

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

Absent: None

Also Present: Manager, Wilson
Assistant Manager, Marshall
Director of Public Safety, Woodard

President Woodrow called the regular Council meeting to order at 7:30 p.m. Resident Paige Stearn, 8, lead those in attendance with reciting the Pledge of Allegiance.

ADDITIONS TO AGENDA/APPROVE AGENDA

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

Motion passed (7 – 0).

Woodrow explained that an item on the last Council meeting agenda regarding Detroit Country Day School and establishing a standing committee to negotiate a sidewalk agreement was tabled. That item is not on tonight's agenda for the reason that it is not likely that DCD will pursue a variance from the Zoning Board due to the cost estimate obtained to install a sidewalk along the north side of 13 Mile Rd.

PUBLIC COMMENTS

Maria Benavides, Kirkshire, commented on the high cost of using paper bags for leaf disposal every fall and suggested the Village consider using equipment already in its possession to pick leaves up from the street to eliminate bagging. She also expressed concern about lawn services and the negative impact chemicals have on humans and animals with regard to health.

Pam Murdock, 30414 Georgetown, suggested a cease and desist order be placed on Detroit Country Day School for the construction of the Middle School Gymnasium since the sidewalk issue has not been resolved. She also inquired as to the amount of revenue that has been lost over 50 plus years that DCD has been in existence since they are not a taxpayer. She believes the amount of lost revenue far exceeds the cost for them to install a sidewalk.

Marcia Gershenson, Oakland County Commissioner, announced that the County will be hosting two grant writing workshops on September 22 and 23. These workshops are being held to foster networking opportunities between communities and inform communities of all grants that are available.

Bob Walsh, 20655 Smallwood Court, inquired about the most recent Actuarial Valuation that was completed for the period ending December 31, 2007. He compared it to the Actuarial report that was completed for the period ending December 31, 2003 and stated that there has been an increase of \$6 million (67%). Walsh would like to know what the Council is going to do to reduce costs. He also wanted to know what the budget contribution is for retiree health for the current fiscal year.

Chuck Moss, State Representative for the 40th District, announced that legislators will be back in session next week. He reported on electricity regulation and the utilities desire to make investments in new power plants. The utilities want to break apart business and residential rates which would result in greater costs to residential customers. Moss does not support this bill.

Blue Cross/Blue Shield has 70% of the health insurance market in Michigan. They are the insurer of last resort and as such have tax exempt status. They have been seeking involvement in the property and casualty market. Moss does not support BC/BS entering different markets with tax exempt status. If they want to expand their product, he feels they should lose their tax exempt status.

Nanci Freedman, 32460 Evergreen, has concerns about the budget and funding. She hopes the Village will not consider spending one dollar for sidewalk expenses.

CONSENT AGENDA

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

- a. Review/consider approval of minutes of regular Council meeting held August 19, 2008.
- b. Review and file bills recapped as of Tuesday, September 2, 2008.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER 2008 HALLOWEEN HOOT FUNDING

Stearn reported that plans are underway for the 13th Annual Halloween Hoot to be held on Sunday, October 26 in Beverly Park.

Terri Stearn of 31161 Old Stage Road reported that approximately 3,000 young people attended last year's Hoot, an event coordinated through volunteer efforts. This year she is asking for the Village to provide \$2,500 to help offset the costs for candy, candles, cider, donuts and storytellers.

In previous years, as many as 14 Homeowner Associations participated in the Halloween Hoot setting up kiosks along the Hoot Trail for kids to trick or treat. Last year, participation was greatly reduced with only seven neighborhood associations participating along with a dental office and Premier Pet Supply. The toddler-friendly area was eliminated last year due to lack of funding. This year Terri Stearn has a suggestion to create an incentive to encourage homeowner associations to participate and offset the cost of candy, new costumes and construction for their display. In an effort to generate renewed interest, Terri Stearn suggested \$3,000 be transferred from the balance of 50th Anniversary money to offer homeowner associations an incentive to help defray costs involved with their participation.

Motion by Stearn, second by Oen, that the Village Council approve an expenditure of \$2,500 for the 13th Annual Halloween Hoot that will take place in Beverly Park on Sunday, October 26, 2008. Funds for this expenditure are available in account #101-747-896, Community Action: Halloween Hoot Expenses.

Maria Benavides asked if any new venues for obtaining donations have been pursued. She suggested contacting Target for sponsorship.

Stearn clarified that the Hoot typically costs \$9,500, not \$2,500. The Village contributes \$2,500 and community groups, homeowners associations and donations make up the rest.

Roll call vote:
Motion passed (7 – 0).

Stearn explained that the Village puts on three community action events each year. The Memorial Day Parade/Carnival, the Winter Family Fun Day and the Halloween Hoot. The Hoot attracts more people than the other two events combined.

Motion by Stearn, second by Oen, that the Village Council approve an additional expenditure not to exceed \$3,000 for the 13th Annual Halloween Hoot to take place at Beverly Park on Sunday, October 26, 2008. This money will be used as incentives for groups to participate in the Halloween Hoot and for purchase of additional equipment, costumes, etc. The \$3,000 would be reallocated from the remaining balance of 50th Anniversary event to cover this expense.

Peddie inquired about the remaining funds from the 50th Anniversary event and the cost of printing commemorative books. Koss stated that she is in agreement with dedicating some of the remaining funds from the 50th Anniversary to the Halloween Hoot; however, a commitment was already made to pay for commemorative books marking the Village's 50th Anniversary. The cost of those books is unknown.

Discussion took place regarding the suggestion to transfer money from the 50th Anniversary to the Halloween Hoot. Berndt thought that the Hoot should be supported by the Village as a whole, not because it is a community event. Pfeifer was unconvinced that offering money to homeowner associations would result in their participation.

Stearn rescinded the motion and Oen withdrew his support.

Stearn continued that there is a need for additional money for this year's event and offered the following:

Motion by Stearn, second by Berndt, that the Village Council allocate an additional \$2,500 for the 13th Annual Halloween Hoot to take place at Beverly Park on Sunday, October 26, 2008. Funds for the expenditure to be taken out of the General Operating Fund.

Kathleen Berwick, 31381 Kennoway, believes that children who do not live in the Village attend the Hoot which increases attendance.

Roll call vote:
Pfeifer - No
Stearn - Yes
Woodrow - Yes

Berndt - Yes
Koss - Yes
Oen - Yes
Peddie - Yes
Motion passed (6 – 1)

REVIEW AND CONSIDER PROPOSED CONTRACT FOR ENVIRONMENTAL REPRESENTATION BY SECREST WARDLE

Oen reported that the Village passed a resolution on July 15, 2008 contesting the Michigan Department of Environmental Quality’s NPDES Phase II General Permit (MS-4) and Beverly Hills filed for a contested case hearing. A meeting between 70 petitioners and the MDEQ is scheduled for September 12, 2008. The administrative law judge will hold a status conference on this case on October 1, 2008. It is imperative that the Village be represented by an attorney in these proceedings. Secrest Wardle is an environmental law firm that is representing twelve other communities in this case. The cost for this action will be minimized by the opportunity to share the cost with other communities that have also contested the permit and are represented by this firm.

Motion by Oen, second by Pfeifer, to approve the proposed contract with Secrest Wardle to represent the Village of Beverly Hills with regard to contesting the MDEQ MS-4 permit and authorize the Village Manager to sign the contract.

Stearn asked what would happen if we did not hire an attorney.

Ryan responded that the Village needs to be represented at the hearing by a law firm with expertise in this area. This is a cost effective way of proceeding.

Roll call vote:
Motion passed (7 - 0).

REFER REQUEST FROM 31555 SOUTHFIELD ROAD TO THE PLANNING BOARD TO CONSIDER REZONING AN ADJACENT LOT FROM R-3 SINGLE FAMILY RESIDENTIAL TO P-PARKING

The Village is in receipt of a request from 31555 Southfield Road, the Beverly Hills Club, to rezone a vacant lot adjacent to their property from R-3 Single Family Residential to P-Parking.

Motion by Oen, second by Stearn, to refer a request from the Beverly Hills Club, 31555 Southfield Road dated 8-19-08 to the Planning Board for public hearing, review and recommendation to rezone an adjacent vacant residential lot from R-3 Single Family Residential to P-Parking.

Motion passed (7 - 0).

REVIEW AND CONSIDER PROPOSALS FOR PUBLIC SAFETY DEPARTMENT STRATEGIC PLAN

Director Woodard stated that it has been one of his goals to engage in a Public Safety Department strategic planning effort. This endeavor has been supported by the Mercer Group Operational Study provided to Council last December. It was recommended not only that the

Public Safety Department conduct a strategic plan at the department level, but that the plan would also support several of the other items in the study. The strategic plan will better define the Department's mission and assist in moving forward with goals and objectives relating to what the officers do every day and how they do it. Performance measures will be a part of the proposal.

Department staff has met with John Piskulich of the Public Affairs Research Laboratory, a public service unit of the College of Liberal Arts and Sciences at Oakland University. The consulting team will be made up of academic staff and graduate students of the Department of Political Science. They will set up a focus group of Department members to establish an agency mission and vision and formulate goals to carry the Public Safety Department forward. The fee is \$1,000 a day, and it is estimated that the project will take one day with the possibility of a second day. Woodard believed that this would be a more economic package for the development of a strategic plan than if the Department approached businesses that provide this function.

Motion by Peddie, second by Pfeifer, to approve the contract with the Public Affairs Research Laboratory (PARL) of Oakland University for the provision of facilitating and consulting services in the development of a Public Safety Department Strategic Plan in an amount not to exceed \$3,000. Funds are available for this effort in Account #101-345-831, Public Safety: Miscellaneous Professional Services.

This item is back before Council because the contract was not included in the last Council packet.

Tischler asked how long the process will take out of concern for road patrol being compromised while officers are participating in the strategic planning process. Woodard assured that road patrol will not be affected by the focus group.

Roll call vote:
Motion passed (7 – 0).

REVIEW AND CONSIDER AGREEMENT WITH ROAD COMMISSION FOR OAKLAND COUNTY TO UPGRADE THE TRAFFIC SIGNAL AT 13 MILE ROAD AND LINCOLNSHIRE

Oen reported that the Village is in need of upgrading the traffic signal at 13 Mile and Lincolnshire. This signal is 100% owned by the Village and maintained under contract by the Road Commission for Oakland County. This renovation is necessary due to the age of the signal and problems with obtaining parts for maintenance.

Motion by Oen, second by Pfeifer, to approve an agreement between the Village and the Road Commission for Oakland County to upgrade the traffic signal at 13 Mile & Lincolnshire in the amount of \$65,000. Funds for this item are available in account #202-451-813.01.

Roll call vote:
Motion passed (7 - 0).

ACCEPT BOB BORGON'S RESIGNATION FROM THE BIRMINGHAM AREA CABLE BOARD AND MAKE FIRST ANNOUNCEMENT OF VACANCY

Pfeifer stated that Bob Borgon, member of the Birmingham Area Cable Board, submitted his resignation from the Board after serving for more than ten years. His resignation is effective immediately. He was recently appointed Executive Director of the same Board replacing Kathy Hagaman. Pfeifer thanked Borgon for his dedicated service on the Cable Board and expressed confidence that he will do a good job as the Executive Director.

Motion by Pfeifer, second by Koss to accept Bob Borgon's resignation from the Birmingham Area Cable Board with gratitude for his commitment to Beverly Hills.

Ayes – Koss, Oen, Peddie, Pfeifer, Stearn and Woodrow

Nays – Berndt

Motion passed (6 – 1).

Pfeifer made the first announcement of a vacancy on the Birmingham Area Cable Board with a term that expires on June 30, 2010. Interested individuals should submit an application to be appointed to the Cable Board. Applications are available at the Village Office or can be printed from the village web site (www.villagebeverlyhills.com). The deadline for receiving applications is Wednesday, October 1 at 4:30 p.m. A subcommittee of Pfeifer, Stearn, and Woodrow will meet on Tuesday, October 7 at 7:15 p.m. to consider the candidates and make a recommendation to Council on appointments.

REVIEW AND CONSIDER AWARDING CONTRACT TO REPLACE ROOF ON PUBLIC SAFETY BUILDING

Peddie reported that the original roof on the Public Safety building was erected in 1989. It has sustained minor incidents of damage from wind storms (shingles and ridge vent) and shows weakness in some of its base roofing boards. There have been some leaks in the fire hall portion of the roofing structure in recent years.

Specifications for the project include tear-off of the existing single-layer asphalt roofing, replacement of roof boards as needed, application of nine feet of ice dam material and roofing felt, then installation of a 25-year grade asphalt shingle roof. Optional pricing for a 30-year, dimensional shingle was invited; this option would provide for an extended lifetime on the roof and provide an upgraded appearance architecturally.

Five vendors attended the required pre-bid walk-through and four submitted bids. Mando Construction provided the lowest bid meeting specifications.

Motion by Peddie, second by Oen, that the Beverly Hills Village Council awards the Public Safety Building roof replacement project to Mando Construction of Clinton Township, Michigan in the amount of \$17,970.20. Funds are available for this purchase in account #101-900-982 Capital Purchases: Building Site Improvement.

Stearn questioned the low bidder being so much lower than everyone else. Woodard confirmed that he reviewed the specifications with the low bidder and they will provide a performance bond to assure that the work will be completed within the bid price.

Pfeifer clarified that the 30-year option was chosen over the 25-year option.

Roll call vote:

Motion passed (7 – 0).

PUBLIC COMMENTS

Kathleen Berwick commented that one of her neighbors experienced a home invasion last week and cautioned people to be very careful.

REPORTS

MANAGER

Wilson provided Council with a written report regarding outsourcing the building department and consolidating public safety dispatch services. His report also included an update regarding Detroit Country Day School and the issue of a sidewalk being installed along 13 Mile Road. It appears that DCD will withdraw their variance request and it is likely that the matter will go to litigation. Wilson also commented on the Village's site plan approval process and asked for Council's permission to work with Village Attorney Tom Ryan to streamline the process.

Berndt inquired about correcting the left turn lane line on 13 Mile Road at West Rutland. Wilson reported that there are a number of items on the punch list for the contractor to finish. Payment will be withheld until all items are completed.

Berndt and Stearn complimented Wilson on his manager's report. Stearn asked that a copy of his report be forwarded to the Finance Committee.

Koss asked what is being done to address the rat problem in the northeastern portion of the Village. Wilson responded that there is an extermination company from Roseville that was selected through a consortium of communities in southeastern Oakland County to provide services to residents, at their expense, to manage rodent problems. A letter is also being prepared by the Village to offer suggestions on rat prevention and control.

COUNCIL

Berndt reported that a Zoning Board meeting will be held on Monday, September 8, 2008 at 7:30 p.m.

Berndt and Peddie reminded residents to keep their homes secure by locking doors and windows.

Stearn asked Director Woodard for an update on the second detective. He thanked Council for its support to provide an additional \$2,500 for funding the Halloween Hoot. He stressed the importance of a Southfield Corridor Study especially given the fact that there is a building on Southfield Road that has been vacant for an extended period of time. Stearn thinks it is imperative to find a tenant for that building. Wilson indicated that the Village is in receipt of some plans for that building, but there are problems due to parking issues.

Relative to Detroit Country Day, Stearn commented that the Village has done everything it could do to have DCD install a sidewalk on 13 Mile Rd. He does not think the Village can afford to put any money toward the installation of that sidewalk.

Stearn also reported that there is a Finance Committee meeting scheduled for Tuesday, September 9th at 7:00 p.m. and a Parks & Recreation Board meeting scheduled for Thursday, September 18th at 7:30 p.m. in Beverly Park.

Pfeifer stated that the Birmingham Seniors Coordinating Council is having a garage sale on Saturday, September 27 at the Midvale School site. A flyer will be displayed on the Village bulletin board promoting the event.

Council adopted a Pathway Study Plan in 2002. The referendum to fund the plan was defeated. Those who have sidewalks paid for them. Some feel the sidewalks should be funded for them. The people who wanted sidewalks could have developed a special assessment district. If the residents of north and south Georgetown formed their own SAD, it would spread the cost of installing a sidewalk from Lahser along the north side of 13 Mile to Woodside Athletic Club among the 700 homes in both neighborhoods.

Woodrow agreed with Maria Benavides as he also dislikes bagging leaves each fall. He reported that a leaf vacuuming program costs in the area of \$300,000 - \$400,000, which makes it cost prohibitive to the Village. Woodrow would like to see the Halloween Hoot promoted as much as possible. He thought the business community needs encouragement to participate. With regard to the contract with Secrest Wardle, he believed that the right thing for the Village to do is join the rest of the communities in engaging this law firm for legal representation.

A free Estate Planning Seminar will be held on Thursday, September 25, 2008 at 7:30 p.m. at the Birmingham Conference Center at 13 Mile & Evergreen.

Motion by Pfeifer, second by Peddie, to adjourn the meeting at 9:23 p.m.

Motion passed (7 – 0).

Hugh Woodrow
Council President

Ellen E. Marshall
Village Clerk

Sue Bernard
Recording Secretary