

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

Absent: None

Also Present: Village Manager, Spallasso
Assistant to the Manager, Pasieka
Village Clerk, Marshall
Building Official, Byrwa
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. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Rijnovean, second by Pfeifer, that consent agenda item ‘c’, “Review and consider Birmingham Patriots youth football practice at Beverly Park”, be moved to business agenda item ‘f’.

Roll Call Vote:

Motion passed (7 – 0).

Motion by Woodrow, second by Pfeifer, to approve the agenda as amended.

Motion passed (7 – 0).

STATUS REPORT ON METERING BY HUBBELL, ROTH & CLARK

Dan Mitchell, Associate from Hubbell, Roth & Clark, was present with project engineer Tia Schnee who worked on the flow metering study. Mitchell displayed a map showing the location of the Evergreen Farmington Sewage Disposal System, a county interceptor system encompassing 15 communities. Most of the Village’s flow goes into this system. Mitchell provided background information on events beginning in 1999 that led to communities addressing their individual infiltration/overflow problems related to the Evergreen Farmington system.

The Village of Beverly Hills received and accepted an Administrative Consent Order (ACO) issued by the Michigan Department of Environmental Quality (DEQ) for the Evergreen Farmington Sewage Disposal System in December of 2004. The first action item in the compliance program was the evaluation of the sanitary sewer system to determine and address the excess infiltration/inflow into the system by installing meters to identify the source areas.

The ACO required submission of a short term corrective action plan by January 1, 2005. If the short term plan to alleviate the situation is not successful, Mitchell stated that the community must submit a long term corrective action plan by December 1, 2009 that outlines what will be

done to correct the problem. These procedures ultimately lead to the project performance certification report due in 2015. If that corrective action does not work, the community must submit another work plan. There are a number of phases whereby communities are provided with a long-term schedule to work with the DEQ on addressing their inflow problems. Another requirement is to submit an annual progress report to the DEQ.

In February of 2005, Council authorized administration to retain the services of consulting engineering firm Hubbell, Roth & Clark to perform a Flow Metering Study. The Village was committed to undertake the metering of the system to determine where the infiltration and inflow is coming from and to begin preparing a plan to address the extent of corrective action required. The Village received grant approval from the Rouge River Program Office to offset 40% of the total estimated cost of this project. Costs to address short term and long term corrective action are not known at this time.

Mitchell discussed information collected from the flow metering study and displayed actual peak flow data and projection curves. Results and conclusions of the study show that there is a potential inflow/infiltration problem in three out of four areas. It proved to be a wet system, but without indisputable evidence pointing to a specific problem. Mitchell stated that not having a separate storm system is conducive to the problems. Installing an under drain system in the Coryell area south of Thirteen Mile and west of Evergreen Roads appears to have provided a positive way to handle storm water. Potentially, installing an underdrain system in the other areas is something that could be done to address the infiltration/inflow problem within the sanitary sewer.

HRC recommends conducting a Sewer System Evaluation Survey (SSES) in Meter Areas 1, 2 & 4 to look for sources of infiltration/overflow. Pending the results of that field investigation, the Village should then pursue a rehabilitation project whether it is a manhole rehab, a downspout disconnect, footing drain disconnect, or sump pump disconnect to reduce Rainfall Dependent Inflow & Infiltration (RDII). Mitchell suggested that the Village keep working with other communities and the Oakland County Drain Commission (OCDC) towards a comprehensive program. Working as a team can minimize costs and provide a data base for pilot projects that address problems.

Spallasso related that he has a meeting coming up with OCDC and DEQ representatives with the intent being to take advantage of any available grant money. He suggested that the Village continue its efforts to identify areas that need improvements. As pointed out, installing under drains is probably a useful way to solve existing problems. The Village has some time to find out where the problem is and present a plan to resolve that problem.

Resident Norm Downey understood that Beverly Hills has 31 months to have the short term fixes in place. He asked if the Village can do this and at what cost.

Mitchell responded that a field investigation would be the first part of this effort. HRC has not prepared a cost estimate for conducting a field investigation and preparing the SSES report. That would be the next phase – to identify what can be done and come up with projects.

Spallasso added that the plan addressing how to correct the problems and not the corrective action itself will be done in two and one-half years.

Joseph Wilberding of 20023 W. 14 Mile Road asked if the engineer agrees with the Village Manager's assessment of the timetable. Mitchell concurred that the Village and HRC will be coming up with a corrective action plan in accordance with ACO requirements.

Norm Downey insisted that there is a written agreement that states that the Village will have a short term corrective action in place within 31 months. Mitchell clarified that the requirement is to have a short term corrective action plan in place in that time period.

Bunker Kelly commented that it is logical to work with other communities. It was his understanding that Beverly Hills was the only community out of compliance. Mitchell clarified that there were six communities that were initially issued the ACO. Birmingham has a totally combined sewer system and was not issued an ACO; however, the County is working with Birmingham on its metering. Further questions and comments from Kelly were answered by Mitchell and Spallasso.

PUBLIC COMMENTS

Former Council President Doyle Downey of 30865 Lincolnshire West commented that a key obligation of Council members is to recruit and promote highly qualified candidates for council and other positions. Downey recognized a candidate in the audience running for County Commissioner, Christa Murphy, who he thinks deserves the consideration of Beverly Hills.

Christa Murphy introduced herself as a Republican candidate for the 17th District Oakland County Commission. She provided background information on her education and employment and related that she is running for this office primarily to promote economic growth in Oakland County and diversification of its economic base. She would like to ensure that the County budget remains balanced while it retains a low millage rate. Murphy invited people to visit her web site at www.murphyforcommissioiner.com.

Ralph Lohrengel of 18346 Beverly Road expressed the view that Christa Murphy is highly qualified for the position of County Commissioner, and he plans to support her candidacy.

Janet Mooney of 19111 Devonshire recalled that it was announced at the last Council meeting that Renzo Spallasso was celebrating his 25th anniversary with the Village. She understands that Renzo celebrated a milestone birthday yesterday. Many people know Renzo as a dedicated, knowledgeable and respected representative of the community. Mooney thanked Spallasso for all that he does for Beverly Hills and wished him a happy birthday. She brought a cake and invited everyone to join in a reception after the meeting to celebrate with Renzo Spallasso.

Pat Greening wished Renzo Spallasso a happy birthday.

Ed Pugh of 31935 Alden Court remarked that Renzo Spallasso has been one of the finest and most knowledgeable people he has worked with, and he appreciates everything that Renzo has done for the community throughout the years. He wished Renzo a happy birthday.

John Mooney of 19111 Devonshire said a happy birthday to Renzo Spallasso. Mooney wished Christa Murphy and Dave Taylor luck in their race for the County Commissioner seat.

Mooney commented that his views differ from some of the opinions expressed at the podium at the last Council meeting. He thinks the Beverly Hills Public Safety Department is the type of organization that the Village needs to protect and serve the community. He has observed over the last 20 years that the officers do their job with an inordinate amount of bravery, dedication, and compassion for people. Mooney stated that everyone is trying to cut costs, but the Village should not decrease the protection that has been afforded to this community, which is probably the safest in the state of Michigan. Mooney asked Council to give this some serious thought.

Frank Worrell congratulated Renzo Spallasso on his birthday.

CONSENT AGENDA

Motion by Pfeifer, second by Rijnovean, to approve the consent agenda as follows:

- a. Review and consider minutes of a regular Council meeting held on February 21, 2006.
- b. Review and file bills recapped as of Monday, March 6, 2006.

Motion passed (7 - 0).

BUSINESS AGENDA

REVIEW AND CONSIDER PROPOSALS FOR 2006 DUST CONTROL SERVICES

Walsh stated that the Village has approximately 44.3 miles of local roads. Of that amount, 1.25 miles are gravel. Requests for Proposals for annual dust control needs on gravel roads for the upcoming season were mailed to six firms, and three bids were received. Walsh summarized the bid results for the 2006 season with two contractors bidding on calcium chloride and one contractor bidding on asphalt emulsion.

Walsh stated that dust control applications are made a minimum of two times per season and occur when needed. The 2004/05 actual cost for dust control was \$4,100; the amount budgeted for this purpose in 2005/06 was \$7,210. It was noted that 50% of the cost of this service is assessed to the benefiting property owners with the balance paid by the Village Local Road Fund.

Motion by Walsh, second by Pfeifer, to award the 2006 Calcium Chloride Dust Control Program to the low bidder Suburban Oil Co. at \$0.25/gallon and the 2006 Asphalt Emulsion Program to the Highway Maintenance Company for \$2.88/gallon.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER PROPOSALS FOR 2006 SOUTHFIELD ROAD LANDSCAPING SERVICES

Burry reported that nine landscape contractors were invited to bid on a three-year contract for the maintenance of the business properties in the rights-of-way along Southfield Road (and a

small portion of 13 Mile Road) Business District. Costs for these services pass through the Village and are charged back to the business owners based on frontage.

Seven bids were received and were opened on February 22, 2006. There was a significant spread between the low bid of \$11,940 and the high bid of \$46,485 for the three-year contract. The low bid was from Excell Landscaping in the amount of \$3,980 for each of the three years of the contract. Hourly rates for sprinkler maintenance were all in the same range, with Excell's bid at the low end. Excell successfully performed this work for the Village in 2004.

Motion by Burry, second by Pfeifer, that the three-year 2006, 2007 and 2008 landscape contract for the landscaping maintenance work required in the Southfield Road Business District be awarded to Excell Landscaping for the amount of \$3,980 each year, plus sprinkler maintenance service at the rate of \$35 per hour.

Rijnovean questioned whether an administrative fee will be charged to the Southfield Road business owners as part of their cost for this program. Spallasso responded that this was discussed at the Council level, but he was not given direction to add administrative costs to the assessment district. Administrative fees can be determined and included in next year's assessment for maintenance of the Southfield Road business district. This is a policy decision of Council.

In answer to an inquiry, Spallasso stated that the Village initiated a three-year contract in the interest of receiving better unit prices.

Sharon Tischler of 21415 Virmar Court questioned whether the Village can get out of its contract if the company does not perform adequately. Spallasso stated that the contract will be terminated if the contractor does not properly execute the contract.

Roll Call Vote:
Motion passed (7 – 0).

SET PUBLIC HEARING DATE OF MARCH 21, 2006 TO REVIEW COVENANT ALLIANCE CHURCH PARKING LOT

A public hearing was set for March 21, 2006 to review the Covenant Alliance Church proposal for site plan and special use approval for expansion and resurfacing of the existing parking lot at 15858 W. Thirteen Mile Road.

REVIEW AND CONSIDER REMOVING PUBLIC TELEPHONE AT BEVERLY PARK

Rijnovean clarified that it is her intent to explore alternatives to the pay phone in the park such as a wireless emergency call box. She requested a review of the two pay phones provided by the Village, one at the park and the other in the Village municipal building. The cost of the pay phones are \$600 per year for each location. The pay phone in the Village hall lobby has been removed because it received little use.

There are four options with respect to the phone in Beverly Park: 1) retain the SBC coin phone; 2) install a code blue emergency phone; 3) install a wireless emergency call box; or 4) have no phone.

Rijnovean reported that the monthly fee for the SBC coin phone is projected to increase by 50% in 2006 to \$75/month or \$900/year, and SBC plans to eliminate coin operated telephone service in the future.

The code blue emergency phone operates with a hard-wired system. Lifting the receiver puts the person immediately in touch with public safety dispatch. There is a \$12 monthly fee for the line, and an installation cost of \$2,275.00. The Village would recover the code blue installation cost in three years. If the savings from the lobby phone is considered, the cost would be recovered in 16 months.

The wireless emergency call box is solar powered. The caller presses a button to speak to a dispatcher. The DPW frequency could be used; however, this is the backup frequency for public safety. The license application for an additional frequency is \$450, and the cost of installation is \$3,000 with no recurring fee. The Village would recover the cost in three years and four months or two years if the phone lobby savings is considered.

The use of the phone in the park for emergency calls was considered. Public Safety Director Woodard stated that phone in the park dialed 9-1-1 eleven times during 2005, and the calls were all hang-ups. The only two known medical emergencies that occurred in the park in 2005 were called in with cell phones. Woodard reported that there were 100 police incidents in the park during that year. He explained that an officer stopping by to check the security of the park, suspicious vehicles/people warrant a call for service.

Pfeifer stated that Beverly Park is well used, and the pay phone is a convenience for those who use the park. Not everyone carries cell phones, and children may use that phone to call home. She questioned the number of phone calls made from the pay phone in Beverly Park. In answer to an inquiry, it was stated that SBC repairs vandalism and keeps the park phone in working order at no extra cost.

Rijnovean provided statistics resulting from a survey conducted to determine whether surrounding communities provide pay phones in their parks. The results indicate that many area communities do not provide phones in their parks.

Koss thought that the Village should leave the pay phone in the park at this point in time because it is a safety issue and the cost is nominal. There may be future changes that warrant revisiting this topic.

Pat Greening, Parks and Recreation Board chairperson, views the phone in the park as insurance rather than a convenience. Children and parents feel comfortable having a phone available in the event that it is needed. Greening stated that she has received numerous emails from people who are opposed to eliminating the pay phone in the park.

Rijnovean stated that the Code Blue phone is hard-wired and can be easily used by a child. She thinks this is safer and easier for children to call for emergency purposes.

Walsh recapped some of the issues raised in terms of safety and actual use of the pay phone. She suggested that this be a topic of discussion at a budget session.

Pasioka referred to a memo dated September 30, 2005 containing usage data from SBC on the pay phone in Beverly Park and stating that its average use is one call every five days. Although minimal, it demonstrates that there are other than emergency calls that take place on that phone.

Ed Pugh proposed that the Village should have a working phone in the park until the situation changes in terms of SBC eliminating coin operated phones or a technology change that may offer a cost saving solution.

Bunker Kelly commented that it appears that the pay phone in the park is not being used for safety reasons but for convenience purposes. He does not think the use of the phone warrants the yearly expenditure for the Village. Kelly made comments related to personal responsibility in terms of supervising children. He suggested that the Parks and Recreation Board collect private funds for this expense.

Janet Mooney stated that every parent she has spoken with about this issue is outraged at the thought of the phone being removed.

Motion by Rijnovean, second by Burry, to authorization administration to have a code blue phone installed in the Beverly Park pavilion in lieu of the SBC pay phone.

Roll Call Vote:

Pfeifer	- no
Rijnovean	- yes
Taylor	- no
Walsh	- yes
Woodrow	- no
Burry	- yes
Koss	- no

Motion failed (4 – 3).

PROCLAMATION FOR JONATHON STIVERS

Council president Taylor will be presenting a copy of this Resolution of Recognition to Jonathon Stivers at Temple Beth El on March 16, 2006.

Motion by Koss, second by Pfeifer, that Council adopt the following resolution:

VILLAGE OF BEVERLY HILLS
Resolution of Recognition
Groves High School *Honor Alum* Award

