

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

Absent: None

Also Present: Manager, Spallasso
Assistant Manager, Marshall
Director of Public Safety, Woodard
Village Attorney, Ryan

President Woodrow called the regular Council meeting to order at 7:30 p.m. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Oen, second by Koss, to add the following items to the agenda:

- f. Review and consider request from Marian High School to use Village streets for Walk-A-Thon on Saturday, May 2, 2008
- g. Review and consider items for the 50th Anniversary Celebration.

Motion passed (7 – 0).

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

Motion passed (7 – 0).

PUBLIC COMMENTS

Marcia Gershenson, Oakland County Commissioner, reported that she and Director Woodard attended a Youth Assistance Awards for Birmingham Schools this morning. It was inspirational to hear the great things that young people are doing.

Gershenson informed the Village that the Bank of America is offering grant opportunities to neighborhood non-profit organizations that are working to promote a vibrant neighborhood. They also offer an award for five community heroes who contribute to neighborhood vitality as well as five student grants for students working to improve their neighborhood. Gershenson may be contacted for assistance with the application process.

The Oakland County Economic Development Office initiated a new program called Venture Forward for people with existing businesses who want to network and learn about strategies to increase their business. The 10-session workshop is held twice a year.

SEMCOG (Southeast Michigan Council of Governments) has issued a resident survey in order to receive feedback about what they consider transportation priorities for Michigan. The survey is available online at semcog.org.

The Detroit Zoo initiative passed the Legislature, and Oakland County voters can expect to see a zoo millage proposal on the August or November ballot. A .1 mill tax on residents in Metro

Detroit would cost the owner of a \$200,000 home \$10 a year. The Board of Commissioners will vote to create an authority to place the millage question on the ballot. Ron Kagan and Gail Ward from the Detroit Zoo will be making a presentation open to the public on Wednesday, May 14 at 7 pm at the Board of Commissioners auditorium.

Gershenson thanked Council member Peddie for attending a recent meeting of the Women's Commission for Oakland County. The Women's Commission is having its first Public Forum on May 7th from 4pm to 7pm at the Oakland County Board of Commissioners' Auditorium. It is an opportunity for citizens and non-profit organizations to address the Women's Commission on issues they consider important. The forum will focus on four areas: economic autonomy, health and wellness, safety, and leadership. Interested individuals should call for an appointment in order to speak at this public forum.

Bob Walsh of 20655 Smallwood Court stated that he reviewed a copy of the Public Safety Retirement System Investment Performance Analysis as of December 31, 2007 prepared by Asset Strategies. He found that the portfolio does include one Hedge Fund in the amount of approximately \$900,000. In answer to an inquiry, Walsh was informed that the next Council budget study session will be held on Tuesday, April 29 at 7:00 pm in the Council Chamber.

Kari DeCarlo informed the community of the American Cancer Society Relay For Life that will take place on June 28th and 29th at Seaholm High School. It is an overnight community-based event to raise money to fund the mission of the American Cancer Society and also to raise awareness of the disease. DeCarlo requested the support and participation of community members to take part in the 24-hour walk from 10 am to 10 pm. She left brochures for interested individuals.

CONSENT AGENDA

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

- a. Review/consider approval of minutes of regular Council meeting held April 1, 2008.
- b. Review and file bills recapped as of Monday, April 14, 2008.
- c. Review and file quarterly investment report.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER REQUEST FROM SPRINGHILL HOUSING CORPORATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR HOME IMPROVEMENTS TO 15944 W. 13 MILE ROAD

Pfeifer consulted with Village Attorney Ryan on whether she and Ms. Koss should recuse themselves from voting on this matter. She explained that Rosanne Koss sits on the Board of Directors for Community Housing Network, the managing corporation that oversees Springhill Housing Corporation. Dorothy Pfeifer sits on the Board of Directors of BASCC (Birmingham Area Seniors Coordinating Council). The Village contracts with BASCC to administer Community Development Block Grant (CDBG) money allocated to their home chore and minor home repair programs. It was Mr. Ryan's opinion that both Pfeifer and Koss should ask to be recused from voting and participating in the discussion on this agenda item.

Motion by Koss, second by Pfeifer, that Dorothy Pfeifer and Rosanne Koss be recused from the vote and discussion on the request from Springhill Housing Corporation for CDBG funding for home improvements to 15944 W. 13 Mile Road for the reasons stated.

Motion passed (7 – 0).

Stearn stated that Springhill Housing Corporation owns a group home at 15944 W. 13 Mile Road. They are requesting to use some of the Village's Community Development Block Grant funding for repairs to the home. He noted that the Village has already allocated its CDBG funds for the 2006 program year.

Assistant Manager Marshall stated that Springhill Housing Corporation owns the property at 15944 W. 13 Mile Road. The Village has a contract with BASCC to administer minor home repair services using money from CDBG Program Year 2006. There is currently a balance of \$5,925 available, and that contract expires on June 30, 2008. Marshall has contacted the BASCC organization to ask whether they will be able to utilize that money before the end of the contract period. In the spirit of community cooperation, BASCC was amenable to having their contract amended in order to allocate money to another entity in need of funding. After the contract is amended, a project plan would have to be prepared for the house on 13 Mile Road and submitted to Oakland County for approval. The next step would be to request Council to reprogram Minor Home Repair money in the 2006 program year to a public facility designation for use on improvements to this home.

Marshall stated that the Village currently has a contract with BASCC for Program Year 2007; there is \$6,040 available for minor home repair. Once the 2008 Program Year funds are released in June, it is anticipated that there will be another \$6,040 available to residents for minor home repairs through BASCC. In answer to an inquiry about the use of CDBG funds, Marshall indicated that program participants must meet federal standards to qualify as low to moderate income families. There is a limit to the amount of CDBG funds that can go into Village planning services or public services.

Marshall pointed out that Oakland County has not dealt with a group home project such as this with CDBG money. Beverly Hills would work closely with the County to make sure all the paperwork is in compliance with federal regulations.

Marc Craig provided background on the Springhill Housing Corporation, which is a non-profit organization geared toward making affordable housing available to people with disabilities. He is president of Community Housing Network, which serves as the managing agent for Springhill. Springhill has grown by securing HUD grants. The house on 13 Mile Road never qualified for that program for technical reasons. Springhill has done a good job of keeping up the house and making it a resource in the community. It is occupied by three people who are all recipients of the human services system. Craig affirmed that there have never been any problems with the home. Craig would like to make any resources such as CDBG funds available to keep the home in the best condition possible. Bids have been received totaling \$9,500 for new windows, doors and roof on the house. Any contribution that can be made would be appreciated.

There was discussion on the technical aspects of this process. Marshall stated that a residence has to be a single-family owner occupied home in order to qualify through the minor repair program offered by BASCC. The minor home repair money would have to be reprogrammed into a category called public facility in order for this group home to qualify. In answer to a Council inquiry, Director Woodard was not aware of any issues with the home in question.

Marshall related that, if Council is in agreement, a motion could be made to authorize administration to contact the County to determine what is involved in developing a project plan for the group home. The next action would be to reprogram CDBG funds for the 2006 program year to be used for repairs at 15944 W. 13 Mile Road. A public hearing is required to reprogram CDBG money.

Motion by Stearn, second by Oen, that the Beverly Hills Village Council supports the proposal outlined in a memo dated April 10, 2008 from Ellen Marshall to proceed with the process of reprogramming CDBG funds available in the 2006 Program Year in the full amount of \$5,900 for repairs to property at 15944 W. 13 Mile Road.

Questions from Council on the proposal were addressed by Marshall. Council asked administration to consult with the Village Attorney on the contract amendments.

Roll Call Vote:

Pfeifer	- abstain
Stearn	- yes
Woodrow	- yes
Berndt	- yes
Koss	- abstain
Oen	- yes
Peddie	- yes

Motion passed (5 – 0)

REVIEW AND CONSIDER PROPOSAL FROM BROTHER RICE REGARDING BALL FIELDS AT BEVERLY PARK

Council is in receipt of a proposal from Brother Rice High School to enter into discussions with the Village of Beverly Hills relative to creating a state-of-the-art baseball complex involving the ball fields located at Beverly Park. Brother Rice is looking to secure a long-term site for its baseball program beginning in the spring of 2009. They propose significant improvements to the baseball fields at no cost to Beverly Hills residents.

Motion by Stearn, second by Peddie, to refer the proposal from Brother Rice regarding Ball Fields at Beverly Park to the Parks and Recreation Board for its review and recommendation.

John Birney, President of Brother Rice High School, addressed questions from Council on the proposal. Woodrow remarked that he and Spallasso met with representatives from Brother Rice at which time a few of his initial concerns were addressed. No lighting is proposed for the ball

fields, and all improvements to the fields are open for negotiation. Stearn asked that the Parks and Recreation Board give consideration to Beverly Hills Little League scheduling to make sure that there is no overlap.

Spallasso stated that it was intended to bring this proposal to Council and the Parks and Recreation Board for consideration before Brother Rice invested time and money in preparing plans before interest was expressed by the Village.

Marcia Gershenson was concerned that the Brother Rice baseball schedule would overlap with Little League games. Kathleen Berwick of 31381 Kennoway Court asked about the Brother Rice ball field.

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

SET PUBLIC HEARING DATE OF MAY 6, 2008 TO REVIEW AND CONFIRM 2007 ASSESSMENT ROLLS FOR DUST AND OTHER MISCELLANEOUS ASSESSMENTS

Council set a public hearing date of Tuesday, May 6, 2008 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 2008 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.

DIRECT VILLAGE ATTORNEY TO REVIEW RECENT PUBLIC SAFETY OFFICER AND COMMAND OFFICER CONTRACT LANGUAGE AND PREPARE AMENDMENT TO CHAPTER 3 DEPARTMENT OF PUBLIC SAFETY OF THE MUNICIPAL CODE TO REFLECT SAME

Motion by Peddie, second by Koss, that the Beverly Hills Village Council direct the Village Attorney to prepare appropriate amendments to Chapter 3 of the Municipal Code to incorporate changes in the Public Safety Officer and Command Officer contracts.

Motion passed (7 – 0).

REVIEW AND CONSIDER PETITION FROM PROPERTY OWNERS ON KENNOWAY CIRCLE AND KENNOWAY COURT TO PAVE BOTH STREETS

The Village is in receipt of a petition from the majority of the property owners on Kennoway Circle and Kennoway Court to pave the gravel roads in front of their property. The petition has 57% of the homeowners' signatures (13 signatures of the 23 affected lots), all of which have been verified.

The Village would assess the total number of properties for the total cost of the improvement and divide equally. Historically, the Village contributes up to 20% of the total cost of the project. This is based on the fact that the improvement will initially eliminate maintenance costs to the Village and decrease those costs for the long term.

If Council accepts and authorizes the project, engineering expenditures will be incurred to perform the topographical survey necessary to generate an accurate estimate of the total cost. The initial costs will be recovered by the Special Assessment District. This project will be designed and constructed with under drains and asphalt surface, which has proven to be the most economical design for improving gravel roads.

Motion by Oen, second by Pfeifer, that the Village Council authorize the Village Manager to have a preliminary cost estimate prepared for the Special Assessment Paving of Kennoway Circle and Kennoway Court.

Berndt questioned the justification of the Village as a whole paying 20% of the cost of paving a street that is not a connector road. Spallasso responded that long-term savings on maintenance costs is a consideration. Major costs include adding gravel, grading, and drainage. He believes that there is justification for the Village paying a portion of the cost of this improvement.

Stearn questioned the cost of the engineering estimate from Hubbell, Roth and Clark. Spallasso responded that the approximate \$3,000 cost would be recovered by the special assessment district. If residents remove their signatures from the petition and the project does not go forward, the plans will be on file for future needs.

David Masch of 20730 Kennoway Circle, who initiated the petition, asked how long the cost analysis takes and how the resulting information is communicated to the residents.

Spallasso estimated that the preliminary cost estimate could probably be completed within a couple of months depending on HRC's schedule. When engineering plans and specifications are available, area residents will be notified of a necessity public hearing and will have an opportunity to review the improvement plan and cost estimates and comment on the project. If Council decides to proceed with the project at the necessity hearing, the Village will go out for bids on the plans and specifications, engage the lowest and best contractor, and complete the work. The project could be completed by the end of this year. When construction is completed and actual costs are available, the cost of the project will be spread over the assessment roll. A second public hearing will be held at which time benefiting residents can review and comment on the assessment roll.

Cindy Layton of 20724 Kennoway Circle understood that the residents who signed the petition were interested in obtaining the cost of paving and drainage and did not intend to indicate their approval to proceed with the project until that information was received.

Woodrow responded that it has been his past experience that those who sign the petition are generally interested in continuing with the improvement. However, an individual can withdraw their name from the petition if they change their mind after reviewing the cost estimates.

Masch stated that he does not want this to go forward unless residents have the ability to review the cost and the right to decide whether to proceed with the paving. He understood that 51% of the homeowners would have to agree to the improvement after the cost estimates are completed and available for public review. The petition states: *The following homeowners are interested in*

paving Kennoway Circle and Kennoway Court, and request that the Village of Beverly Hills take the required steps necessary to provide homeowners with the exact cost of paving and the drainage mechanics that will be included in the paving process.

Spallasso affirmed that the project can be discontinued up to the point where Council votes to establish a special assessment district. Residents can remove their names from the petition. Woodrow suggested that Mr. Masch may want to circulate the petition again once the cost estimates are available to determine if the majority of Kennoway residents want to proceed.

Jay Meehan of 20775 Kennoway Circle appreciated Council's statement that they want to make sure that those in favor of the paving understand what they are approving. Meehan shared the results of his online research on paved versus unpaved roads. He referred to studies and best practices for maintaining and upgrading an aggregate road. Meehan proposed that unpaved roads actually have lower maintenance costs for low volume roads like Kennoway Circle and Kennoway Court. Meehan thought that Kennoway residents were moving forward with the idea of paving without all the facts about actual costs of grading and maintenance of a gravel road.

Meehan stated that half of the residents on Kennoway signed the petition and another half do not want the road paved. They like the idea of living on an unpaved road and the fact that people have to drive slow. Some residents prefer the charm and character of the unpaved road. Meehan suggested that Council may want to rethink the 51% ordinance requirement for determining whether to proceed with a special assessment in order to reduce conflicts in neighborhoods. Meehan asked Council for comparison data in terms maintenance costs related to paved and unpaved roads so residents can make an informed decision.

Kathleen Berwick of 31381 Kennoway stated that she looks forward to the road being paved. She has lived on Kennoway Court for over 29 years and will be glad to have relief from the dirt and mud.

Elsa Antebi of 20719 Kennoway expressed concern about the timing of this proposition when property values are going down. She is not in favor of the paving project, especially at this time.

Berndt questioned whether the Kennoway residents are serious about the paving project. He is concerned that the Village will have to pay the \$3000 cost for engineering.

Peddie remarked that the majority of homeowners on the street are interested in a cost estimate for paving the road. It is their right to petition for this information, and it is the duty of the Village to provide it. Residents also have the right to back out if they choose. Oen concurred, noting that the engineering documents would be kept on file in the Village. Pfeifer remarked that there have been payment options offered in conjunction with special assessment districts. She recommended that Council proceed with obtaining the cost estimates.

Roll Call Vote:

Woodrow - yes
Berndt - no
Koss - yes

Oen - yes
Peddie - yes
Pfeifer - yes
Stearn - yes

Motion passed (6 – 1).

REVIEW AND CONSIDER REQUEST FROM MARIAN HIGH SCHOOL TO USE VILLAGE STREETS FOR WALK-A-THON ON SATURDAY, MAY 2, 2008

The Village is in receipt of a request from Marian High School to hold a Walk-A-Thon using Village sidewalks and streets on Friday, May 2, 2008. Their mission is to provide assistance to Offering Alternative Therapy with Smiles (O.A.T.S.) and Most Holy Trinity Elementary School in Detroit. The high school has submitted a certificate of insurance naming the Village of Beverly Hills as an additional named insured under its certificate of liability for the walk. Council is in receipt of a map of the route indicating which streets in the Village will be used.

Marian student body president Rachel Piserchia stated that students will leave Marian at 9 am and walk until approximately 11 am. The students will be monitored by teachers and chaperones, who will be walking with them as well as driving along the route. Piserchia has notified the Bloomfield Hills and Beverly Hills police departments to advise them of the time and location of the walk. She requested approval from the Beverly Hills Council.

Stearn expressed concern about the safety of students walking along Evergreen Road where there are no sidewalks. He suggested that one lane be kept closed during that time period. Director Woodard stated that, in past years, Marian High School has provided adult supervision at critical crossings and the Beverly Hills Public Safety Department provides police vehicle decoys and supervision from road officers along that route during the two-hour walk.

Motion by Berndt, second by Koss, that the Village of Beverly Hills Council approve the request of Marian High School to use Village streets and sidewalks for its Walk-A-Thon to be held on Friday, May 2, 2008.

Motion passed (7 – 0).

REVIEW AND CONSIDER ITEMS FOR THE 50th ANNIVERSARY CELEBRATION

Peddie reported that the Committee had a meeting this morning on the 50th Anniversary celebration. She updated Council on the activities that have taken place since the joint meeting with Council on April 5. The Village has received verbal commitments for donations in the amount of \$2,500. Current sponsors include DTE, Mike Laurencelle, Beverly Hills Grill and Brady's Tavern.

Brady's will be providing a monetary donation towards the evening cookout on June 14th in lieu of their original offer of providing hamburgers for those attending the event. Since the Committee and Council is in agreement to provide food during the evening activities, the Anniversary Committee proposed that the same company that will supply the Pancake Breakfast be engaged to provide the dinner.

The Committee requested that Council contract with Chris Cakes of Michigan to provide an All-You-Can-Eat menu of Hamburgers/Hot Dogs/Brats, Potato Salad, Baked Beans, Coleslaw and Lemonade for \$6.50 per plate. They are also willing to offer a children's plate price. The Committee is estimating 500 plates at \$6.50 per plate, bringing the total to \$3,250 (or less with children's plates). It is the Committee's intent to continue fundraising activities to offset the total cost of providing the evening meal.

Koss mentioned that the Beverly Hills Lions Club has generously offered to sponsor the pancake breakfast up to \$1,500. Council expressed their gratitude to the Lions Club.

Motion by Peddie, second by Pfeifer, that the Village Council authorize administration to enter into a contract with Chris Cakes of Michigan to supply the All-You-Can-Eat Menu Burgers N' More for the June 14, 2008 50th Anniversary celebration in Beverly Park at a cost of approximately \$3,250.

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

The Anniversary Committee also requests that Council waive the restrictions on sales at Beverly Park on Saturday, June 14, 2008 and authorize the expenditure of \$5,000 as budgeted for the 50th Anniversary Celebration. It was emphasized that the waiver of restrictions on sales will only allow people associated with the Anniversary event to sell items in the park.

Motion by Peddie, second by Koss, that the Village of Beverly Hills Council waive restrictions on sales for the 50th Anniversary Celebration Event to be held at Beverly Park on Saturday, June 14, 2008 and provide financial assistance of not more than \$5,000 from account 101-747-894, Community Action: Special Events. Sales in the park are limited to those people who are associated with the Anniversary event.

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

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court announced that Southfield Township will be offering free document shredding on Saturday, May 3 between 10 am and noon in the municipal building parking lot. Spallasso addressed questions from Tischler regarding notification of residents and business owners, local and business access, and signage associated with the closure of Thirteen Mile Road between Greenfield and Southfield Roads. The road will be open for local residents. Spallasso related that the work will begin tomorrow, April 16.

REPORTS – MANAGER

Spallasso stated that signs will be erected tomorrow, April 16 and road construction will begin on Thirteen Mile Road between Greenfield and Southfield Roads. The water meter replacement program is proceeding on schedule; 2,850 meters have been installed to date.

On Tuesday, April 29 at 7:00 pm Council will meet to review the proposed 2008/09 budget.

Stearn commented that he has given further consideration to the draft Road Fund budget. He proposed that the General Fund balance should not drop below 19% and an attempt should be made to allocate 1 mil of the general millage to be used for local and major roads.

COUNCIL

Peddie reported on her attendance at a recent meeting of the Women's Commission for Oakland County where pertinent topics were discussed by a dynamic group of people. The Women's Commission will be hosting a Public Forum on May 7th at the County to address important issues focusing on economic autonomy, health and wellness, safety, and leadership.

Oen reported that the Planning Board will meet on Wednesday, April 23 at 7:30 pm in the Council chamber. Oen reminded residents to put yard waste in brown paper bags or a trash can labeled for yard waste. He urged people to recycle.

Pfeifer stated that the Birmingham Area Cable Board will meet at 7:45 am tomorrow, April 16. She reported that the ad hoc city study committee sent a copy of its report to the villages of Bingham Farms and Franklin and to Southfield Township along with a letter inquiring as to their interest in meeting with the Council to discuss the topic of Beverly Hills becoming a city. Pfeifer has heard from Southfield Township and the Village of Bingham Farms and had a conversation with a Franklin council member. She related that they are all waiting for further information.

Pfeifer proposed that Council engage Village Attorney Ryan in a discussion on the subject of becoming a city and, further, that Council make a decision on its direction on this topic. She requested that this be a discussion item for the May 6 Council meeting.

Pfeifer commented on the fact that, while she is computer literate, she has made a conscious decision not to access the Internet nor to communicate with Council or administration members via email. She noted that all Village correspondence is subject to the Freedom of Information Act. Pfeifer commented further that a citizen group has created a web site that has been a critical, unfair and unproductive opponent of the current administration and Council. She holds the opinion that this web site is irrelevant for the reason that the majority of Village residents are well informed and have good judgment. Pfeifer commented on the negative impact of this web site on the village manager selection process.

Berndt questioned the status of the Village fire truck that was out of service. Director Woodard responded that Tower 314 was returned to inventory and put into full service last weekend. As recently as yesterday, the tower apparatus responded to a mutual aid request from Oak Park.

Stearn commented that Council met with the Finance Committee last week to review the draft 2008/09 Village of Beverly Hills Budget. The next Council budget meeting will be held on Tuesday, April 29 at 7:00 p.m. Interested residents are invited to participate. The Parks and Recreation Board will meet on Thursday, April 17, 2008 at 7:30 pm in Beverly Park weather permitting.

Koss thanked everyone who has contributed towards the Village's 50th Anniversary celebration in the park on June 14th. She related that people have been responding to our requests to participate in some way.

Woodrow also encouraged business owners to participate in supporting the Village's 50th Anniversary celebration with one of various levels of sponsorship. There will be information about the 50th celebration in the next Villager newsletter.

Woodrow encouraged groups or individuals to form a team and get involved in the American Cancer Society Relay for Life at Seaholm High School on June 28-29.

Motion by Pfeifer, second by Oen, to adjourn the meeting at 9:24 pm.

Motion passed (7 – 0).

Hugh Woodrow
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary