

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

Absent: Burry and Rijnovean

Also Present: Assistant Manager/Clerk, Marshall
Director of Public Safety, Woodard
Building Official, Byrwa
Public Services Director, Meszler

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.

Taylor stated that Manager Renzo Spallasso was not present tonight because he was home recovering from surgery; Renzo is doing well and will return soon. Taylor offered Council's condolences to Pamela Rijnovean and her family on the passing of her father. He asked everyone to observe a moment of silence in his memory. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Pfeifer, second by Walsh, to approve the agenda as published.

Motion passed (5 – 0).

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court has observed infrastructure being installed along Thirteen Mile Road by SBC/AT&T and inquired as to the disposition of the equipment being left behind.

CONSENT AGENDA

Motion by Pfeifer, second by Koss, to approve the consent agenda as published.

- a. Review and consider minutes of a regular Council meeting held August 1, 2006.
- b. Review and file bills recapped as of Monday, August 7, 2006.

Motion passed (5 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER SUBCOMMITTEE RECOMMENDATION TO FILL TWO VACANCIES ON THE FINANCE COMMITTEE

Walsh reported that a committee consisting of herself, Koss and Woodrow met this evening to review and discuss applications received to fill two vacancies on the Village Finance Committee. The individuals who submitted applications were Neil Hitz, Don MacDonald, Kurt Jones, and Patrick Westerlund. Those candidates who were present were given an opportunity to comment on their qualifications for the position. The subcommittee recommended the appointment of two candidates to serve terms on the Finance Committee expiring on June 30, 2009. The

subcommittee voted unanimously to recommend the appointment of Neil Hitz; Patrick Westerlund was recommended for an appointment by a 2-1 vote.

Motion by Walsh, second by Pfeifer, to appoint Neil Hitz to the Village Finance Committee for a term to expire on June 30, 2009.

Pfeifer expressed the view that Neil Hitz will be well served on this body because of his background as a member of the previous Finance Committee and his involvement with the Village's Strategic Planning Development Committee.

Taylor recognized the two Finance Committee members who served previously but who did not reapply for the position.

Walsh thought that Hitz was a good candidate for the Finance Committee because of his diverse background serving with large and small organizations. He has experience in marketing, planning, grant writing, and management activities.

Roll Call Vote:
Motion passed (5 – 0).

Motion by Walsh, second by Pfeifer, to appoint Patrick Westerlund to the Village Finance Committee for a term to expire on June 30, 2009.

Woodrow related that one of the applicants present at the subcommittee meeting mentioned that individuals who are generally appointed to boards and committees are those who have been involved in other Village activities and that it is difficult for a new person to be appointed. Woodrow understands this viewpoint but believes that, while people who have been involved in other community activities have been appointed to serve on boards, this is not a requirement for an appointment. It is a means for Council members to become acquainted with the person and his or her effectiveness.

Walsh remarked that she will not vote in favor of appointing Patrick Westerlund to the Finance Committee for the reason that he was previously engaged by the Village to do design work on the park pavilion. She would consider it a conflict of interest if there were a possibility that he could do further work for the Village. Walsh stated that she is not a proponent of continuing to appoint people to positions because they are known. She outlined the background and qualifications of Kurt Jones and thinks he would be a good addition to the Finance Committee. Walsh thought that there was a need to provide opportunities for new input and perspectives on Village boards.

Koss mentioned that Patrick Westerlund did contract work on the park pavilion for the Village and also did pro bono work in connection with park improvements. Westerlund indicated at the subcommittee meeting that he would pass over an opportunity to do architectural work for the Village while he was a member of the Finance Committee. Koss thought that Neil Hitz and Patrick Westerlund would be a good mix in terms of a long-term resident of the Village and an individual who has lived in Beverly Hills for seven years.

Walsh, Woodrow and Pfeifer offered additional points to reinforce their choice for a candidate to fill this vacancy on the Finance Committee.

Roll Call Vote:

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

Motion passed (4 – 1).

REVIEW AND CONSIDER APPOINTING REPRESENTATIVE AND ALTERNATE TO THE MICHIGAN MUNICIPAL LEAGUE ANNUAL BUSINESS MEETING

Pfeifer stated that the Michigan Municipal League Annual Convention will be taking place this year in Marquette on September 27-29. An inquiry as to the availability of Council members established that Pfeifer was the only member who may be able to attend the business meeting as a representative of the Village. Pfeifer volunteered to attend; there will be no alternate appointment.

Motion by Woodrow, second by Koss, to appoint Dorothy Pfeifer as the official representative of the Village of Beverly Hills to attend the Michigan Municipal League annual business meeting to be held September 27-29, 2006 at the Holiday Inn in Marquette, Michigan.

Walsh mentioned that there is a discount offered on registration for new attendees and for individuals who register before August 22. She noted the selection of useful pre-convention training seminars being offered by the MML.

Pfeifer remarked that she will prepare a report for Council on the workshops she attends at the conference. In answer to an inquiry, Pfeifer said that she will bring the Village flag to the event.

Roll Call Vote:

Motion passed (5 – 0).

REVIEW AND CONSIDER ANNUAL FUNDING REQUEST AND CONTRACT FOR BIRMINGHAM YOUTH ASSISTANCE FOR FY 2006/07

Koss introduced Jim VanDyke representing the Birmingham Youth Assistance Committee. He is a volunteer with BYA who has served in many capacities and is currently functioning as Treasurer. VanDyke introduced Jennifer Robertson, caseworker for BYA, and outlined her credentials.

VanDyke talked about the mission of the Birmingham Youth Assistance and how it functions. The mission of the organization is the prevention and reduction of juvenile delinquency, child abuse, and child neglect. BYA accomplishes that mission through a unique partnership with municipalities such as Beverly Hills and its Public Safety Department, the Birmingham Public

School District, the Family Division of the Oakland County Probate and Circuit Courts, and volunteers. Birmingham Youth Assistance is one of 26 youth assistance organizations throughout Oakland County. Those youth assistance agencies are supported by 80 different municipalities. BYA started in 1962, and Beverly Hills has been a sponsor and partner since 1969.

BYAC accomplishes its mission through its core programs, which VanDyke listed and described to include fun programs, camp scholarships, family education, and the youth and recognition dinner. VanDyke remarked that the most unique aspect of BYA is the service provided by case worker Jennifer Robertson in terms of prevention and diversion from the court system, providing children who are first time offenders with an alternative to official court involvement.

BYAC solicits support from each municipality relative to the operations of the office. The County provides BYA with a case worker; the Birmingham School District provides BYA with office space at Midvale. Other in-kind support is received in terms of meetings rooms and a venue for the annual dog show. BYAC receives funding for the balance of its costs from the Village of Beverly Hills, Birmingham, Bingham Farms and Franklin.

VanDyke thanked Council for its past support of Birmingham Youth Assistance and requested \$4,251.00 for funding in 2006-07. A contract between the Village of Beverly Hills and the Birmingham Youth Assistance Committee for services provided has been submitted to Council for consideration. It was noted that Village Attorney Ryan has reviewed the contract.

VanDyke addressed questions from members of Council and the public. He provided information on how many Beverly Hills residents are served by Birmingham Youth Assistance in comparison with the other communities involved. For the calendar year 2005, BYA served a total of 86 children and their families, 22 of which were from Beverly Hills, or 26 percent. There were 62 new referrals for 2005; 20 (32%) of those were residents of Beverly Hills. There are many children from Beverly Hills who participate in the dog show and go to camp. Ms. Robertson reported that, of \$5,100 available for camp scholarships, \$3,100 was used by Beverly Hills residents.

In response to an inquiry, VanDyke stated that not all of the nine communities that make up the Birmingham School District contribute to the Birmingham Youth Assistance Committee for the reason that those communities (portions of Bloomfield Hills, Bloomfield Township, Troy, Southfield, and West Bloomfield) with the exception of one, support their own Youth Assistance Program.

Koss believes that retaining the services provided by the BYAC is part of maintaining the level of services in the Village so that the community continues to flourish as a whole. BYA provides a service to Beverly Hills that it cannot provide for itself. At Council's request, the organization has provided a contract for services rendered. It is a self-renewing contract unless either party notifies the other in writing 60 days prior to the anniversary date that it desires to modify or terminate the agreement. The contract will be reviewed each year as part of budget deliberations.

Pfeifer thanked BYA for its service to the community. Woodrow referred to the statistics presented tonight with respect to the number of Beverly Hills families that receive service and stated that he would like the Village to be able to provide additional funding to the organization.

Motion by Koss, second by Pfeifer, that the Council for the Village of Beverly Hills approve the funding request of Birmingham Youth Assistance in the amount of \$4,251 for the provision of youth and family services; further that Administration is directed to sign the contract document providing for this continuing community service. The funds for this expense are available in Account #101-747-890.03 Community Action: Contracted.

Roll Call Vote:
Motion passed (5 – 0).

REVIEW AND CONSIDER ANNUAL FUNDING REQUEST AND CONTRACT FROM BIRMINGHAM BLOOMFIELD COALITION FOR FY 2006/2007

Lisa Machesky, Executive Director of the Birmingham Bloomfield Community Coalition, thanked Council for its continued financial support over the years. The organization is requesting funding in the amount of \$1,200 for FY 2006/07. She reported that the Community Coalition was the recipient of a five-year Federal matching grant of \$100,000 per year for five years. The fact that the Coalition receives support from Beverly Hills, Bingham Farms, Bloomfield Township, Birmingham and Bloomfield Hills helped make the grant application competitive. All the money that the Village can contribute to the BCC will be matched by the federal government.

The Birmingham Bloomfield Community Coalition works to prevent substance abuse in our local communities. Machesky recalled that the community faced a tragedy in the past school year. There is a need to work together as a community to prevent those instances from happening. The mission of the Community Coalition is to mobilize the whole community to prevent substance abuse by incorporating the faith community, local governments, the schools, parents, and youth and to create a community where substance abuse is not tolerated.

Machesky provided Council with data on the Coalition's last year and its activities. She related information and statistics to describe the organization's launch of a "social norms" effort. The organization wants teens to know that making healthy choices will lead to lifelong success. The Coalition provides alternative activities to youth. Machesky answered questions from Council on the federal grant, the survey conducted by Western Michigan University, and the social norms program.

Koss stated that this is a service that the Village of Beverly Hills is not able to provide residents through its staff. The Birmingham Bloomfield Community Coalition has provided the Village with a self-renewing contract for their service. The contract includes a provision whereby either party may modify or terminate the Agreement upon notice received at least 60-days prior to the anniversary date. Woodrow added that he wished that the Village could give the Coalition more than \$1,200, which amounts to \$0.11/resident.

Motion by Koss, second by Pfeifer, that the Council for the Village of Beverly Hills approve the funding request of the Birmingham Bloomfield Community Coalition in the amount of \$1,200 for the provision of substance abuse prevention services; further that Administration is directed to sign the contract document providing for this continuing community service. The funds for this expense are available in Account #101-747-890.03
Community Action: Contracted.

Roll Call Vote:
Motion passed (5 – 0).

REVIEW/CONSIDER AWARDING CONTRACT FOR CONCRETE REPAIR R-06-02

Village administration opened the 12 sealed bids received for the 2006 Concrete Repair Program on August 2, 2006. It was determined that the low bidder for replacement of 3,805 square yards of concrete was from Dominic Gaglio Construction, Inc. in the amount of \$150,562.75. The total amount of funds budgeted for this project was \$215,000. Dominic Gaglio has done this work in the Village for the past two seasons and has performed well. Public Services Director Tom Meszler indicated that other areas within the Village are being evaluated, and administration will come back to Council for authorization to increase the amount of concrete work.

