

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

Absent: Woodrow

Also Present: Village Manager, Spallasso  
Village Clerk, Marshall  
Finance Director, Wiszowaty  
Director of Public Safety, Woodard  
Public Services Director, Meszler  
Building Official, Byrwa  
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. 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 (6 – 0).

**PUBLIC COMMENTS**

Chris Vartanian of 30055 Fox Run related that his adjacent neighbor recently removed shrubbery between their back yards before he could have the land surveyed to determine on whose property the bushes were located. Vartanian lives with his elderly parents who are upset by the removal of the foliage. He asked what can be done about this incident.

Village Attorney Ryan responded that this unfortunate occurrence appears to be a boundary dispute and a civil matter between the Vartanians and the neighbor. If it can be determined that the shrubs were damaged and taken away without authority, the law may provide for damages for this type of offense.

Bob Walsh of 20655 Smallwood Court provided background on volunteer appreciation dinners that have occurred in previous years. He referred to comments made by an individual at the June 6, 2006 Council meeting regarding the volunteer appreciation dinner and suggested that people come to the podium with facts and not a personal agenda.

Bill Gold of 31850 Westlady commented that he watches municipal meetings on cable television and enjoys the debates. He admires Council members for their selflessness, hard work and their wisdom in running the Village. Gold expressed the view that campaigning by members of Council during a meeting sets an unfavorable precedent and opens the door for political campaigning to take place during a time that should be used for Village business. He understands that this is allowed under the First Amendment, but sitting members should discourage political campaigning so that Council can stick to the business of running the Village.

Doyle Downey of 30865 Lincolnshire West directed several comments to the Council as a whole relative to Council protocol and decorum. He suggested that there are times when people may come forward and speak about a political campaign, but it has been highly reinforced in the past that members of Council would restrain from doing this. Downey encouraged respect for citizens and for Village administration.

**DISCUSSION ITEM – SOUTHFIELD COMMUNITY FOUNDATION**

Warren Goodell, Executive Director of the Southfield Community Foundation presented an overview of community foundations as an option for building community and enhancing the quality of life in a community. He talked about how community foundations can serve individuals, corporations, foundations, municipalities and school districts in ways a volunteer board of trustees determines is most appropriate. Community foundations connect people who care with causes that matter to enhance the quality of life for those who live and work in the community.

Goodell talked about the tools available to serve the community. A foundation makes grants to the community through the earnings of its permanent funds. It provides philanthropic tools for donors, connects people with causes, and provides a focal point for collaborations. Goodell outlined the foundation's investment and spending policies and control through a Board of Trustees, committees and advisors.

If Beverly Hills is interested in the community foundation type of organization it has a number of options. It can create a new community foundation, which is not financially viable and difficult due to regulations and minimal parameters required by the State of Michigan. The second option is to create a supporting organization of an existing community foundation, which also involves a lot of paperwork and difficulties. One of the easiest ways is to create a donor advised fund(s) at an existing community foundation. The Village would have the leverage and benefits of a community foundation but would be working through an established foundation instead of going through the expense of setting up and administering its own foundation.

Goodell related that the Southfield Community Foundation established in 1989 serves Southfield and Lathrup Village and has about \$2 million dollars in permanent funds; it has two staff members; it makes about \$60,000 worth of grants available. A community foundation is a tool that can be used to accomplish most anything that a group, an individual, a corporation, a municipality wants to accomplish in terms of philanthropy within the community. The Community Foundation has an advantage over other 501c(3) charitable organizations in that all gifts to its permanent funds qualify for a Michigan Tax Credit.

The Southfield Community Foundation Board would be willing to discuss requests to be included within its service area if Beverly Hills is interested in exploring ways that our communities can work together. Goodell would support a discussion of that within his board if any of the Southfield Township communities are interested in officially joining their foundation.

Goodell addressed questions from Council members on the aspect of Village of Beverly Hills involvement with the Southfield Community Foundation. He indicated that he would come back at any time to talk about specific ideas or options in terms of community foundations whether it is working through the Southfield Community Foundation or the Community Foundation of Southeast Michigan. Taylor thanked Goodell for his presentation.

Taylor took a moment to introduce new Village employee, Thomas Meszler, Director of Public Services for Beverly Hills.

### **CONSENT AGENDA**

Motion by Pfeifer, second by Burry, to approve the consent agenda as submitted.

- a. Review and consider approval of minutes of a regular Council meeting held on June 6, 2006.
- b. Review and file bills recapped as of Monday, June 12, 2006.

Motion passed (6 – 0).

### **BUSINESS AGENDA**

#### **REVIEW AND CONSIDER COVENANT ALLIANCE CHURCH PARKING AGREEMENT**

At its last meeting, Council tabled consideration of a joint parking agreement between Birmingham Public Schools and Covenant Alliance Church for the reasons that the document was not in recordable form and required further clarification in terms of rights and obligations of the School, the Church, and the Village. Special approval and site plan approval for increasing and improving the Church parking lot at 15858 W. 13 Mile Road was granted at the March 21, 2006 Council meeting. The Village Zoning Ordinance requires that a written agreement for joint use of the parking lot must be approved by the Village Attorney and the Village Council, filed, and made part of the application for a building permit.

A revised parking agreement was submitted to Council and reviewed by Village Attorney Tom Ryan, who indicated in his letter of June 15, 2006 that the Parking Agreement has been prepared pursuant to Village Ordinance 22.28.010(h) and comports to the requirements of the Village Ordinance. Ryan recommended Council approval of the Agreement.

Questions from Council on the Joint Parking Agreement were addressed by Spallasso and Ryan. Spallasso stated that drainage and runoff issues have been resolved. The parties agreed to provide a system that will discharge at an agricultural rate, which means no more or no less than what goes into the system currently. There is no need for an access easement because the drainage will be contained within the Church property with runoff directed towards 13 Mile Road. The current drainage plan is included with the drawings attached to the agreement for reciprocal use of parking facilities.

In response to an inquiry, Ryan stated that the arrangements wherein the School District is obligated to pay for and maintain the improvements will end on August 31, 2008. The ability of the parties to continue to use each others property is indicated in paragraph 3.3 of the

Agreement. The beneficial use of the parking is extended beyond August 31, 2008, but the financial obligation of the School District ends in August of 2008. The parties are indicating their intention to continue this parking arrangement in perpetuity because they have been good neighbors.

Motion by Walsh, second by Pfeifer, to approve the Covenant Alliance Church Agreement for Reciprocal Use of Parking Facilities between Birmingham Public Schools and Covenant Alliance Church and to authorize the Village Manager to sign the Agreement on behalf of the Village of Beverly Hills.

Roll Call Vote:

Motion passed (6 – 0).

### **REVIEW AND CONSIDER APPOINTMENTS OF VARIOUS BOARD MEMBERS**

Koss stated that Council received a memorandum from Village Clerk Marshall indicating that terms are expiring for various members of Village boards on June 30, 2006. It has been Council's policy to consider reappointment of members on the basis of a 70% minimum attendance requirement. There are individuals who have indicated a desire to be reappointed to the Cable Board, Finance Committee, Parks & Recreation Board, Planning Board, Retirement Board and Zoning Board of Appeals.

Koss has discussed these reappointments with some of the board chairpersons. There has been concern expressed relative to reappointment of two Finance Committee members who did not meet the 70% minimum attendance. Koss proposed that Council approve the reappointment of members whose terms are about to expire on all of the boards with the exception of the Finance Committee. She suggested that the Village accept applications for the two positions that will expire on the Finance Committee and invite the current members to reapply for those seats.

Burry reminded Council that a 70% attendance record is not the only requirement for reappointment to Boards. According to the Organizational Policies and Procedures Manual, there are five criteria for reappointments. Council should look at each criteria equally. Criteria (e) states the Council Personnel Committee should consider opening up opportunities for new people to serve. Burry contends that automatic reappointment of members who meet the minimum attendance requirement does not give new people an opportunity to serve on a board. He proposed that these positions be opened up for consideration of new applicants. Burry believes that many of the current board members do a good job, but routine reappointment does not provide an opportunity for new people, which is part of the policy for reappointment.

Koss understood the concern with opening board positions for new members. She related that each of the Village boards has had a new person assigned to it during the two years she has been a member of Council.

Rijnovean stated that she has researched policies followed by other communities and found that members whose terms have expired and new applicants are considered equally for a position. She would like to see Beverly Hills do this.

Taylor commented that this was a topic of discussion at the last meeting at which time Council voted not to require Board members to reapply for positions on a board when their terms expire.

Walsh agreed that Council voted not to amend the reappointment policy to mandate that members reapply for a board when their term expires. However, the current policy allows Council to consider opening up opportunities for new people to serve. Walsh expressed concern with reappointing board members with a 76 or 73 percent attendance and with people who serve on more than one Village board. She believes that these positions should be open to other people so they can learn about the workings of the Village and become better citizens. Walsh suggested that Council consider reappointments to each board individually rather than consider the reappointments en masse.

Pfeifer commented that it has been Council's past practice to continue with those members who wish to remain on a board in order to maintain continuity on the boards. There are members of Council who are placing all of the emphasis on the criteria to open up opportunities for new people to serve. These positions will expire on June 30, 2006. She suggested that now is not the time to change past practice.

Ryan stated that the reappointment policy is established. A motion set forth at the last meeting to change the policy failed. He suggested that Council proceed relative to the policy in existence.

Koss pointed out that a Personnel Committee meeting was not called to review reappointments and prepare a recommendation to Council. Burry suggested extending the terms of office for all members whose term are about to expire so that the Personnel Committee can meet and consider reappointments to boards and make a recommendation to Council.

Taylor remarked that all individuals who serve on Village boards and committees do so at the will of Council. He advocated Council coming together on whether the people who have met the criteria for reappointment will be allowed to continue their positions.

Doyle Downey of 30865 Lincolnshire commented on the importance of volunteers to the community and expressed the view that tonight's discussion has been disrespectful to the volunteers in this Village. He stated that Council can vote not to reappoint one or more members but should move forward and accept the people who have served the Village.

Ed Roberts, member of the Finance Committee, stated that he was not aware of the attendance policy. He mentioned that the Finance Committee members were appointed in June of 2005 but did not meet until December.

Toni Grinnan of 1 Stonehouse Lane stated that, as a former member of Council, she values the volunteer commitments made by people on Village boards. They serve without recognition or remuneration. Grinnan noted that four of the five criteria for reappointment either expressly or impliedly value and emphasize prior service on a board. To select one criteria that relates to adding new people is to overemphasize one of the five when four of the criteria value the fact that people gain experience on boards. Grinnan agrees that new blood is important, particularly at the Council table where turnover is most valuable. Village boards should include people with depth of experience and institutional memory. She urged Council to review the names before them for reappointment and act on them using all of the criteria.

Paul Kleppert of 20855 W. 14 Mile Road advised Council against jeopardizing the effectiveness of every standing committee without an idea of how to fix the problem. Council has commented on how difficult it is to recruit volunteers. He suggested that Council extend the current membership on these boards until it decides how to proceed.

Jon Oen of 32061 Verona Circle stated that he has served on the Zoning Board of Appeals for six years. Council will make an appointment tonight of the fifth new member on that Board since he has been a member. There is a reasonable turnover rate. Oen understands the desire for new people; however, members who have served for a number of years have a history and knowledge of the Village. It would be unfortunate for someone like that to leave the Board.

Tim Mercer of 17400 Locherbie commented that he had an application on file with the Village Clerk for a position on the Zoning Board of Appeals at a time when there was more than one application for a vacancy on that body. If Council is looking at opening up opportunities for new people to serve, they should know whether there are applications on file from people who want to serve on those boards. Mercer thinks that Council should be able to consider extenuating circumstances when referring to the criteria for reappointment.

Walsh supported action that would extend the terms of office of the board members who are up for reappointment so that the Personnel Committee can meet and make a recommendation to Council. Council has requested and received information from the Village Clerk verifying that there are applications on file for positions on Village boards. Walsh thought that Council has an obligation to make people appointed to boards aware of the criteria for service. She indicated that there have been exceptions made to the 70% attendance requirement in the past based on extenuating circumstances.

Motion by Koss, second by Rijnovean, that Council extend the terms of office to August 31, 2006 for individuals whose terms expire on June 30, 2006 as members of the Cable Board, Finance Committee, Parks and Recreation Board, Planning Board, Retirement Board and Zoning Board of Appeals.

Roll Call Vote:

Pfeifer - no  
Rijnovean - yes  
Taylor - yes  
Walsh - yes

Burry - yes  
Koss - yes

Motion passed (5 – 1).

**REVIEW AND CONSIDER SUBCOMMITTEE’S RECOMMENDATION TO FILL VACANCY ON THE ZONING BOARD OF APPEALS**

Walsh reported that a subcommittee comprised of Pfeifer, Taylor and herself met prior to tonight’s Council meeting to review applications and interview candidates for a position on the Zoning Board of Appeals. The three applicants were Tim Mercer, Michael Farris and Maureen Francis. They were all well qualified for the position. The subcommittee unanimously approved a motion to recommend the appointment of Tim Mercer to the ZBA for a term to expire on June 30, 2009.

Motion by Walsh, second by Pfeifer, to appoint Tim Mercer to the Zoning Board of Appeals for a term to expire on June 30, 2009.

Paul Kleppert of 20855 W. 14 Mile Road suggested that Council extend its gratitude to the two other applicants who filed for this position. Taylor responded that the subcommittee members did thank the other two highly qualified applicants for their interest and urged them to keep their applications active.

Village Attorney Ryan stated that he has reviewed the new Zoning Enabling Act, PA 110 of 2006, which will require one member of the Zoning Board of Appeals to be a member of the Planning Board.

Roll Call Vote:  
Motion passed (6 – 0).

Walsh thanked Maureen Francis and Michael Farris for their applications to serve on the Zoning Board of Appeals and encouraged them to continue to pursue a position on a Village board.

**REVIEW AND CONSIDER 2005/2006 FISCAL YEAR BUDGET AMENDMENTS**

Council considers amendments to the budget annually near the end of the fiscal year. The State Uniform Budgeting Act requires that Council reallocate budget appropriations in any department that exceeds the budget amount approved without changing the total budgeted amount. Proposed budget amendments also reflect transfers or reserves from the General Fund to other operating funds.

Council is in receipt of worksheets outlining adjustments needed to the 2005/06 adopted Village budgets for the General and Major Road Funds. Burry read the adjustments reflected in the document prepared by the Finance Director.

Motion by Burry, second by Pfeifer, to authorize Village Administration to transfer or reserve monies from the General Fund and Major Road Fund to other funds as noted in the memorandum from the Village Finance Director dated June 15, 2006.

Roll Call Vote:  
Motion passed (6 – 0).

A budget worksheet indicates the adjustments needed to the 2005/06 adopted Village budgets for the General Fund. These budget amendments will not only reflect estimated monies still to be expended in this fiscal year but also budgeted and reserved monies in balance sheet accounts or transfers to the Capital Project Fund and Local Street Fund because the expenses will not take place until after July 1, 2006.

Motion by Burry, second by Pfeifer, to amend the 2005/06 General Fund, Local Road Fund, Drug Law Enforcement Fund, Vacation Reserve Fund, and Sick Pay Fund Budgets as noted in the memorandum from the Finance Director dated June 15, 2006.

Questions from Council and the public regarding specific budget amendments were addressed by Wiszowaty and Spallasso.

Roll Call Vote:  
Motion passed (6 – 0).

*The 2005/06 Village Budget Amendment memo is on file at the Village offices for public review.*

**REVIEW AND AUTHORIZE DRAFT #5 OF THE VILLAGE MASTER PLAN TO BE DISSEMINATED TO ADJOINING COMMUNITIES AND OAKLAND COUNTY IN ACCORDANCE WITH THE MUNICIPAL PLANNING ACT**

Council is in receipt of Draft #5 of the Village Master Plan as prepared by the Planning Board and reviewed by Council at a joint meeting held on April 26, 2006. Council will consider action to authorize the dissemination of Draft #5 to adjoining communities and Oakland County in accordance with the Municipal Planning Act.

Walsh remarked that the Planning Board will be conducting a Neighborhood and Housing study that may be incorporated into the Master Plan upon its completion. She questioned the financial impact of adding this Chapter at a later date rather than holding off distribution and finalization of the Master Plan until the study is completed.

Ryan stated that the Planning Board and administration believe that Draft #5 of the Master Plan is sufficiently complete and should be forwarded to neighboring communities to start the review period. The Master Plan can be supplemented or tweaked after the comment period. If substantial changes are made, it can be sent out again for comment. Building Official Byrwa added that Council will be asked to pre-approve any additional expenditures related to the Master Plan.

Questions and comments from Walsh on several specific items in the Master Plan were addressed by Spallasso. It was indicated that traffic counts are being performed in the Village currently, and updated data will be available for inclusion into the Master Plan. Spallasso responded to inquiries about the use of dedicated millage approved by the voters in 1997 for

sewers and roads. He affirmed that the text is accurate as it appears in the Master Plan. Walsh indicated that there is concern in the community regarding funds allocated for road maintenance.

Walsh proposed that the following changes be made to Draft #5 before distribution: Page #11, correct to indicate that Orchard Villages is located *south* of 14 Mile; Page #34, second paragraph, line 5, add 'continue to' after 'The Village should'; Page #24, Walsh questioned whether a paragraph deleted by the Planning Board entitled "Monitor Traffic Flow" should be included.

Motion by Walsh, second by Rijnovean, that the Village of Beverly Hills Council authorize Draft #5 of the Master Plan with changes made this evening to be disseminated to adjoining communities and Oakland County in accordance with the Municipal Planning Act.

Roll Call Vote:  
Motion passed (6 – 0).

**ANNOUNCEMENT OF VACANCY ON CABLE BOARD**

Pfeifer made an announcement of a vacancy on the Birmingham Area Cable Board for a term to expire on June 30, 2008 and urged interested residents to make application to serve on this body. The deadline for accepting applications will be Thursday, July 13 at 4:30 p.m. A subcommittee consisting of Pfeifer as chairperson, Koss and Rijnovean will meet prior to the July 18 Council meeting at 7:00 p.m. to review applications and make a recommendation to Council.

**SECOND READING OF ORDINANCE 322 AMENDING CHAPTER 5 OF THE MUNICIPAL CODE REGARDING CONSTRUCTION, RECONSTRUCTION, REPAIR AND CLEANING OF SIDEWALKS**

Walsh read Ordinance No. 322 amending Ordinance 312 and Chapter 5, Section 5.05(b) of the Municipal Code, which would provide that it is the responsibility of abutting property owners to maintain and repair sidewalks. She remarked that it was brought to her attention that Council may want to discuss whether to consider changes to sections 5.05(e) Tree Roots and 5.05(f) Ice, Snow and Other Obstructions. There were no further changes suggested to the current sidewalk ordinance.

Pfeifer anticipated that there will be residents who experience a financial hardship in terms of repairing their sidewalk now that Council is placing the obligation back onto the residents. She proposed setting aside a portion of next year's Community Development Block Grant funds to assist residents with the cost of sidewalk repairs.

Spallasso related that there was a good number of property owners who qualified and received assistance through CDBG funds for sidewalk repairs during the Village's only sidewalk replacement program that took place from 1989-1992.

Doyle Downey of 30865 Lincolnshire West stated that every Council is faced with unique situations. He commented on the liability that rests with a municipality in the event of sidewalk litigation and maintained that sidewalks are on Village property.

Paul Kleppert of 20855 W. 14 Mile Road asked whether the Village would continue to provide the service of grinding stub toes where one area of a sidewalk square is higher than the one next to it. Spallasso responded that the Village will respond to calls from residents who point out this condition. In addition, the DPW will keep an eye on stub toe situations, which are liability issues to be avoided.

Motion by Walsh, second by Rijnovean, to adopt Ordinance No. 322, An Ordinance to Amend Ordinance No. 312 and Chapter 5, Section 5.05(b) of the Village of Beverly Hills Municipal Code Relating to Construction, Reconstruction, Repair and Cleaning of Sidewalks.

Roll Call Vote:  
Motion passed (6 – 0).

*Ordinance No. 322 is available for public review at the Village Office.*

**REVIEW AND CONSIDER PURCHASE OF 800 MHZ RADIO PURCHASE FOR PUBLIC SAFETY DEPARTMENT**

In August of 2005, the Village Council authorized the Public Safety Department to participate in the Oakland County 800 MHz Digital Radio Project, which will improve each agency's radio performance and provide for integrated communications between multiple agencies at large-scale incidents. Implementation of the system is set to begin in August, 2006.

The radio system vendor, M/A-Com will furnish 17 mobile radios, 27 portable radios, and an updated dispatch console at no cost to the local jurisdiction. The major capital funding for the project is provided through a 911 telephone surcharge paid by residential and business customers in Oakland County. Additional accessory equipment to support the new hardware and implementation of the system are the responsibility of the local jurisdiction. The Open Sky accessories proposed for this purchase will support the M/A-Com P-7200 portable radios and include:

27 Portable radio batteries @ \$65	\$1,755.00
1 Battery Charger/Conditioner @ \$660	660.00
27 Lapel Microphones @ \$110	<u>2,970.00</u>
	\$5,385.00

The radio system was originally set to be implemented in January 2006, so the FY 2005/06 Budget contains funds for the purchase of this radio accessories. Although implementation has now been delayed into FY 2006/07, no local capital funding is provided in the next budget due to the unforeseen delay in startup of the project. The accessories detailed can be purchased with the funding level from the 2005/06 budget (\$10,160). The bidding process was conducted by Oakland County and conforms with Chapter 12 of the Village Charter.

Motion by Rijnovean, second by Koss, that the Village Council approve the purchase of the specified radio system accessories (radio batteries, radio lapel microphones and battery conditioner) from Cynergy Wireless Products of Troy in a total amount of \$5,385. Funds are available in Account #101-900-981, Capital Purchases: Radio Equipment.

Questions from Council were addressed by Director Woodard.

Roll Call Vote:  
Motion passed (6 – 0).

**REVIEW AND CONSIDER \$1,800 CONTRIBUTION TO CITY OF BIRMINGHAM FOR ANNUAL FIREWORKS DISPLAY ON JULY 3, 2006**

The Village is in receipt of an annual request from the City of Birmingham Fireworks Committee for support of the fireworks display to be held on July 3, 2006 (with a rain date of July 5, 2006) at Lincoln Hills Golf Course. The 2006/07 budget contains \$1,800 in account #101-747-893-00 (Community Action Programs) earmarked for contribution to Birmingham Fireworks.

Koss remarked that she has heard from many residents who would like the Village Council to contribute towards the Birmingham Fireworks.

Motion by Koss, second by Pfeifer, to approve the contribution of \$1,800 to the City of Birmingham for the July 3, 2006 annual fireworks display.

Rijnovean related that she has received equal pro and con emails regarding the Village's contribution to the Birmingham fireworks. She learned from the Birmingham Fire Chief that no other municipalities in the vicinity contribute to the fireworks display. At a time when the Village is trying to control spending and live within its revenue, Rijnovean proposed that the Village vote against the motion to contribute to the fireworks display. She suggested that residents who attend be encouraged to make a contribution to the Birmingham fireworks. The Village's cost to provide Public Safety Officers for crowd control during the event is \$1,500.

Pfeifer commented that this is a token contribution provided as an offer of goodwill to our neighboring community. Beverly Hills contributes because many residents attend and enjoy the fireworks.

Walsh stated that she asked the opinion of some of the more conservative elements of the community, who indicated their support of this expenditure. She cited the significance of patriotism, the popularity of the event, and the relatively small expenditure.

Taylor stated that a number of Village residents can view one of the best fireworks displays in the area from their backyards.

Toni Grinnan of 1 Stonehouse Lane urged Council to continue to be a good neighbor and participate in this wonderful family event that the community has enjoyed for many years. She

suggested that the reason that the Village has contributed to this event is because it takes place on the border between the two communities.

Paul Kleppert of 20855 W. 14 Mile Road stated that he has enjoyed the view of the fireworks from his home for many years. He mentioned that contributions towards the \$25,000 expense are made by institutions, businesses and private citizens. Kleppert observed that other communities appropriate funds to support the 4<sup>th</sup> of July. He urged the Village to be a good neighbor and support this activity.

Roll Call Vote:

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

Motion passed (5 – 1).

**REVIEW AND CONSIDER PURCHASE OF HURST RESCUE EQUIPMENT FOR PUBLIC SAFETY DEPARTMENT**

The Public Safety Department maintains and utilizes Hurst Jaws-of-Life extrication equipment in order to respond to vehicle crashes that require forcible occupant rescue. The equipment includes a hydraulic power pack, spreaders, cutters, and ram units. On May 31, the mechanism malfunctioned at an accident scene. Officers were able to manually operate the Jaws-of-Life.

A service technician performed tests on the tool the following day and determined that a defective valve function prevented the tool from operating properly. Further checks indicated that there are no parts available to make repairs to the unit. The tool had been purchased new in 1984.

Apollo Fire Equipment of Romeo provided a quote for the replacement of this tool with a Hurst JL-30C Ram at a price of \$2,600. Apollo Fire Equipment is the sole source provider of Hurst Rescue tools in Michigan. There were no specifically designated capital funds in the 2005/06 budget for replacement of this defective unit, and there are not sufficient funds remaining in the General Fire Equipment line item for this purchase.

In October of 2005, Village Council approved \$3800 for the purchase of four MSA replacement air cylinders. Prior to this purchase, research indicated that there were future non-support issues with the equipment manufacturer. The Village has applied for two grants that would completely upgrade its Self Contained Breathing Apparatus system. The funds designated for the original purchase of replacement SCBA tanks have not been expended. If these funds are re-designated within the capital account, funding for the needed Hurst equipment could be achieved.

It is the staff recommendation that Council rescind its earlier purchase action of October 18, 2005 and replace \$3,800 in Account #101-900-980. It is also recommended that Council approve the purchase of one replacement Hurst Ram unit from the same account. With an initial reserve of \$4,000 for the planned SCBA purchase, the alternative Hurst purchase will leave this line item with \$1,400 unexpended.

Rijnovean provided further information regarding matching grant money, the likelihood of receiving the grant, and status of the Department's current SCBA equipment.

Motion by Rijnovean, second by Pfeifer, that the Village Council rescind its October 18, 2005 decision to purchase four MSA SCBA cylinders from Apollo Fire Equipment Company in the amount of \$3,800; funds have been designated in Account #101-900-980, Capital Purchases; PS Equipment.

Roll Call Vote:  
Motion passed (6 – 0).

Motion by Rijnovean, second by Walsh, that Village Council approve the purchase of one Hurst JL-30C Ram extrication unit from Apollo Fire Equipment Company in the amount of \$2,600. Funds are available in Account #101-900-980, Capital Purchases; PS Equipment.

Questions and comments from council were addressed by Director Woodard.

Roll Call Vote:  
Motion passed (6 – 0).

### **REPORTS – MANAGER**

Spallasso announced that an informational meeting for residents along the route of the last phase (Kinross-Bates) of the Acacia Park Relief Drain will not be held until mid-September for the reason that construction will not begin until late fall or early winter. Meeting notices will be sent out to residents.

Administration has received notice from the Public Safety Command Officers Union that they have filed for arbitration.

Spallasso reported that the Village has not received any communication from the Department of Environmental Quality regarding the status of their review and tests results on the soil and water samples taken in the municipal parking lot site. The Village submitted a letter to the district manager of the DEQ proposing a plan for removal of contaminated soil. The Village has located a landfill that will accept the soil. Further sampling and testing would be done to insure that the removal of contamination is complete prior to the paving of the parking lot. Administration is hopeful that the DEQ will agree with this plan so that project can resume.

Spallasso addressed questions from Council: 1) There is no Super Fund available that would assist with the unanticipated parking lot expenditure; 2) Martha Haas of 19321 Devonshire,

who came to the last Council meeting with a complaint about her water bill did not return to the Village office. Spallasso indicated that Mr. and Mrs. Haas spent about an hour with Bob Wiszowaty prior to the last Council meeting and received an explanation on their minimum water bill. Walsh added that Council approves the minimum bill policy when it sets the water rates annually; 3) Angela Throop of 17004 Madoline attended the last Council meeting and outlined property damage that occurred on her lot during the water main replacement project last summer. Spallasso reported that the damage caused by the contractor will be repaired by that contractor.

Walsh thanked Spallasso for providing Council with an organization chart for the Village. She asked that names be added to the chart. She acknowledged that Council has received job descriptions for the positions that Spallasso intends to combine. Walsh recalled asking at the last Council meeting that the proposal to combine the Village Clerk and Assistant Manager positions be placed on the agenda for discussion at tonight's meeting. The Village attorney had indicated that Council could become involved as a policy matter in deciding whether it wants to combine certain administrative offices.

Walsh and Rijnovean requested that this be an agenda item for the next Council meeting. It was determined that discussion of combining administrative positions would be placed on the agenda of the Special Council meeting scheduled for Thursday, June 29.

### **COUNCIL**

Burry requested that the Personnel Committee meet at 6 p.m. prior to the Special Council meeting scheduled for Thursday, June 29 at 6:30 p.m. The agenda item will be to discuss appointments to various Village boards and prepare a recommendation to Council.

Walsh requested that an item be placed on the agenda of the July 5 Council meeting, "Discussion of Attorney Contracts". Burry supported this request.

Rijnovean mentioned that the Observer & Eccentric newspaper no longer covers the Village and asked that administration contact the Eccentric management regarding this development. Rijnovean also suggested that Beverly Hills consider taking its business to the Birmingham/Bloomfield Eagle newspaper. Spallasso will contact the Eccentric newspaper editor.

Pfeifer urged Council members to review the letter included in their information packet from Baldwin Public Library together with current Beverly Hills statistics. Pfeifer attended a meeting of the Birmingham Area Senior Coordinating Council (BASCC) Board today. She reported that the County and BASCC organization are mobilizing to urge the federal government to retain Community Development Block Grant funds and would welcome support from Village Council in this endeavor.

Pfeifer commented on the new traffic signals that are being installed throughout the County and the country. She warned motorists to be cautious in terms of the flashing yellow left hand turn signal. Pfeifer informed the public that Birmingham Public Schools operates a print shop

in the administration building that serves the public. Pfeifer recognized and thanked Ellen Marshall for the effort she put into the Volunteer Recognition Dinner last night.

Spallasso mentioned that rising oil prices are going to effect asphalt costs. He informed Council that administration will accelerate the process of putting together contract documents and specifications for the road resurfacing program before costs increase substantially in August.

Taylor announced that Council will hold a special meeting on Thursday, June 29 at 6:30 p.m. to discuss Village and Council goals and objectives. Taylor also thanked Ellen Marshall and other staff members for putting together a nice event at the park pavilion last night.

Motion by Pfeifer, second by Koss, to adjourn the meeting at 11:16 p.m.

Motion passed (6 – 0).

**Dave Taylor**  
**Council President**

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

**Susan Bernard**  
**Recording Secretary**