- WHEREAS Jonathan N. Stivers, a member of Groves High School class of 1992 has been selected as the 20th recipient to receive the school's annual distinguished Honor Alumni Award; and
- WHEREAS Not only did he participate in debate and forensics during his years at Groves, but he also served as Assistant Debate Coach and Judge while maintaining a full class schedule during college; additionally he was also a two year starter on the football team and a member of the wrestling team; and he graduated from Michigan State University's *James Madison College* in 1996; and
- WHEREAS He began his political career as a coordinator for David Bonior's Congressional campaign; and he then worked as a legislative correspondent and staff assistant in the Office of Congressman Bonior; and
- WHEREAS He moved to Washington D.C. to continue work for Congressman Bonior; and in 2000 he began working as a legislative director and press secretary for House of Representatives Nancy Pelosi; and
- WHEREAS He wrote and won passage of two amendments on the House floor, the first increased funding for the US AID's bilateral AIDS program and the Global Fund to fight AIDS, tuberculosis, and malaria, and the second increased funding for the Heavily Indebted Poor Countries Initiative (HIPC) that provides debt relief to the poor countries; and
- WHEREAS He met with Israeli ministers of defense and finance to discuss an emergency supplemental appropriations package for Israel that was under consideration in Congress; and
- WHEREAS He was invited, in May of 2002, to speak at the "National Congress for Peace and Society" conference which was organized by many civil society and major human rights networks in order to promote peaceful negotiation and respect for human rights in the armed conflict in Columbia; and
- WHEREAS In 2003 he became the Advisor to House Minority Leader Nancy Pelosi's Office where, among many other duties, he serves as foreign policy advisor responsible for legislative issues in the House International Relations Committee; and
- WHEREAS He was accepted to The George Washington University's Elliot School of International Affairs for his Masters; and
- WHEREAS He met with His Holiness the Dalai Lama to discuss the status of negotiations with the Chinese government; and he met with ministers of the Tibetan government in exile; and
- WHEREAS Jonathan Stivers has used his advocacy and research skills to play Instrumental roles in key domestic and foreign policy issues that have made a difference in quality of life issues for many peoples.

NOW, THEREFORE, BE IT RESOLVED THAT the Village of Beverly Hills in Michigan congratulates Jonathan N. Stivers for receiving this special Honor and expresses its appreciation for his outstanding contributions to society.

Motion passed (7 - 0).

REVIEW AND CONSIDER BIRMINGHAM PATRIOTS YOUTH FOOTBALL PRACTICE AT BEVERLY PARK

The Parks and Recreation Board received a presentation at its last meeting and recommended approval of a request from Carl Pendracki for use of Beverly Park as a practice site for the Birmingham Patriots youth football league from August 23 until mid-October, Tuesdays through Fridays from 5:30 to 7 p.m.

Rijnovean asked several questions regarding this use of the park. She asked if practice equipment will be left at the park, and whether the football practice use will require any additional maintenance of the park.

Pasieka responded that he assumes that the team will be bringing portable equipment to practices in the park. The Village will accept no responsibility for their equipment. The proposed practice area is west of the sled hill and is generally used for cross country in the fall and sledding in the winter. He sees no problems as far as maintenance requirements.

Rijnovean reported on research she did indicating that surrounding communities are charging fees for use of their parks by organized leagues. She is not suggesting that the Birmingham Patriots be charged to use the park for their practice if there is no maintenance involved. However, Rijnovean would like the Parks and Recreation Board to consider charging the other organized teams that use the park extensively. To ask residents to contribute money at the expense of organized teams is not appropriate in her opinion. Rijnovean hopes that the football league will take some responsibility if their practice involves extra maintenance of the grass.

Considering that this is a public park, Walsh did not think that the Village would preclude an organization such as this football league from using the park for their purposes. She would like to know more about whether there will be maintenance required from this use. Charging a fee for regular use of the park by leagues has been brought up before. Council has asked the Village Attorney whether park deed restrictions would preclude the Village from asking for fees from people who use the park for specific activities.

Attorney Ryan stated that Beverly Park is a public park. The Village cannot charge for use of the park, but organizations can make donations.

Walsh expressed a concern about scheduling of football practices and whether they would interfere with the cross country team's schedule. She asked to receive a schedule for park use.

Pfeifer questioned the language in the hold harmless agreement. Ryan indicated that it was noted in the meeting minutes that the Village would be named added party insured on the League's insurance as a condition of its use of the park. Ryan stated that the Village is

providing the land for practices. Beverly Hills is not part of the organization and has nothing to do with the league or the coaches.

Motion by Rijnovean, second by Koss, that the Village of Beverly Hills Council authorize the Birmingham Patriots Youth Football League to use Beverly Park as a practice area from August 23 through mid-October on Tuesdays through Fridays from 5:00 p.m. to 7:00 p.m. subject to the organization providing the Village with the requisite liability insurance.

Walsh commented on the Beverly Park usage for this period of time based on a schedule she received from administration.

Roll Call Vote:

Motion passed (7 – 0).

REPORTS – MANAGER

Spallasso reported that there will be a special meeting of the Village Council on Thursday, March 9, 2006 at 6:00 p.m. to review the draft 2006/07 proposed budget. The Finance Committee will meet on Tuesday, March 14 at 7:00 p.m. in the Council chamber. The date to open sealed bids on the shared parking lot will be March 27, 2006 at 3:00 p.m.

Koss asked Township Clerk Sharon Tischler to inform the residents of the dates for the Southfield Township Board of Review. Tischler stated that the Board of Review will meet on March 13-15. Residents' calls for an appointment are directed to Oakland County.

COUNCIL

Woodrow stated that it has been brought to his attention that Mr. Spallasso's contract as Village Manager is up for review and renewal shortly. The Personnel Committee of Council should schedule a meeting for this purpose.

Taylor commented that the Personnel Committee met today prior to the Council meeting, and it will bring a recommendation to the Council as a whole. Woodrow suggested that all Council members receive advance notification of these committee meetings so that they can provide input.

Woodrow understands that administration has been spending a large amount of time fulfilling requests from certain members of Council to prepare reports and compile information. He suggested that thought be given to hiring a clerical person to help relieve the staff of some of this duty because the Village is spending a considerable amount of money having senior staff members fulfill these requests from Council.

Walsh had a question regarding the Open Meetings Act as it relates to the Personnel Committee meeting that took place tonight to discuss the Village Manager Contract. She questioned whether these meetings have to be posted or whether it is considered a closed meeting.

Ryan responded that most of the Village’s subcommittee meetings are open meetings. The first meeting of the Personnel Committee held tonight was for discussion purposes with no action taken. If there are subsequent meetings with action taken or direction given, they will be posted and open to the public.

Walsh commented that Council set a public hearing for the Covenant Alliance Church parking lot expansion proposal for March 21, 2006. The Planning Board has discussed this proposal and forwarded a recommendation to Council. Walsh expressed concern that this item was passed on to Council when there are certain matters that have not been fully addressed. She outlined some of the outstanding issues.

Rijnovean concurred that there are unanswered issues relative to the Covenant Alliance Church site plan for parking lot improvements with respect to drainage and traffic flow.

Koss stated that a Council budget meeting is scheduled for Thursday, March 9 at 6 p.m. in the Village Council chamber. The topic will be the Public Safety Department budget. The Southfield Township Board will be meeting on Tuesday, March 14 at 7:30 p.m.. The Beverly Hills Finance Committee will meet on March 14 at 7:00 p.m. in the Village municipal building. The Library Board will meet at Baldwin Library at 7:30 p.m. on March 20.

Koss encouraged everyone to attend a Finance Committee meeting. There are qualified people serving on the committee who have interest and expertise in different areas that effect the Village.

Pfeifer announced that the Birmingham Area Cable Board will meet on Wednesday, March 15 at 7:45 a.m.

Taylor stated that he was recently appointed by Judge Stephen Cooper of the 46th District Court to a committee that is organizing a benefit for the “Recovery Court” program. The “Taste of Michigan’s Finest” event will include a strolling buffet and fashion show to be held on April 27, 2006 at 6:00 p.m. One hundred percent of the proceeds will go to benefit the Recovery Court in Oakland County, which works intensely with local citizens in overcoming their addictions to alcohol and other drugs utilizing the successful drug court model. Taylor can be contacted for further information.

Motion by Pfeifer, second by Rijnovean, to adjourn the meeting at 9:20 p.m.

Motion passed (7 – 0).

Dave Taylor
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary