

Present: President Stearn; President Pro-Tem Pfeifer, Members: Berndt, Koss, Oen, Peddie and Woodrow

Absent: None

Also Present: Village Manager, Spallasso
Assistant Manager/Clerk, Marshall
Director of Public Safety, Woodard
Building Official, Byrwa
Village Attorney, Ryan

President Stearn 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/AMEND AGENDA

Motion by Woodrow, second by Koss, to add agenda item (f) “Consider Authorizing Administration to seek Request for Proposals on Operational Study for the Public Safety Department”.

Motion passed (7 – 0).

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

Motion passed (7 – 0).

PRESENTATION BY DR. ROBERT SWOR REGARDING CARDIO PULMONARY RESUSCITATION STUDY

Dr. Robert Swor, Emergency Physician at Royal Oak Beaumont Hospital for the last 24 years, has worked with the Beverly Hills Public Safety Department for many of those years to provide EMS care. He is present to talk about a cardiac arrest study in the Village of Beverly Hills. The reasons for discussing this with the governing body at a public meeting is to inform the Beverly Hills Council of the study and to comply with community consultation requirements imposed by the Food and Drug Administration because the study is conducted under emergency circumstances.

Dr. Swor stated that cardiac arrest is an issue that effects every community; survival rates are 7 percent in Oakland County and from 5-10 percent nationally. Cardio pulmonary resuscitation (CPR) is the first line of treatment for cardiac arrest. Beaumont Hospital along with other communities in Macomb County have participated in an out-of-hospital cardiac arrest study of two devices. Currently, the study is being conducted in Sterling Heights, Clawson, Troy, Birmingham, Royal Oak, and Ferndale. Alliance Mobile Health is providing emergency care in Beverly Hills, Berkley, Oak Park and Huntington Woods; Beaumont Hospital is exploring the possibility of expanding the study to those communities.

A new technique has been developed to improve the desired effect of CPR on patients after cardiac arrest. Dr. Swor explained that the study involves the testing by EMS providers of two new devices that improve blood flow during cardiac arrest. He displayed the devices and discussed how they work. Preliminary studies using these two devices during CPR have demonstrated increased blood flow to the brain and an increased survival rate. The question is whether the use of these devices increases survival from cardiac arrest in the community. This will be determined through a three-year National Institute of Health (NIH) funded study that will evaluate how these devices really work for patients.

Dr. Swor discussed how the study will be conducted, who will be included, potential risks involved, and how families are informed about this research. Researchers are required to disclose to the public the nature, risks, and benefits of the study in an attempt to inform as many people as possible before the research begins. The FDA has issued regulations that allow for planned emergency research designed to improve medical treatment to occur under emergency circumstances where obtaining consent is not feasible. This planned emergency research study on out-of-hospital cardiac arrest sufferers in southeast Michigan meets FDA requirements.

Community consultation includes sending out letters of explanation to community groups and holding public meetings to solicit comment and feedback on the study. A public disclosure period is required to communicate the information to the community at large and community groups. Dr. Swor will take comments from Beverly Hills to the hospital institutional review board, which will decide to approve or not approve the study.

Dr. Swor stated that this study has been submitted to the human investigation committee of Royal Oak Beaumont, Providence Hospital, St. John's hospitals and St. Joseph; all of these hospitals' institutional review boards have approved this study up to the present point. It is anticipated that the study will continue for three years; it has been ongoing for one year. An independent body looking at this study has not noted any difference in the survival rate nor have they noted any increased risk of complications from the devices.

Dr. Swor addressed questions from Council. He indicated that the purpose of the presentation is to fulfill a part of the community consultation that needs to occur prior to initiation of the study in this community. He will provide a report and a tape of this Council meeting to the Beaumont Human Investigation Committee. Ultimately, the hospital ethics board is responsible for approving the study in Beverly Hills based on the community's input. Additional input could be sent to Dr. Swor at raswor@beaumont.edu.

Council requested that a link be established on the Beverly Hills website that would enable residents to obtain information on the study. In response to an inquiry, Dr. Swor stated that the findings and outcome of the study would be shared with the community.

Stearn asked that this CPR study be placed on the agenda for the second Council meeting in March for discussion. Attorney Ryan suggested that Administration talk to the Village's insurance carrier about a study that involves testing of investigational devices.

PUBLIC COMMENTS

Marcia Gershenson, Oakland County Commissioner representing District 17, announced a number of upcoming programs. There will be a Planning and Economic Development Planning Basics Workshop on Saturday, March 24 geared towards planning commissioners, zoning board of appeals members, and elected officials. Community services offered by the Oakland County Sheriff’s Department include a senior snow removal, coats for the cold drive, student of the month, and a recycle program that collects old bikes.

Eligible taxpayers in Oakland County may benefit from a free local, state, and federal tax preparation and E-filing service. Gershenson provided background on the Southeastern Michigan Council of Governments and mentioned that it offers a mature drivers workshop and a senior driver tool kit. SEMCOG offers grants to local government units for developing public outdoor recreation facilities and acquisition of land for outdoor resource protection. Some grants require a match and call for local government to have a Five-Year Recreation Plan on file.

Gershenson informed Council that U of M Dearborn Institute for Local Government is hosting an evening seminar series on local budget and service options. Topics are municipal finance, revenue and cost cutting options, cutting costs not services, health care financing options, and eminent domain issues.

Jim O’Reilly of 31109 Huntley Court, Parks and Recreation Chairperson, reported on the Winter Family Fun Day held on Sunday, January 21 in Beverly Park. It was well attended and participants enjoyed fun winter events. O’Reilly thanked Phil Schmitt for organizing the day and thanked everyone who helped including Jon Oen, Don Greening, Dan Nelson and Groves High School Students.

CONSENT AGENDA

Motion by Oen, second by Pfeifer, to approve the consent agenda as published:

- a. Review and consider approval of minutes of a special Council meeting held January 13, 2007.
- b. Review and consider approval of minutes of a regular Council meeting held January 16, 2007.
- c. Review and consider approval of minutes of a joint Council/Parks & Recreation meeting held January 18, 2007.
- d. Review and file bills recapped as of Monday, January 22, 2007.
- e. Review and file bills recapped as of Monday, February 5, 2007.

Motion passed (7 – 0)

REVIEW AND CONSIDER PURCHASE OF BUILDING DEPARTMENT SOFTWARE PACKAGE

The Building Department has obtained bids to update the department’s software, which would enable them to perform services for the community. There were two bids received for this specialized software package. The low bid was from BS&A Software in the amount of \$6,315 for the first year which includes \$400 miscellaneous expenses, installation of software, two-

day classroom training for three staff members, and one-day on-site training. After the first year, an annual fee of \$800 for service and support would apply.

Motion by Woodrow, second by Pfeifer, that the Village of Beverly Hills Council authorize the purchase of software from BS&A for the Village Building Department in the amount of \$6,315.00.

Questions from Council were addressed by Byrwa and Spallasso. It was indicated that this software purchase was not budgeted in the current year's budget, but the expense could be covered through savings realized by personnel changes.

Council expressed concern with the disparity between the two bids received. The bid from New World Systems is for almost \$50,000 over five years as opposed to a bid total of \$6,000 from BS&A Software. Byrwa provided background on the two vendors. He noted that BS&A is the most recognized software company in the State of Michigan. Oakland County uses this software, which will make it easy to transition base information to Beverly Hills software. The New World Systems package is more comprehensive and includes software for a number of municipal departments.

Byrwa has consulted with several building officials who use BS&A software, which is considered to be the most beneficial for a small to medium sized building department. He referred to the company's long list of Building Department System clients in Michigan. Byrwa remarked that a BS&A representative visited the municipal building and presented a demonstration of the system to three Village employees. The company will set up an introduction training program at its facility in East Lansing and an advanced training day a month later.

New building department clerk Lynn Talbert was acknowledged in the audience and introduced to Council.

Motion passed (7 – 0).

SET PUBLIC HEARING DATE OF MARCH 6, 2007 FOR MASTER PLAN UPDATE

Council set a public hearing date of Tuesday, March 6, 2007 at 7:30 p.m. in the Village municipal building to receive public comments on the updated Village Master Plan.

SET PUBLIC HEARING DATE OF FEBRUARY 20, 2007 TO REVIEW AND CONFIRM 2006 SPECIAL ASSESSMENT ROLL FOR THE SOUTHFIELD ROAD BUSINESS ASSESSMENT DISTRICT

The Village maintains the public right-of-way along the Southfield Road business district and assesses the cost of landscape maintenance and water for the sprinkling system to the property owners on the west side of Southfield Road. A public hearing was scheduled for Tuesday, February 20, 2007 to review and confirm the 2006 Special Assessment Roll for the Southfield Road Business Assessment District.

REVIEW AND CONSIDER AWARDING CONTRACT FOR THE ACACIA SEWER RELIEF PROJECT PHASE III

Before Council for consideration is the award of a contract for the Acacia Sewer Relief Project Phase 3. Fourteen companies submitted bids for this project ranging from a low of \$1,963,477.50 to a high of 3,928,105.00. The original low bidder Mago Construction withdrew its bid. It is the recommendation of consulting engineering firm Hubbell, Roth & Clark and Village administration to accept the second lowest bid from Pamar Enterprises in the amount of \$1,998,133.00. This company has met the required criteria, and the Public Services Director is satisfied that it is a competent firm that can successfully complete this work.