Meszler addressed questions from Council on specifications for the 2006 concrete repair program. He reported that a street condition survey of all Village roads has been completed and a report will be forthcoming in two to three weeks. The Village took advantage of an 80% federal grant with the Road Commission to conduct a complete evaluation of Village roads. The results will generate an updated priority plan for future resurfacing projects. Meszler assured Council that the locations for both the 2006 concrete and asphalt road replacement programs have been evaluated by staff and determined to represent the worst road conditions in the Village that are in definite need of repair. The road rating study will be used in the future to prioritize the asphalt and concrete road repair programs. Meszler answered specific questions from Walsh on the concrete repair work. In response to an inquiry, he related that the Village has gone out for bids on a joint and crack sealing program with bids due on August 29.

Motion by Walsh, second by Koss, that the Beverly Hills Village Council award contract R-06-02 to Dominic Gaglio Construction, Inc. of Southgate, Michigan for construction of the 2006 Concrete Repair Program with a low bid of \$150,562.75. This award is contingent upon the contractor submitting the required bonds and insurance certificates.

Roll Call Vote:
Motion passed (5 – 0).

REVIEW AND CONSIDER ORDINANCE AMENDING CHAPTER 27 FIRE PREVENTION OF THE VILLAGE MUNICIPAL CODE

Chapter 27 of the Beverly Hills Municipal Code represents the authority for the Department of Public Safety to enforce fire prevention and safety standards in the Village and contracted areas of Southfield Township. The Fire Prevention Code was last updated when Council adopted by reference the 1993 Building Officials and Code Administrators International, Inc. (BOCA) Code. The Department's two trained personnel (Captain/Fire Marshal Chris Yanosy and PSO/Fire

Inspector Robert Fisher) have both been trained under the International Fire Code, which is being offered for Council consideration.

The International Fire Code is a substantive volume, and it is in the Village's best interest to adopt the Code by reference as opposed to reprinting the document as part of the ordinance. Copies of the International Fire Code will be made available for public inspection at Village Hall or the Department of Public Safety. The proposed ordinance has been reviewed by Village Attorney Ryan.

Woodrow conducted a first reading of the Ordinance Amending Chapter 27 Fire Prevention Code, an Ordinance adopting the 2006 edition of the International Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Village of Beverly Hills; Providing for the issuance of permits and collection of fees therefore.

Director Woodard addressed questions from Council regarding changes from the existing ordinance, specific designations referred to in the open burning clause, and concerns about stacking wood. Councilman Woodrow reminded people that it is unlawful to throw hot or burning substances or objects such as cigars, cigarettes, papers, matches, and ashes from any window or door of any building or from any moving vehicle.

REPORTS – MANAGER

Assistant Manager Marshall requested Council authorization to direct Attorney Ryan to draft a property maintenance ordinance to be included in the Municipal Code. There was a consensus of Council to draft ordinance language that would add a chapter addressing property maintenance.

Marshall announced that the Village is accepting nominations for this year's Beautification Awards Program. Forms are available at the Village office and on the Beverly Hills website. The deadline for nominating a home, business, a homeowner association for a subdivision entrance, or any building in the Village is September 30, 2006.

Marshall extended condolences on behalf of the Village to Sonia Koenig and her family on the passing of her father last week, to former Council member Toni Grinnan whose mother passed away recently, and to retired Lieutenant John Roehrig on the passing of his father.

The regular Parks and Recreation Board meeting scheduled for Thursday, August 17 has been canceled. The Board's next meeting on September 21 will be a joint meeting with Council.

Meszler updated Council on the status of the municipal parking lot construction. The consultants have agreed on a testing plan to identify the pollution areas of the parking lot. Administration is presently costing out options to determine which course of action will be more cost effective for the Village.

Woodrow reviewed that the Village and Southfield Township were in the process of reconstructing the municipal parking lot when construction was stopped during excavation for

installation of underground storm pipes when contaminated soil was found at the site. Buried fuel tanks had been removed from the DPW area a number of years ago with closure reports received at the time from the Department of Environmental Quality (DEQ). The Village must now go through the proper channels and remediate the contaminated soil.

Meszler added that the Village received approval for a Clean Michigan Initiative (CMI) grant from the State of Michigan for improvements to the municipal parking lot. The project was to be funded by a 75% grant as long as the design achieved State and Rouge Program Office requirements and met the goal of reducing pollutants from entering the waters of the Rouge River. One of the options is to identify the pollution, remove it, and continue with the plan. The other option is to file due care and pave the parking lot using a standard sewer design in lieu of the drainage plan approved by the Rouge Program Office and lose the CMI grant. Meszler indicated that a determination will be made regarding the cost of testing and removal of contaminated soil, which is not covered under the conditions of the grant. It may be less costly to file due care, redesign and pave the parking lot without the grant.

Marshall thanked the Village staff for their teamwork and a great job with a short-handed workforce.

COUNCIL

Woodrow read the names of individuals who have filed a petition to run for Village Council. The deadline to file for the November election was 4:00 p.m. today. The names in order of filing are: Ron Berndt, Gladys Walsh, Dorothy Pfeifer, Rosanne Koss, Jon Oen, Todd Stearn, Pamela Rijnovean, M. Lee Peddie, David Taylor, Hugh A. Woodrow, Soter Liberty, Victor M. Marshall, William Jay Reynolds, and Patrick McCarthy. He wished good luck to everyone. Koss mentioned that there is a candidate representing each of the seven precincts.

Koss reported that the Southfield Township Board of Trustees met last Thursday, August 10, and voted in favor of taking out an advertisement in the Oakland County magazine for Beverly Hills, Franklin, and Bingham Farms. Koss wished all of the Council candidates good luck in the November Village Election.

Koss mentioned that she received a Birmingham School District Community Education booklet in the mail recently. The brochure contains a letter from Dr. Hoeffler reminding people that there will be a critical election in the District in the 2006/07 school year. The millage that supports 48% of the operating expense will be on the November 7 ballot for renewal. Hoeffler emphasized that it is imperative that people understand that this is a renewal and not a new millage. The Birmingham School District will be holding informational sessions this fall and information will appear on their web site (www.birmingham.k12.mi.us).

Pfeifer announced that the Birmingham Area Cable Board will meet tomorrow morning, August 16 at 7:45 a.m. in the Council chamber. She informed residents that the Cable Board will be mailing surveys to random households in the cable consortium area with the research objective of obtaining an assessment of subscribers' use and preference for PEG (public, educational, and government) access programming on Channels 15 and 18. It is anticipated that the survey will be in the mail the first week in September with responses requested by the end of the month. There

will also be an opportunity to respond to the survey on the Cable Board web site (www.birminghamareacableboard.org).

Pfeifer reported that the Birmingham Area Seniors Coordinating Council (BASCC) will be sponsoring a water station in downtown Birmingham on Saturday, August 19, during the Woodward Dream Cruise. The fund raiser will be located at the corner of Pierce and Brown. BASCC will sponsor a flu shot clinic on October 17, 2006 for the public at large. BASCC will hold an Arts & Crafts show on Friday, October 27 at the Midvale Center.

Taylor wished good luck in the November election to the 14 individuals who submitted petitions for seven seats on the Village Council. He mentioned that he was a candidate for Oakland County Commissioner at the recent August Primary Election. He thanked those who supported his candidacy and those who volunteered their time on his behalf. He congratulated Christa Murphy and wished her luck in the November general election.

Motion by Pfeifer, second by Walsh, to adjourn the meeting at 8:54 p.m.

Motion passed (5 – 0).

Dave Taylor
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary