

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

Absent: Peddie

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

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

#### **ADDITIONS TO AGENDA/APPROVE AGENDA**

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

Motion passed (6 – 0).

#### **PUBLIC COMMENTS**

Doyle Downey of 30865 Lincolnshire West invited residents to join the Lions Club clean up along Lahser Road in the Village on Saturday, April 21. Those interested in helping can meet at the County Road Commission building at 13 Mile and Lahser Roads at 10:00 a.m. Downey invited people to participate in the Memorial Day Fun Run sponsored by the Lions Club, and announced that the group has designated April 27 through May 6 for its White Cane collection. This year there is a new activity, which is a charity golf outing to take place on Wednesday, April 25 with the proceeds going to Leader Dogs for the Blind and Beaumont Silent Children's Fund. Interested individuals should contact Downey at 248/647-5848.

Marcia Gershenson, Oakland County Commissioner representing District 17, added that the Lion Club also provides free hearing aids for qualifying seniors. Gershenson stated that she is present tonight to recognize a citizen who has made a special contribution to our community. Bill Roberts and the Beverly Hills Grill are being acknowledged for exemplary service and a 19-year commitment to the Village. The Beverly Hills Grill was recently named *Restaurant of the Year* by the Detroit Free Press. On behalf of the Oakland County Board of Commissioners, Gershenson presented Bill Roberts with a proclamation for this significant achievement.

Bill Roberts thanked Gershenson and the Beverly Hills Council for the recognition. He related some of his history with Beverly Hills and with the Beverly Hills Grill. He expressed appreciation for the support of the neighborhood.

Phil Schmitt of 18103 Riverside introduced himself as the new Township Supervisor. He reminded residents that Southfield Township will be offering free document shredding on Saturday, May 5 between 10 a.m. and noon in the municipal building parking lot. He made an announcement of a vacancy on the Township Board of Trustees. Applications are available at the Township offices; the position will be filled at the next regular meeting of the Township Board on May 8 at 7:00 p.m.

**CONSENT AGENDA**

Motion by Pfeifer, second by Berndt, to approve the Consent Agenda as follows:

- a. Review and consider approval of minutes of a special Council meeting held March 27, 2007.
- b. Review and consider approval of minutes of a regular Council meeting held April 3, 2007.
- c. Review and file bills recapped as of Monday, April 16, 2007.
- d. Review and consider resolution for West Nile Virus Fund expense reimbursement.

Motion passed (6 – 0).

**BUSINESS AGENDA**

**SET PUBLIC HEARING DATE OF MAY 1, 2007 TO REVIEW AND CONFIRM 2006 ASSESSMENT ROLLS FOR DUST AND OTHER MISCELLANEOUS ASSESSMENTS**

Council set a Public Hearing date of Tuesday, May 1, 2007 at 7:30 p.m. in the municipal building for the purpose of reviewing and receiving comments on the proposed assessment rolls for dust control and other miscellaneous assessments to be added to the 2007 taxes for the Village of Beverly Hills. Copies of these rolls are available in the office of the Village Clerk for inspection. Written comments may be submitted prior to the meeting.

**REVIEW AND CONSIDER THE REFUNDING OF BONDS FOR THE GEORGE W. KUHN DRAINAGE DISTRICT**

The Drain Commissioner's Office has determined that a considerable savings can be obtained by refinancing the George W. Kuhn Drainage District Drain Bonds, Series 2000B and 2001E. The refunding will realize a savings of \$783,328.33 for municipalities in the district, with the Village of Beverly Hills' savings estimated to be \$6,222.76. Administration recommends adoption of the Resolution.

Spallasso stated that the action to be taken tonight is authorization to proceed and pursue this refinancing opportunity. Bond counsel will forward a completed form to Council for execution as the closing date approaches.

Motion by Pfeifer, second by Koss, to adopt a Resolution to Authorize Refunding of the George W. Kuhn Drainage District Drain Bonds, Series 2000B and Series 2001E and to adopt Appendix A and Exhibits A-D.

Roll Call Vote:

Motion passed (6 – 0).

The Resolution, Appendix A and Exhibits are available for public review at the Village office during regular business hours.

**REVIEW AND CONSIDER RENEWAL OF PROFESSIONAL COMPUTER CONSULTANT SERVICES WITH ENTERPRISE COMPUTER**

The Village is in receipt of a professional services proposal from Enterprise Computer Solutions, Inc. in the amount of \$2,400 to renew its contract for pre-paid computer support services. The proposal does not reflect an increase in the hourly rate.

The service contract was renewed in September of 2006 after the Village sent a request for quotes to five companies. Enterprise Computer Solutions has performed to the Village's expectations. The consultant has created the new Village web page, has assisted the Public Safety Department, and has worked on the installation of the new Building Department software. Enterprise has not charged for online support or telephone support.

Motion by Pfeifer, second by Koss, that the Village of Beverly Hills Council award the purchase of a pre-paid service contract from Enterprise Computer Solutions, Inc. in the amount of \$2,400.00. Funds are available for this purchase in Account 100-900-976.00.

Questions and comments on the computer support service provided by Enterprise Computer Solutions were addressed by Spallasso.

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

### **REVIEW AND CONSIDER PROPOSALS FOR PUBLIC SAFETY DEPARTMENT OPERATIONAL STUDY**

Woodrow stated that three proposals have been received from consultants in response to the Village's Request for Proposal (RFP) for an operational study of the Public Safety Department. The quotes range from a cost of \$14,500 to \$22,950. Woodrow has reviewed the proposals and questioned whether they are comparable in terms of the scope of work. For that reason, he would like to table action on this item in order to invite the vendors to appear before Council and present a brief description of their proposal.

Stearn asked for discussion before taking action to table the item. He remarked that he had all the information he needed and was ready to vote. Stearn did not think an efficiency study was necessary, and he would not approve this expenditure.

Sharon Tischler of 21415 Virmar Court questioned the difference between the Public Safety Department study conducted in 2004 and the intent of the proposed new study.

Stearn responded that the proposals submitted had various approaches and work plans. He informed the public that the Request for Proposal is posted on the Village's web site, and the three proposals received are available for public review.

Koss expressed the view that action on the proposals should be tabled if there is a member of Council who would like more information. She also thought that it would be a good idea for Council to review and discuss the 2004 Public Safety Operational Study at a Council meeting to determine whether a new study is necessary.

Berndt thought that the Request for Proposals was asking for a study similar to the report presented to the Village in 2004. Two of the respondents have provided similar objectives and one vendor has offered more information. Council should contemplate what it is looking for and whether it is satisfied that the Village has that information in terms of the previous operational study. Council should be certain that it wants more information before consultants are asked to make presentations.

Oen stated that he is not in favor of contracting for a new study. However, he thought that Council members should have all the information they need to make an informed decision.

Motion by Woodrow, second by Koss, to table consideration of proposals for a Public Safety Department Operational Study in order to invite the consultants who responded to the RFP to present their proposals and answer questions of Council.

In answer to an inquiry from Koss, Woodrow stated that he did not take issue with discussing the 2004 Operational Review of the Public Safety Department at an informational meeting.

Roll Call Vote:

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

Motion passed (4 – 2).

**REVIEW AND CONSIDER ESTABLISHING 13 MILE ADOPT-A-ROAD PROGRAM**

The Village received a request to consider initiating an ‘Adopt-A-Road’ program for the primary roads in Beverly Hills. The program allows volunteer workers to remove roadside debris and refuse on Village roads. Volunteer groups interested in adopting any mile(s) of roadway must submit an application to the Village. The Village program will be modeled after Oakland County’s ‘Adopt-A-Road’ program.

Spallasso clarified that the Village received a request to adopt Thirteen Mile Road between Greenfield and the west Village limit. The program can be applied to any Village roadway that is named in an application submitted by volunteers.

Costs involved with the program would be to provide identifying vests and trash bags for the designated clean up dates. In addition, a sign would be installed at the beginning and end of each adopted roadway section identifying the volunteer group maintaining that section. Groups that collect litter will leave the bagged trash along the roadway for removal by Village crews. The estimated cost for each section of adopted roadway is between \$300 and \$400 per year. The expense would be charged to the Major Road Fund (#202-463-932.01).

Motion by Woodrow, second by Oen, to approve the ‘Adopt-A-Road’ program for the Village of Beverly Hills as proposed and authorize the Village Manager to set up such a program for the major streets under the jurisdiction of the Village of Beverly Hills.

Stearn stated that the Village’s insurance carrier Michigan Municipal Risk Management Authority has been contact and indicated that volunteers would be protected by the Village’s policy with MMRMA.

In answer to an inquiry, Spallasso stated that the Village receives no revenue for this program but realizes a savings in term of removing litter along the road. Application forms will be

available at the Village offices and on the Beverly Hills web site. Designated clean up days are typically in the spring, summer and fall or as needed.

Motion passed (6 – 0).

**REVIEW AND CONSIDER REPLACEMENT OF SMART TRAILER DISPLAY BOARD FOR PUBLIC SAFETY DEPARTMENT**

The Public Safety Department has a Kustom Electronics Smart Trailer, a towed apparatus used to monitor and advise motorists of their vehicle speed at remote locations throughout the community. The trailer contains a radar detection device and a paddle-board display that provides a read-out of the actual vehicle speed vs. the posted limit sign attached to the machine.

A letter dated April 10, 2007 from Director Woodard outlined reasons to replace the current speed display board with a new LED display board that would correct malfunctions and provide better performance. The replacement LED display board is provided by Kustom Signals, the maker of the original trailer, and is the sole source available for the replacement product.

Motion by Woodrow, second by Pfeifer, that the Village of Beverly Hills Council approve the purchase of a replacement LED display board for the Department Smart Trailer from Kustom Signals, Inc. of Chanute, Kansas in the amount of \$1,601.87. Funds are available for this purchase in Account #101-345-750 Enforcement Supplies.

Questions and comments on the apparatus and its operation were addressed by Woodard.

Roll Call Vote:

Motion passed (6 – 0).

**REVIEW LETTER TO AT&T REGARDING CABLE FRANCHISE AGREEMENT**

The Village received a request from AT&T of Michigan on March 27, 2007 to enter into a Uniform Video Service Local Franchise Agreement with the Village of Beverly Hills. AT&T is taking this action based on new Michigan cable legislation. Village Attorney Ryan has been working with Cable Board Attorney Tim Currier and other area attorneys whose municipal clients have received the same offering from AT&T.

The Village had fifteen days from the receipt of this request from AT&T to indicate whether or not the proposal is complete and meets statutory criteria. It has been determined that the proposed Agreement is not complete for the following reasons: 1) the boundary map is not complete as to the service area; 2) the fees have not been delineated by the proposed provider; and 3) the PEG fees have not been included by the proposed provider. In order to meet the April 16 response deadline, the Village Manager has responded to AT&T in a letter that has been reviewed by the attorneys.

The Birmingham Area Cable Board will discuss the AT&T request to enter into a Uniform Video Service Local Franchise Agreement with the consortium communities at its meeting tomorrow, April 18 at 7:45 a.m. in this chamber. The meeting will be televised live and rebroadcast on municipal cable Channel 15.

Spallasso indicated that the Village received a revised agreement yesterday from AT&T in response to the Village's letter stating that the franchise agreement was incomplete. The revised agreement is under review by the Village and cable attorneys.

### **PUBLIC COMMENTS**

None

### **REPORTS – MANAGER**

The Acacia Park Relief Sewer Project is proceeding on schedule. Beginning Monday, April 22 the intersection of Pierce and Kinross will be closed to traffic for approximately two weeks. The detour will be posted. Spallasso thanked residents along the segment of this construction for their patience and cooperation.

There was a meeting yesterday, April 16, with the PSO bargaining unit. Spallasso will provide Council with an update at a closed session following tonight's Council meeting. There is a meeting scheduled for May 2, 2007 with the Dispatch bargaining unit.

The new trash pickup schedule will begin July 1, 2007. Monday: east of Evergreen; Tuesday: west of Evergreen. Dog owners were reminded to keep their dogs on leashes when they visit Douglas Evans nature preserve or Riverside Park.

Stearn asked administration to place the landlord-tenant statute on the Council agenda for review at the first meeting in June. Council has talked about the fact that certain local banks are required to offer low interest improvement loans to the community they serve. Spallasso will set up a meeting with Independent Bank.

Stearn mentioned that Council has expressed interest in considering ordinance language that would prohibit convicted sex offenders from parks and areas where children regularly congregate. Ryan responded that this material will be provided to Council as an informational item for the next meeting.

### **COUNCIL**

Woodrow informed the public that, during a budget meeting held yesterday, members of Council voted not to provide funds in the budget for a 25<sup>th</sup> officer in the Public Safety Department thereby reducing the Department to 24 sworn officers. Woodrow suggested that residents who do not want to decrease the number of officers to 24 should contact Council members or attend the next regular Council meeting scheduled for Tuesday, May 1.

Oen congratulated Phil Schmitt on his new position of Southfield Township Supervisor and congratulated Ray Mills on his retirement. Oen attended the last Beautification Committee meeting and announced that there is an open position on the committee. Residents are encouraged to nominate themselves or other citizens who have done something attractive to their property in terms of home improvements or landscaping. The deadline for nominations is August 30, 2007. Nomination forms are available at the Village office or on the Beverly Hills web site.

Pfeifer related information received today in a report from a Birmingham School Liaison Officer who spoke at the Birmingham Area Seniors Coordinating Council (BASCC) Board meeting. Following the unfortunate incident in Ferndale where a student was fatally wounded by a falling

flagpole, the School System sent out crews to investigate buildings and grounds for any damage resulting from recent severe winds.

Pfeifer stated that BASCC is offering for sale a companion deck of cards that coordinates with the initial playing cards that featured photographs of scenes throughout the area. The cost is \$10.

The Birmingham Area Cable Board will meet tomorrow, April 18, at 7:45 a.m. in the Beverly Hills Council chamber. Topics will include the Cable Board budget, negotiations with AT&T, and the cable access management contract. Pfeifer reminded residents that garden refuse recycling pickup has started.

Koss reported that the Birmingham Bloomfield Chamber of Commerce is hosting a meet and greet your elected officials for Oakland County on Monday evening from 6-8 p.m. at the Townsend Hotel.

Koss expressed her condolences to the family of John and Janet Mooney on the passing of John Mooney's mother. Koss reminded motorists to be cognizant of children running and playing outside this spring.

Berndt extended his condolences to the Mooneys and also to the families, students, and teachers in Ferndale who experienced the loss of a child due to a tragic accident that occurred with the collapse of a flag pole.

Berndt announced that the Planning Board will hold a public hearing on Wednesday, April 25 at 7:30 p.m. on amendments to the Zoning Ordinance affecting Section 22.06.030 Zoning Map and Section 22.24 Schedule of Regulations. The proposal is to alter zoning on the east side of the Village to specifically tailor restrictions to the individual neighborhoods and the way in which they are built and exist today as opposed to the current zoning that does not reflect the existing conditions. There are some who believe that the current zoning inhibits efforts to update that part of the Village. The new restriction will require that future building or remodeling be held to the same standard that was in place at the time the east side of the Village was built thereby preserving it for the future.

At Berndt's request, Director Woodard related that the Department purchased a used beacon bar from the City of Royal Oak DPW to be used on a decoy car, which will save the cost of purchasing a new piece of equipment to replace a beacon bar that was taken out of service.

Berndt called on all parties to work together and negotiate in good faith with the goal of bringing competition into the area in terms of cable television service.

Stearn thanked everyone who attended the lengthy budget study session last night, April 16. The Public Safety Department budget was a major topic of conversation. He invited the public to attend the May 1 Council meeting to comment and ask questions about the proposed 2007/08 budget.

Stearn announced that it is National Library Week. An article in the Eccentric newspaper cites studies that link classroom performance and increased test performance to regular student access to libraries.

Stearn commented on a recent monthly crime statistics report received by Council. He asked if Director Woodard could prepare, for comparison purposes, a semi-annual or annual report that will allow a more comprehensive analysis of the statistics.

Stearn referred to the presentation made by Commissioner Gershenson this evening to Bill Roberts, owner of Beverly Hills Grill. This Council has been talking about reaching out to Village businesses. He suggested that developing some kind of certificate of appreciation program would be a good way of doing that.

Stearn referred to a memo regarding the use Act 51 Funds. Public Services Director Meszler was unclear as to whether the Village could use Act 51 money to apply to the Southfield Road corridor study because Southfield is a county road. It was the consensus of Council to seek an opinion from Tom Ryan on this matter.

Stearn commented that a large percentage of the electorate voted for the current Council. He has not recently heard from members of the citizens group who supported this Council and would appreciate their continued support in terms of attending meetings or emailing Council.

Motion by Woodrow, second by Koss, to go into closed session at 8:52 p.m. to discuss collective bargaining.

Motion passed (6 – 0).

The meeting returned to open session at 9:08 p.m.

Motion by Koss, second by Pfeifer, to adjourn the meeting at 9:09 p.m.

Motion passed (6 – 0).

**Todd Stearn**  
**Council President**

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

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