

Present: President Stearn; President Pro-Tem Pfeifer; Members: Craig, Domzal, Downey, Munguia and Walsh

Absent: None

Also Present: Interim Manager, Spallasso  
Assistant to the Manager, Pasioka  
Village Attorney, O'Brien  
Director of Public Safety, Woodard

Stearn called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

**APPROVE MINUTES OF A REGULAR COUNCIL MEETING HELD ON MONDAY, MAY 7, 2001**

On page 15, under “Approve Bills”, motion was made by Pfeifer and supported by Walsh.

MOTION by Craig, supported by Walsh, that the minutes of a regular Council meeting held on Monday, May 7, 2001 be approved as amended.

Motion passes unanimously.

**PUBLIC COMMENTS**

There were no comments from the public.

**PRESENTATION BY HUBBELL, ROTH & CLARK ON MAIN 1-2 ROUGE RIVER SUBWATERSHED MANAGEMENT PLAN**

Council is in receipt of a draft Subwatershed Plan prepared by the Main 1-2 Subwatershed Advisory Group. Public Services Director Spallasso has been a member of this group since its inception. Council’s endorsement of the Subwatershed Plan is being sought before the plan is submitted to the State Department of Environmental Quality (DEQ).

Spallasso introduced Margie Synk, professional engineer with Hubbell, Roth & Clark specializing in environmental issues. She will be making a presentation to Council for the purpose of soliciting endorsement of the Main 1-2 Rouge River Subwatershed Management Plan. Synk will describe the Storm Water Permit requirements, present an overview of the Subwatershed Plan including the goals and actions of the plan, and discuss the Storm Water Pollution Prevention Initiative.

Synk explained that communities in Southeast Michigan will be required to develop individual Subwatershed Management Plans in a couple of years. Federal Court Judge Fiekens is interested in the Rouge Watershed and the water quality in this area and has encouraged communities to participate in this process. Preparing a Subwatershed Plan now will allow a municipality to decide what actions it wants to take rather than having those actions dictated to it by the DEQ or US Environmental Protection Agency. In addition, there are grant dollars available now that may not be available in a few years to communities that are currently implementing programs

The Subwatershed Management Plan was completed in April and is currently being put out for public comment, which will be incorporated into the plan. The subwatershed is prepared to submit the plan to the DEQ at the end of this week. Synk related that the DEQ will review and comment on the plan but not formally approve it.

The DEQ will formally approve the individual plans that each community will submit to that organization in December. It is called the Storm Water Pollution Prevention Initiative (SWPPI). The Village of Beverly Hills and other communities are starting to work on those individual plans that list specific actions that will be taken to meet the goals and priorities established in the Subwatershed Plan and implement better water pollution control. Once the SWPPI is approved by the DEQ, it will become an enforceable document for the Village and for all the other communities. Synk advised the Village to make sure that the actions that Beverly Hills commits to in the SWPPI plan will make steady progress towards achieving pollution control.

Synk emphasized that the Village of Beverly Hills is already doing a number of activities that it will continue doing that are beneficial for water quality. Those actions will be listed in the plan. Synk has been talking with Spallasso about future actions to enhance the Rouge watershed.

Some of the grant funding available now through the Clean Michigan Initiative is dependent on having a Subwatershed Management Plan, having a permit, and complying with that permit. This puts Beverly Hills and the other Rouge communities in the position of being eligible for funding that a lot of other communities are not eligible for because they are not developing watershed plans nor do they have permits.

Synk and Spallasso addressed questions from Council about the plan, funding, grant availability, community education and soliciting support of residents. Spallasso indicated that he will be working with the Infrastructure Committee on the Village's Stormwater Pollution Prevention Initiative plan. Working sessions with the Council as a whole will be scheduled to ensure an understanding of the Village's commitments. Spallasso noted that information about the Village's involvement in the Subwatershed Management Plan will be available soon on the Beverly Hills web site.

Stearn turned the chair over to President Pro-Tem Pfeifer.

RESOLVED by Stearn, supported by Downey, to adopt the following resolution:

**VILLAGE OF BEVERLY HILLS**

**RESOLUTION ENDORSING THE MAIN 1 – 2 SUBWATERSHED MANAGEMENT PLAN**

Whereas, the Village of Beverly Hills is a community located (partially) within the Rouge River watershed; and

Whereas, the Village of Beverly Hills recognizes that the Rouge River watershed, including its lakes, streams, wetlands, drains and natural watercourses, is a valuable resource which provides aesthetic benefits and recreational opportunities to Village residents; and

Whereas, stormwater runoff can impair the Rouge River in numerous ways, including streambank erosion, sedimentation, degradation of habitat and wildlife populations, degradation of aesthetics and public health risks; and

Whereas, the Village of Beverly Hills has voluntarily applied for and received coverage under the Michigan Department of Environmental Quality Municipal Separate Storm Sewer System (MS4) discharge permit and has actively participated with other Rouge watershed communities to develop the Main 1-2 Subwatershed Management Plan;

The Village of Beverly Hills Council hereby endorses the draft Main 1-2 Rouge River Subwatershed Management Plan dated May 2001.

Further, the Village of Beverly Hills Council hereby resolves to act diligently to develop its Stormwater Pollution Prevention Initiative and to continue implementing its Public Education Plan and Illicit Discharge Elimination Plan in accordance with the MS4 discharge permit requirements.

Roll Call Vote:  
Resolution passes unanimously.

Stearn reclaimed the chair.

#### **RESOLUTION TO ADOPT THE INTERLOCAL CABLE AGREEMENT**

The four community consortium's recent renegotiation of the cable franchise agreements with MediaOne/AT&T and its transfer to Comcast has significantly changed some of the operations of the cable television system. Due to industry wide changes, the cable company no longer provides the Public, Governmental, and Educational (PEG) access services for the communities. Under the current arrangement, the communities are responsible for providing PEG access programming. As a result, substantial amounts of property in terms of equipment and vehicles have been transferred to the Birmingham Area Cable Board (BACB).

It is the unanimous opinion of the Cable Board members that the Interlocal Agreement that has existed should be revised and updated so as to provide the necessary authority to conduct its day to day operations. The Interlocal Agreement provides the necessary authority from the member municipalities for the Birmingham Area Cable Board to oversee the cable franchises in Birmingham, Beverly Hills, Bingham Farms and Franklin.

The revised Interlocal Agreement has been drafted by a subcommittee of the Cable Board along with Tim Currier, attorney for the BACB. The document was unanimously approved and recommended by the Board for adoption by its member communities.

Pfeifer outlined the significant modifications in the Interlocal Agreement. The document provides for a change in the number of representatives to the BACB based on the 2000 Census. Beverly Hills representation is increased from three to four members. BACB will then become a 13 member board. The Agreement encourages each community to name alternate representatives to fill in when absences occur on the board. The Interlocal Agreement allows the Cable Board to receive and expend funds.

Pfeifer commented that Village Attorney Ryan has reviewed and discussed this document with Cable Board Attorney Currier. Ryan has suggested a change on page 2 under Section II, paragraph B. Representatives, first sentence to add the words “a minimum of”. The sentence will read, “Each member shall be represented by a **minimum of** one representative and one alternate representative.” Currier is in agreement with this change.

MOTION by Pfeifer, supported by Walsh, to adopt the following resolution:

### RESOLUTION

WHEREAS, the Village of Beverly Hills, the Village of Bingham Farms, the City of Birmingham and the Village of Franklin are the member communities of the Birmingham Area Cable Board; and,

WHEREAS, there have been substantial changes with respect to cable television in recent years that necessitates an expansion of the authority of the Birmingham Area Cable Board to conduct its day to day operations; and,

WHEREAS, the Birmingham Area Cable Board has unanimously recommended to its member communities the adoption of the revised Interlocal Agreement of the Birmingham Area Cable; and,

WHEREAS, the Village of Beverly Hills is interested in entering into the Interlocal Agreement as authorized by the Michigan Constitution of 1963 and the Urban Cooperation Act of 1967 to assist the local governmental unit in the day to day operations of its cable franchise.

NOW, THEREFORE, BE IT RESOLVED that the Village of Beverly Hills does hereby approve the Interlocal Agreement of the Birmingham Area Cable Board and authorizes the Village President and Clerk to execute the submitted Interlocal Agreement.