Motion by Woodrow, second by Koss, that the Village Council accept the second lowest bid of Pamar Enterprises, Inc., in the amount of \$1,998,133.00, of which the cost to the Village is 70.12% of the total cost for the construction of the Acacia Park Relief Phase 3 Sewer. Funds for this project are in account #402-451-811.84.

Spallasso addressed questions from Council regarding the references and qualifications of Pamar Enterprises. It was indicated that the City of Birmingham will pay the balance of the cost not covered by Beverly Hills.

At the completion of this phase of the project, there will be money remaining in the dedicated millage fund for local sewer work. Spallasso will request authorization of a study to re-evaluate local needs at that time. Because of the sewer improvement projects accomplished over the years and associated measures taken, the need for local sewer improvements may not be as extensive as anticipated 12 years ago when the sewer improvement plan was prepared.

The completion date for this portion of the Acacia project is scheduled to be at the end of August with restoration completed at the end of October. Residents can expect to see activity on Kinross in terms of large pipes and concrete units in the right-of-way within a month and one-half.

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

REVIEW AND CONSIDER FINAL PAYMENT TO SCODELLER CONSTRUCTION FOR CONTRACT #R-03-03A

Before Council for approval is the final payment (estimate #5) to Scodeller Construction, Inc. for Project #R-03-03A, C.O. #1 and C.O. #2. There were several change orders associated with this project, and the last payment estimate #4 was made on July 11, 2005 with a retainer of \$2,118.80. Processing the final payment was overlooked by the Village and the contractor until recently when the contractor discovered the omission.

Motion by Woodrow, second by Koss, that the Village Council approve final payment to Scodeller Construction, Inc. in the amount of \$2,118.80 for project #R-03-03A, C.O. #1 and C.O. #2.

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

CONSIDER SOLICITING REQUEST FOR PROPOSALS ON A PUBLIC SAFETY DEPARTMENT OPERATIONAL STUDY

Woodrow requested that Council direct administration to solicit Request for Proposals (RFP) for an operational study of the Public Safety Department rather than doing a narrow study on the 12-hour shift issue. He understood that an operational review of the Public Safety Department was conducted in 2004; some of the recommended changes were implemented and some were not. Woodrow did not think that the study was as comprehensive as it could have been. Now that 20 months of the 24-month trial period for the 12-hour shift are completed, a study should be done to compare the 12-hour shift operation with the 8-hour shift operation. Woodrow maintains that an operational study would include other items specified by Council.

Woodrow has been in contact with a company that has done this type of study for surrounding communities. The firm offers about 50 items on a checklist that would be reviewed with Council and administration before beginning the study. Going out for an RFP will allow companies to submit bids that specify what their study would entail and the cost involved.

Spallasso suggested that, if Council proceeds in this direction, the RFP be brought to the Personnel Committee for evaluation and recommendation to Council.

Motion by Woodrow, second by Koss, to prepare and send out a Request for Proposal to qualifying companies to conduct an Operational Study of the Beverly Hills Public Safety Department.

Stearn was opposed to conducting an operational study of the Department. He noted that there is a timing issue because the 24-month trial period to determine whether the 12-hour shift is effective will end on April 15. There are less than two months to complete this study and make a decision. Stearn maintained that Director Woodard and Finance Director Wiszowaty can put together a study in-house that would be more efficient and cost effective. He mentioned that the Village paid \$10,400 for an operational study in 2004.

Spallasso clarified that, because an operational study would take 60 or more days to complete, an extension of the 12-hour shift trial should be considered. Stearn understood that extending the 12-hour shift would create complications that the Village does not want to get into.

Berndt commented that Council has received information on the 12-hour shift from Director Woodard and Wiszowaty. Berndt is concerned about the cost and time constrictions involved with an operational study. Oen questioned whether the study could be done in-house.

Woodrow stated that his concern is that Council members are facing certain decisions regarding the Public Safety Department operation without having all the information it should have available.

Pfeifer commented that an operational study would focus on staffing and the operation of the Department. There are serious considerations that Council needs to analyze before making commitments for the future. She would prefer that an independent report be conducted.

Koss agreed with conducting an operational study before deciding to proceed with the 12-hour shift schedule. Peddie stated that she is not comfortable with the overall picture at this time and thinks there is a need for a study.

Sharon Tischler of 21415 Virmar Court added to the discussion on conducting a follow-up operational review of the Public Safety Department. She urged Council to take careful consideration of decisions that will effect the Village into the future.

