast towards Woodward into Birmingham. The pond fed a mill at that time. A map showing this configuration has not been found. It was thought that there may have been a right-of-way that developed into Riverside Park.

Mooney also mentioned that there are one or two vacant lots in West Beverly that are designated as parks. Members commented on the history and disposition of those parcels.

Mooney referred to his written report to present an overview of the income received each year since 1999 for park capital projects, revenue received from the park dedicated millage, expenditures related to park millage money, and amounts budgeted and spent on park repair and maintenance. A revenue and expenditures report will be further refined with the assistance of Finance Director Wiszowaty.

The Village's major expenditure on parks prior to the passage of the dedicated millage had been for repair and maintenance of Beverly Park. The Village has budgeted for park opening fees, repair and maintenance of the park, telephone, and utilities. Information was provided on expenditures for park repair and maintenance.

Mooney emphasized that the Village receives assistance from volunteers to maintain Beverly Park in addition to help provided at the annual park clean up event in May. He mentioned the efforts of Boy Scout Troop 1024 with respect to placing benches along the path and constructing the steps on the sled hill. The scouts refurbished the steps in May. The Little League organization has contributed to ballfield maintenance including providing field material on the south diamond.

Mooney remarked that the Little League would have to double the cost of playing ball in order to take care of the fields the way they should be maintained. The Little League strives to make the sport available for as many kids as possible. It was Mooney's view that the Village could do a better job of ballfield maintenance; however, he understands the current financial constraints of Beverly Hills. He suggested that the Village look at ways to develop a partnership between the Little League and the Village.

Mooney understands that Beverly Park is considered to be a focal point of the Village of Beverly Hills. On the other hand, there are disagreements to this characterization by people who think that too much money is spent on the park.

Council liaison to the Parks and Recreation Board, Greg Burry, commented favorably on recent park improvements. He suggested that a report be developed that designates how much money is needed to maintain park improvements with some funding set aside for future capital improvements. Burry understood that approximately \$10,000 was budgeted annually and reserved each year for park capital improvements prior to passage of the dedicated park millage.

Belaustegui said that the finished Parks report will include a final accounting of what the Village acquired for its dedicated millage money. Other questions to be addressed are how much the park costs the Village and what is the minimum cost if nothing is done except to repair what is broken. The Village currently spends about \$60,000 annually for park maintenance. Prior to the dedicated millage, approximately \$20,000-\$24,000 was budgeted for capital project expenditures in addition to the park maintenance budget.

Belaustegui stated that the manner in which the park was maintained in past years allowed it to deteriorate. He proposed developing a base park maintenance cost and a plan for how much is needed to maintain the park and not allow it to deteriorate. The Village may be able to receive qualified assistance with this from the County Parks and Recreation Department. It will be up to the Council to decide how much the Village should contribute to build a park capital fund. The Parks and Recreation Board could assist with how the Village might spend its money to improve the park. Merritt suggested developing a framework for the Parks and Recreation Board to review and provide input.

Belaustegui expressed the view that the areas of the park that are used regularly should be maintained at a high standard so they do not deteriorate and become abused, which leads to safety and insurance issues. Money set aside from the General Fund is a Council issue, or it could become a millage issue. It will cost approximately \$100,000 annually to maintain the park and provide necessary capital expenditures that will keep it from deteriorating. Mooney proposed that a determination should be made as to the level of support from the community for the park and for park maintenance.

Council member Koss entered the meeting at 8:17 p.m.

The Finance Committee will finalize the Parks report in terms of revenue and expenditures and research into what it takes to maintain Beverly Park. An examination of current and future use of the park has been suggested. The Committee will seek guidance from Oakland County relative to park maintenance costs and request input from the Parks and Recreation Board on how to spend capital funds. The Board may also have ideas on how to raise revenue for the park. Council can have a discussion on how much money it would budget each year to build a capital park fund.

PUBLIC COMMENTS

None

COMMITTEE COMMENTS

None

Motion by Mooney, second by Merritt, to adjourn the meeting at 8:29 p.m.

Motion passed.

HISTORY OF THE VARIOUS PARKS

BEVERLY PARK

1. In 1919 the area now known as Beverly Park was platted as Crystal Springs Sub-Division in Southfield Township, MI
2. It was sold at that time to Howard Bloomer, President of Dodge Brothers Corporation, acting for and on behalf of the Corporation
3. In 1922, the Dodge Brothers Corporation conveyed the aforesaid real estate to the State of Michigan for use as a public park
4. There were basically 3 Deed Restrictions contained in the conveyance and they were:
 - a. That the real estate be used as a public park for use of all people without discrimination
 - b. The park be perpetually known as Dodge Brothers Park No. 6
 - c. No alcohol be sold on the grounds of the real estate
5. It would appear that the area was maintained as a public park by the State of Michigan (however, it does not appear that any actions were taken by the State of Michigan other than to leave it in its natural state) until 1948
6. In 1948, the State of Michigan, specifically the Department of Conservation, conveyed the property to the Southfield Township requiring that the area be maintained as a public park pursuant to the terms and conditions set forth in the original Grantors' Deed
7. In 1968, claims were made by the Successors in interest to the Dodge Brothers Corporation that certain real estate including, but not limited to, the property now known as Beverly Park should be re-conveyed to those Successors in interest to the Dodge Brothers Corporation based on the fact that the State of Michigan had not operated the property as a public park but rather had conveyed same to a local unit of government. It was common place for the Department of Conservation to, in fact, convey the property to local units of government to maintain gifts of real estate for park purposes during the early parts of the last century.
8. The State of Michigan sued the Successors in interest to the Dodge Brothers Corporation insisting that their claim for the return of the property based on the Deed Restrictions constituted a cloud on the State of Michigan's title. The State of Michigan was successful and there was ruling indicating that the State of Michigan not only had the right to convey that property but that the Deed Restrictions contained in the original Deed

posed a cloud on the Title of the State of Michigan, which was inappropriate. However, a court ruling indicated that the State of Michigan had the right to convey the property to the local units of government, to-wit: Southfield Township. However, the court also ruled that the property could be returned to the State of Michigan and be sold in any way that State owned property could be sold in the event that local units of government did not maintain the property as a public park. It should be noted that the decision was rendered in January, 1969.

9. In February, 1969, the Township of Southfield conveyed to the Village of Beverly Hills its interest in the real estate now known as Beverly Park, subject to the Village of Beverly Hills maintaining same as a public park and in further permitting the use of the park by the Boy Scouts, Girl Scouts, Little League, Baseball Groups, Pony Colt League and League Football practice groups. It is incumbent upon the Village of Beverly Hills that it abide by the restrictions set forth by the Southfield Township

10. The park has been maintained since February 12, 1969, by agreement recorded with the Oakland County Register of Deeds, the property now known a Beverly Park.

11. Various improvements have occurred to Beverly Park since that time.

12. It is conceivable that in the event that the Village of Beverly Hills failed to maintain this real estate as a public park that it would be returned to the Township of Southfield for its maintenance of the real estate as a public park.

13. The Village of Beverly Hills does not have the right to sell the park.

14. Likewise, in the event that Southfield Township was not to maintain the real estate as a public park that the property would then revert to the State of Michigan.

15. In the event that that occurred, the State of Michigan would have the option to either to maintain the real estate as a park or, alternatively, sell the property on the open market as it would sell any state own lands.

CONCLUSION

In conclusion, short of a complete abandonment of the site as a public park by both the Village of Beverly Hills and Southfield Township, the property will continue to be maintained as a public park. The Village of Beverly Hills by agreement with Southfield Township is obligated to continue the maintenance of the park and to ensure the use of the park by the various groups outlined above. There is absolutely no option for the Village of Beverly Hills to sell the 35 acres that constitutes Beverly Park for any type of development.

DOUGLAS-EVANS NATURE PRESERVE

1. The Douglas-Evans Nature Preserve is located on Evergreen Road between 13 and 14 Mile Roads in the Village of Beverly Hills
2. This 18.6 acre tract was donated by Catherine E. Douglas to the Village of Beverly Hills in 1973 with the stipulation that it be maintained as a Nature Preserve
3. This property has not always been maintained as a nature preserve and, in fact, was used for grazing of livestock as recently as the early 1960
4. The area was used to some extent for farming in the early part of the last century, however, since the mid-1960s it has essentially been left relatively natural and anecdotally there are reports of substantial wildlife in this small tract
5. Access and use of the Douglas-Evans Nature Preserve is highly limited given the location and the Deed Restrictions against the permitting of any self-propelled vehicles on the property and its somewhat in accessibility given the lack of pedestrian walkways reaching it
6. There is further anecdotally evidence that it is sometimes used by young people and there is at least some evidence that several domestic animals are walked through the area
7. The only exception to the “Nature Preserve” character of Douglas-Evans is the use of the meadow in the Preserve as the location for the combined sewer over flow tank. Said use, including the construction of the control building thereover, was granted by Mrs. Douglas in October, 1992.
8. The Village is obligated to maintain the area, specifically to keep it free from trash, and it is not clear from the evidence provided by the Village that any dedicated effort in that regard is maintained by the Village of Beverly Hills
9. This site is prime real estate with probably 2/3 of the site buildable
10. The dedication of this area as a park does substantially reduce the open space capable of development in the Village of Beverly Hills thus reducing the income to the Village of Beverly Hills. However, since the Village has accepted the gift from Mrs. Douglas with regard to the property it is highly unlikely that any effort would be made based on the political environment regarding development in the Village to re-convey the property to her. Thus, in all likelihood, the Douglas-Evans Nature Preserve will be maintained. Although it does pose a substantial possibility of increasing the tax base for the Village of Beverly Hills.

11. The Nature Preserve itself is hardly utilized by naturalists but anecdotally is used substantially by young people.

HIDDEN RIVERS

12. A 14 acre “nature preserve” exists called Hidden Rivers. It occupies the area directly North of Riverside Drive, East of Evergreen beginning at approximately 14 Mile Road running due East.

13. The property was acquired by the Village of Beverly Hills at the insistence of the Riverside residents in 1980 for a price of \$90,000, most if not all of which, was supplied by the residents along Riverside Drive.

14. In consideration for the contribution of approximately \$90,000, the Village recorded certain Deed Restrictions on the property in perpetuity, which essentially granted to the residents of Riverside a guarantee that there would be no development to their North and insuring that a “park” or “nature preserve” would exist in their backyards. This gave to the residents of Riverside Drive not only the tax deduction for their contributions for approximately \$15,000 each but also essentially dramatically increased the value of their property.

15. There is basically no access to this “nature preserve” owned by the Village.

16. The Village acquired this piece of property at a time when there were attempts to develop a five-story apartment building on the site and litigation was pending in Oakland County Circuit Court regarding that site plan.

17. There can be substantial debate on whether or not it was in the Village’s best interest to act in the manner in which it did in the acquisition of this property. However, the property belongs to the Village, the Deed Restrictions are in place until the Village of Beverly Hills changes same and that would take substantial political fortitude on the part of a Village Council to change the Restrictions.

18. There is basically no expenditure of Village funds with regard to Hidden Rivers in that it is essentially a private park for the residents of Riverside pursuant to the terms and conditions set forth by the Village Council in 1980.

RIVERSIDE PARK

19. The documentation in the Village with regard to Riverside Park is minimal.
20. It would appear, however, after a review of the Plat for West Beverly Hills Subdivision # 2 that the area that now constitutes Riverside Park, which is located on Riverside Drive, just East of Evergreen and abutting the Rouge River Pond and River, probably dedicated at the time of platting of the Subdivision as a public park and has been maintained as such by the Village of Beverly Hills.
21. It should be noted that there are at least two other lots located in West Beverly, which are dedicated as parks, although privately owned.
22. Riverside Park is used predominately by fishermen and geese and the maintenance on Riverside Park is minimal.
23. There was a time that the Village of Beverly Hills made efforts to allow ice skating at Riverside Park, however, it does not appear that the Village has done so in a number of years and that may be based on a change in weather.