IT IS FURTHER RESOLVED that the Clerk of the Village of Beverly Hills is instructed to make a copy of the executed Interlocal Agreement and forward the original along with a copy of this Resolution to Beier Howlett, P.C. for coordination with the other local government units, which have executed the Interlocal Agreement. A copy of this document is on file at the Village of Beverly Hills office and available for public review with the amendment in Section II. B. as offered by Village Attorney Tom Ryan.

Roll Call Vote:

Resolution passes unanimously.

Council thanked Pfeifer for volunteering to represent the Village on the Cable Board. Stearn pointed out that Section VI allows parties to withdraw from the Interlocal Agreement at any time upon 60 days notice.

Pfeifer remarked that the Cable Ordinance will need to be amended to conform with the Interlocal Agreement with respect to the membership of the Cable Board. This proposed amendment will be

coming before Council for consideration. The revised Interlocal Agreement and Ordinance change will create additional seats on the Cable Board. Pfeifer informed interested members of the public that it is not too early to submit an application for these positions on this interesting and worthwhile body.

**SECOND ANNOUNCEMENT OF VACANCY ON THE PLANNING BOARD**

Downey made the second announcement of a vacancy on the Village Planning Board. This is a great opportunity to work in the community on a very important body. Downey encouraged interested residents to make application for this position at the Village office.

The deadline for receiving applications is Friday, May 25, 2001. The applications will be considered by a subcommittee of Downey as chair, Munguia, and Pfeifer on June 4 at 7:15 p.m. prior to the regular Council meeting.

**RESOLUTION EXPRESSING APPRECIATION TO RENZO SPALLASSO**

Stearn passed the gavel to President Pro-Tem Pfeifer.

RESOLVED by Stearn, supported by Walsh, to adopt the following resolution:

**RESOLUTION IN APPRECIATION OF  
INTERIM VILLAGE MANAGER, RENZO SPALLASSO**

Whereas, the Village of Beverly Hills was left without a Village Manager from January 12, 2001 through June 3, 2001; and

Whereas, the Village Council of Beverly Hills appointed the Village's Public Services Director, Renzo Spallasso, to serve as the Interim Village Manager; and

Whereas, Renzo Spallasso effectively and successfully served simultaneously as the Public Services Director and the Interim Village Manager from January 12, 2001 through June 3, 2001,

Now, Therefore, Be it Resolved, that the Village Council of Beverly Hills, the Village employees and Village residents do hereby extend our sincere appreciation to Renzo Spallasso for acting as Interim Village Manager from January 12, 2001 through June 3, 2001.

Be It Further Resolved, that the Village Council of Beverly Hills does hereby authorize remuneration to Renzo Spallasso in the amount of Five Thousand Dollars (\$5,000.00) for his hard work and dedication for acting simultaneously as Interim Village Manager for almost six months.

Pfeifer thanked Spallasso for his dedication.

Larry Needham of 15588 Kirkshire thinks that Spallasso has done a wonderful job as Interim Village Manager in addition to carrying out his responsibilities as Public Services Director.

Roll Call Vote:

Resolution passes unanimously.

**APPROVE BILLS**

MOTION by Pfeifer, supported by Walsh, that the bills from a period of 5/08/01 through 05/21/01 be approved for payment in the following amounts:

\$159,523.93	General Fund
5,597.46	Major Road Fund
11,490.02	Local Road Fund
50,455.32	Water/Sewer Operation Fund
<u>7,514.16</u>	Trust & Agency Fund
<u>\$234,580.89</u>	Total

Questions from Council and the audience were addressed by administration.

Motion passes unanimously.

**LIAISON'S REPORT**

Pfeifer commented that cable television subscribers have been disturbed by the invasive nature of the Emergency Alert System. She indicated that equipment is on order by the cable company that will limit warnings to zones and limit the number of alerts.

Pfeifer relayed changes to the Comcast channel lineup that will be effective on May 30, 2001. She informed Council that Requests for Proposals were sent to six vendors for construction of the control booth in the Village Council chambers. Bids are due by 2 p.m. on Tuesday, June 5, 2001.

Walsh announced that an Infrastructure Committee meeting is scheduled for Monday, June 11 at 5:30 p.m.

Domzal updated Council on Parks and Recreation Board activities. The Park Clean Up held on Saturday May 12 was successful. A park construction sign indicating that improvements are on the way will be prepared and installed in Beverly Park in the near future.

Consulting engineering firm Hubbell, Roth & Clark is performing topographical surveys of the park and will be working on drawings in preparation for park capital improvements. In terms of the park master plan, Parks and Recreation Board members have divided their efforts into four different areas to research various components of the park improvements including playground equipment, parking lot improvements, gate and fence, and tennis courts/pavilion/skating rink/landscaping. They will prioritize the projects and arrive at preliminary cost estimates in an effort to generate the five year plan requested by Council.

Two items were referred by Council to the Parks and Recreation Board for review and recommendation. The capital budget allocated \$2,500 each for installation of three drinking fountains in Beverly Park. These fountains existed previously but were apparently vandalized. It

was the recommendation of the Parks and Recreation Board that Council defer this expenditure and incorporate the fountains as part of the five year park plan. There will be construction work done in the park that may result in having to move a fountain. It was noted that there is an operational water fountain at the pavilion.

Domzal related that the Parks and Recreation Board has requested to allocate \$1,000 donated to the Village for a park fund raiser towards materials to be used to build a scale model of Beverly Park including future improvements. The person who will be constructing the three dimensional scale model of the park would be donating his time. Domzal stated that the donor approved the use of the money for the promotion of park improvements. He thinks that this will be a good use for that money.

Munguia stated that he attended the last Planning Board meeting as the alternate liaison. There was a productive discussion of the 14 Mile Road Corridor plan. At that meeting, Planning Board members brought up the fact that identification signs were erected on the municipal site without Planning Board review. Munguia has discussed this with Stearn and Spallasso. Munguia recalls that this signage proposal was sent to the Planning Board, and they returned it to Council.

Munguia informed Council that two members of the Planning Board indicated that they will not seek reappointment to the board when their terms expire in June. The Zoning Board of Appeals met last Monday and heard three cases.

Craig referred to an information item distributed to Council regarding a lightning prediction system installed at Detroit Country Day School grounds. Area residents should be advised not to mistake this 15 second warning signal for a tornado siren. He also suggests that this memo be forwarded to the Birmingham School District with the suggestion that it consider this system for the other schools in the area.

Stearn attended the Retirement Board meeting last week. He reported that the Village's Public Safety Officers' Retirement System is currently funded at over \$15 million. It was the recommendation of the actuarial firm presenting the annual actuarial valuation report that the Village does not have to contribute any money to the fund again this year.

### **MANAGER'S REPORT**

Spallasso reported that he attended a meeting last Wednesday with the Michigan Department of Environmental Quality with representatives from the City of Birmingham and the Oakland County Drain Office. This meeting was another attempt to explore the possibility of going after State Revolving Funds for the purpose of funding Acacia Interceptor improvements. Spallasso is not sure about spending \$35,000 between Beverly Hills and Birmingham to submit a plan for that purpose.

Spallasso may come before Council with a request that the Village engage a consultant to provide a financial analysis of whether it would be effective for the Village to pursue the 2.5% State funding or whether Beverly Hills should proceed with financing on a "pay as you go" basis. He commented that it appears that the project cannot be accelerated, and the construction schedule would not be affected by a "pay as you go" method of financing.

Spallasso announced that the Village is losing an employee, Victoria Wright, after eight years of very good work. She is moving to California before the end of the month. Victoria was a valued addition to the staff and will be missed. This clerical position will be filled as quickly as possible.

The aerial map of the Village displayed in the council chambers will be replaced with an updated map in a month or two.

Craig commended administration on the recent edition of the Villager newsletter. It was noted that Pasieka prepared the newsletter.

### **PUBLIC COMMENTS**

Kathleen Berwick of 31381 Kennoway Court commented on a problem with her yard waste pick up last week. Spallasso will talk to the supervisor about this and see what can be done to improve the situation.

Berwick questioned whether the ditches on Kennoway Circle can be repaired. Stearn informed her that Council allocated \$130,000 in the 2001/02 budget to prepare a study and initiate a ditch repair program in the Village. The engineering study will prioritize the streets that are in most need of work.

Berwick mentioned the drainage problem at Thirteen Mile and Evergreen Roads following today's heavy rainfall. Spallasso responded that there is a capacity problem that was exacerbated by two inches of rain falling in a little more than an hour. There are 12 inch storm sewer pipes in the ground that take some time to drain.

Sharon Tischler of 21415 Virmar Court commented on the standing water in ditches in various areas of the Village. She indicated that there are residents who have eliminated their ditches and installed a mechanism to take the water away. Those areas have standing water on the roadways as a result.

Tischler remarked that she spoke to a couple of long-term residents this week who lived on dirt roads before petitions were circulated to initiate a paving project. They confirmed Spallasso's figure of 20% as the Village's contribution towards a special assessment district for road improvements. These residents also indicated that there were improvements to ditches when needed in the 1960's.

Tischler has observed U-turns being made in the area of 13 Mile and Evergreen Road as a result of motorists missing the turn onto Evergreen and going through the intersection. She suggests that Beverly Hills consider erecting road identification signs in areas where it would be beneficial.

Comments and questions from Tischler regarding the lack of competition in terms of cable television service were addressed by Pfeifer.

Larry Needham of 15588 Kirkshire understands that the Village is being asked to endorse a Rouge River Subwatershed Management Plan. He is aware that there is a need to clean up the Rouge River and that the Village's participation is probably mandatory. However, he is

apprehensive of the State Department of Environmental Quality's authority to mandate multi-million dollar expenditures that may not solve the existing problems. He referred to an article in the Detroit News this Sunday reporting that, after the DEQ required millions in tax dollars to be spent on upgrading the Twelve Towns system to mitigate pollution problems in Lake St. Clair, it was found that 95% of the fecal coliform bacteria in those areas originates from bird droppings.

### **COUNCIL COMMENTS**

Craig commented that he drove around the area of Elwood, Plantation, Coryell and Embassy tonight after the heavy rain storm. Lawns and streets were under water, and Thirteen Mile Road was flooded along with the Groves High School parking lot. He observed a constant flow of water coming down Embassy to Elwood, Plantation and Coryell. Craig stated that there would be less water on Thirteen Mile Road if those ditches were in better shape.

Council members are looking forward to the Memorial Day Parade and Carnival in Beverly Park on Monday. Munguia commented that he will be carrying the Lion's Club banner at the beginning of the parade.

Domzal commented that he is interested in learning more about the activity and services provided by the Township of Southfield. He mentioned to Township Clerk Tischler that he finds that Township Board meeting minutes assume a level of understanding of events that a reader may not have. He suggested providing more detailed explanations of what is being decided.

Walsh reviewed that Council discussed setting fund balance levels at the last meeting but opted not to recommend a policy on a fund balance level for the Water and Sewer Fund. Walsh found that the Village's Policy and Procedure Manual does include a policy dated July 2, 1984 setting the fund balance for the Water and Sewer Fund at a 20% level.

Downey observed that there is graffiti on the bridge on Thirteen Mile Road in Bingham Farms. Spallasso responded that he talked to the Road Commission about this and learned that the crew sent to the site could not remove the graffiti. The Road Commission will have to paint the bridge.

Downey reported vandalism to street signs in the Georgetown Subdivision. He mentioned that today's heavy rainfall reminded him to request motorists to turn on their headlights during a downpour for traffic safety reasons. Downey commented that a couple of people in the Village have approached him about cell phone usage while operating cars. He agrees that hand free cell phone operation is much safer.

Downey noted that information regarding engineering projects in the Village has been added to the Beverly Hills web site. He suggests that the information is not easily found when accessing the web page. Spallasso related that this information was included under the public works tab.

Downey commended administration on the format and content of the latest Villager newsletter.

Pfeifer agrees with Tischler that there is a need for better identification of major roads in the Village. Pfeifer recommends that all Village residents take the time to read the informative articles in the recent newsletter sent to every household.

Stearn stated that the new Village Manager Brian Murphy is planning on attending the Memorial Day parade and carnival. Residents are welcome to come out and meet him.

Stearn welcomed attorney Dan O'Brien who will be sitting in for Village Attorney Tom Ryan at Council meetings occasionally.

MOTION by Craig, supported by Walsh, to adjourn the meeting at 9:28 p.m.

Motion passes unanimously.

**Todd S. Stearn**  
**Council President**

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