Kathleen Berwick of 31381 Kennoway Court did not think that Council should consider another Public Safety Department study. A study was conducted in 2004, and some of the recommendations were disregarded. Berwick expressed opposition to increasing taxes.

Roll Call Vote:

Koss	- yes
Oen	- no
Peddie	- yes
Pfeifer	- yes
Stearn	- no
Woodrow	- yes
Berndt	- no

Motion passed (4 – 3).

DISCUSSION ITEM – SEX OFFENDERS ORDINANCE FOR PUBLIC PARKS

At the January 18, 2007 joint meeting of Council and Parks and Recreation Board, a suggestion was made by a Board member that the Village consider banning convicted sex offenders from municipal parks and other public places where there are minors. Administration was asked to provide Council with information on this topic. Council is in receipt of a sample ordinance that was enacted by a municipality creating a “sex offender-free zone”.

Questions from Council were addressed by Village Attorney Ryan. He clarified that state statute requires that sex offenders register with the municipality. A convicted sex offender remains on the list for ten years, but there are no restrictions as to where that individual can go in the community. Council discussed specific sections of the sample ordinance, the pros and cons of the statute, and whether to proceed with this type of regulation in Beverly Hills.

Stearn recommended authorizing the Village Attorney to prepare draft language if there is a consensus of Council. The draft ordinance would come back to Council for review and discussion prior to scheduling a first reading.

Motion by Oen, second by Stearn, that the Village Council authorize the Village Attorney to draft ordinance language that would prohibit convicted sex offenders from parks and areas where children regularly congregate.

Roll Call Vote:

Oen - yes
Peddie - yes
Pfeifer - no
Stearn - yes
Woodrow - yes
Berndt - yes
Koss - yes

Motion passed (6 – 1).

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court stated that there was discussion several months ago about hazardous traffic conditions on Thirteen Mile Road at Groves High School. She questioned the status of the Village’s review of that traffic situation.

Spallasso related that he directed the Traffic Improvement Association of Oakland County to conduct a study of the traffic situation at Groves High School. The TIA provided the Village with a list of recommendations, which were forwarded to the Principal of Groves High School for referral to the School Board. The proposed improvements included an additional lane of pavement at a substantial cost. The Village cannot afford to volunteer to undertake a project of that scope. The Village would be able to install minor traffic control devices and is currently working on a pedestrian crossing from the east side of Evergreen to the High School. If the School District decided to implement TIA recommendations for Thirteen Mile Road, Spallasso would consider providing traffic control signs.

Stearn asked that Council members receive copies of the recommendation letter from the Traffic Improvement Association regarding the traffic situation at Groves High School.

Kathleen Berwick of 31381 Kennoway Court commented that she lives just west of Groves High School and that the traffic is horrendous. She has asked Spallasso to install a traffic light at one of the Kennoways to facilitate left turns out of their street. Berwick wishes something would be done about the traffic around the school.

REPORTS – MANAGER

Spallasso reminded people to protect pets during the frigid weather. The Village will be sending out notices to residents who live along the segment of Acacia Park Phase 3 construction project as soon as dates are available.

COUNCIL

Berndt reported that the Planning Board held a public hearing on the Village Master Plan at its meeting on Wednesday, January 24. He looks forward to a good public turnout at the Council public hearing on the Master Plan scheduled for March 6, 2007.

In answer to an inquiry from Pfeifer, Spallasso stated that Council will be receiving copies of the changes made to the Master Plan following the Planning Board public hearing.

Oen commented that the Winter Family Fun Day was a fun event.

Woodrow announced that the Birmingham-Bloomfield Chamber of Commerce will sponsor a government forecast luncheon with speakers on Thursday, February 15. Council members are welcome to attend.

Council received a flyer from the U of M Dearborn Institute for Local Government regarding a local government budget and service options seminar being held on Thursday nights. He thinks that the Village should send someone to this seminar.

Stearn reported that this Council has been working hard for its citizens. It has held two closed sessions to talk about Public Safety collective bargaining issues. Council has also had two study sessions to discuss its priorities for the year. A joint meeting of the Council and Planning Board is scheduled for February 14 at 7:30 p.m., and the Personnel Committee of Council will meet at 6:30 p.m. on February 14.

Stearn stated that Valerie Hemingway, who was personal secretary to Ernest Hemingway and who married his youngest son Gregory, will speak on her memoir “Running with the Bulls” on Wednesday, February 7 at the Baldwin Public Library at 7 p.m. The speech is free and open to the public. Stearn related that the State of the County address will be delivered by L. Brooks Patterson at 7 p.m. on Wednesday, February 7.

Motion by Pfeifer, second by Oen, to adjourn the meeting at 8:52 p.m.

Motion passed (7 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary