

SPECIAL COUNCIL MEETING MINUTES - MARCH 22, 1999 - PAGE 1

Present: President Craig; President Pro-Tem Lison; Members: Buterbaugh, Downey, Kennedy, Stearn and Walsh

Absent: None

Also Present: Village Manager, Hanlin
Public Services Director, Spallasso
Village Attorney, Ryan

President Craig called the meeting to order at 6:03 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

RESOLUTION TO PETITION DRAIN BOARD TO ESTABLISH CHAPTER 20 DRAIN PROJECT

Before Council for consideration is the adoption of a Chapter 20 Petition and 471 Agreement which represents the continuation of the 12 Towns Drain Project to address proposed improvements to the Southeastern Oakland County Sewage Disposal System. Council has previously adopted a resolution to establish a 12 Towns Advisory Committee to monitor the Drain Project and has appointed Spallasso to represent the interests of the Village and Hanlin and Ryan to be involved in the Advisory Committee.

Ryan reviewed that Drain Commissioner George Kuhn announced last October that he had secured permitting with the MDEQ relative to the runoff of the 12 Towns storm water and sewage drain system which has received a lot of press coverage regarding bacterial contamination connected to 12 Towns overflows adding to the pollution in the Clinton River and Lake St. Clair. The Drain Commissioner and Drainage Board are without legal authority to proceed with the proposed improvements to the system without authorization to plan, construct, and finance the project pursuant to Chapter 20 of the Drain Code as petitioned by the communities in the 12 Towns district. The 12 Towns Drain was originally set up in Oakland County as an intra-county Chapter 20 Drain. The drainage office has heretofore believed that the communities would just file a petition as a local unit, and it would be the Drainage Board's responsibility to handle it.

Many local communities have been unhappy with how Chapter 20 projects were handled at times. Local units realize that this is the biggest public works project in Oakland County's history to date with the cost of the improvements estimated at approximately \$135 million. Since the local units are paying a large portion of the bill, communities were concerned that they should have more direct financial control over what happens rather than turning everything over to the Drain Commission. The communities propose to have a more local control without interfering with the statutory duties of the Drain Commissioner or the Drain Board. The Drainage Board consists of the Drain Commissioner of Oakland County, the chairman of the County Board of Commissioners, and the chair of the Finance Committee of the County Board of Commissioners.

What is being presented to Council for consideration this evening is a revised Chapter 20 petition to authorize the Drainage Board to act on the Village's behalf. Every other community in the 12 Towns

district will have passed this resolution by this evening. It is critical that all participating communities request the Chapter 20 petition in order that the State act favorably on the request for low interest State Revolving Funds for the expense of refurbishing the 12 Towns Drain.

Ryan highlighted the Chapter 20 Petition to the Oakland County Drainage Board requesting that it establish and implement an intra-county drain project to address the improvements to the 12 Towns district. It lists the various improvements that will be undertaken, some of which are under the permit from the MDEQ and some of which are not required by the permit but are believed to be in the best interest to be made. The Village consents to the assessment of its share of the entire cost of the drain against the Village.

The 471 Agreement allowed by State statute is incorporated in the Petition. It contains limiting language that states that the Village is cooperating with the Drain Board and the other public corporations to implement a cost effective approach and more efficient manner in achieving compliance with the permit. The communities propose to enter into this 471 Agreement with the Drainage Board in order to have basic protection and input to the process.

The Drainage Board will have final authority, but a process will be established by which the communities will be allowed to monitor the competitive bidding, consultants, costs, etc. The 471 Agreement will establish a forum to discuss various aspects of the project and bring any problems to the attention of the Drainage Board. It is a step in the right direction to put more sense and control into this process because it will involve a huge dollar amount from the 12 communities.

The proposed Resolution authorizes the President and Clerk of Beverly Hills to sign the Petition and 471 Agreement. This draft is acceptable to two out of three Drainage Board members and it is acceptable to all the 12 Towns communities.

RESOLVED by Downey, supported by Lison, that the Village Council of the Village of Beverly Hills shall cause to be filed a Chapter 20 Petition to the Oakland County Drainage Board requesting that it establish and implement an intra-county drain project to address the proposed improvements to the Southeastern Oakland County Sewage Disposal System and the existing Twelve Towns Relief Drains and to execute the Section 471 Agreement on behalf of the Village and file the Agreement with the Drain Commissioner of Oakland County.

The entire Petition and 471 Agreement are on File in the Village Office for Public Review

Questions and comments from Council were addressed by Ryan.

Roll Call Vote:

Resolution passes unanimously.

RESOLUTION TO GO INTO CLOSED SESSION TO DISCUSS PENDING LITIGATION

RESOLVED by Kennedy, supported by Walsh, to go into closed session to discuss pending litigation (Sickles versus Beverly Hills pending in Oakland County Circuit Court).

Roll Call Vote:
Resolution passes unanimously.

Council went into closed session at 6:25 p.m. to discuss pending litigation with attorney Tom Ryan.

RESOLVED by Lison, supported by Craig, to return to open session at 7:25 p.m.

Roll Call Vote:
Resolution passes unanimously.

STRATEGIC PLANNING SESSION FACILITATED BY DAVID CALL

The Council had a brainstorming session to discuss long and short term goals for the Village and agreed to meet again in the near future to summarize those goals.

MOTION by Kennedy, supported by Lison, to adjourn the meeting at 9:58 p.m.

Motion passes unanimously.

Andrew Craig
Council President

Ellen E. Marshall
Village Clerk