

Present: President Stearn; President Pro-Tem Koss; Members: Berndt, Briggs, Mooney, Oen and Peddie

Absent: None

Also Present: Manager, Wilson
Assistant Manager, Marshall
Public Safety Director, Woodard
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/APPROVE AGENDA

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

Motion passed (7 – 0).

PUBLIC COMMENTS

County Commissioner Marcia Gershenson reported on County and community programs. She attended a Time Bank presentation in Lathrup Village; the program involves neighbors helping neighbors through bartering services. A Time Bank could be initiated in Beverly Hills if there was a resident willing to chair the organization for the community. Interested individuals should contact Gershenson.

Gershenson announced a Michigan Park and Read program that allows anyone with a library card to one free day pass at any Michigan State Park. On August 14-15 at the University of Michigan there will be a hands-on math and science workshop for educators and community based organizations to encourage young girls to pursue classes and careers in science, technology, engineering and math.

Lawrence Tech introduced 36 new “Reinvent Your Career” certificate programs to position graduates for employment opportunities in new emerging sectors. Gershenson added that there are green jobs posted on the Michigan Public Service Commission web site.

Gershenson reminded people that Michigan agriculture contributes \$63.7 billion to the State budget. This is a time for people to buy locally and frequent farmers’ markets. Michigan agriculture employs more than one million Michiganders. She referred to a new web site called www.thinkmichiganmade.com.

CONSENT AGENDA

Motion by Mooney, second by Peddie, to approve the consent agenda as published.

- a. Review/consider approval of minutes of regular Council meeting held July 21, 2009.
- b. Review and file bills recapped as of Monday, August 3, 2009.

Motion passed (7 – 0).

BUSINESS AGENDA

THIRD ANNOUNCEMENT OF TWO ALTERNATE VACANCIES ON THE ZONING BOARD OF APPEALS

Two announcements have been made regarding vacancies on the Zoning Board of Appeals for two alternate members. No applications have been received by the Village office for those positions.

Berndt made the third announcement of two vacancies on the Zoning Board of Appeals for terms to expire on June 30, 2012. The deadline for accepting applications is Wednesday, August 12, 2009 at 4:30 p.m. Applications are available at the Village office and on the Village website. A subcommittee has been selected consisting of Ron Berndt as chairperson with Walter Briggs and Rosanne Koss as members. The subcommittee will meet on Tuesday, August 18, 2009 at 7:15 p.m. to review applications and make a recommendation to Council.

REVIEW AND CONSIDER APPLICATION FOR SMART FISCAL YEAR 2010 MUNICIPAL AND COMMUNITY CREDIT AGREEMENT

Before Council for consideration is the contract from the Suburban Mobility Authority for Regional Transportation (SMART) for financial assistance to support public transportation programs in Beverly Hills. This contract is for fiscal year 2010 (July 1, 2009 through June 30, 2010).

The amount of funding available to the Village from the SMART program is \$24,595 allocated under two separate programs, the Municipal Credit Program in the amount of \$9,833 and the Community Credit Program in the amount of \$14,762. Council will consider action authorizing the Village to enter into a contract with SMART to accept the funds and allocate them in accordance with the terms of the contract. The funds are proposed to be allocated to the Birmingham Area Seniors Coordinating Council (BASCC) to be used for transportation related services.

The amount of funding available to Beverly Hills through the Municipal Credit Program is \$9,833, the same as last year. It is recommended that \$2,499 be designated to the BASCC transportation program and \$7,334 be allocated to the SMART Connector and Dial-A-Ride services (\$3,667 is mandatory for SMART Connector & Dial-A-Ride).

The amount of funding available to the Village through the Community Credit Program is \$14,762. It is recommended that this entire amount be allocated to BASCC for its transportation program. This brings the total allocation for BASCC up to \$17,261.00. BASCC uses this money for operation, maintenance and repair expenses as well as wages for its Senior Citizen Van Program. BASCC estimates that its annual costs for operating the Van Program are \$110,800, and their current records indicate that 35% of their van users are Beverly Hills residents.

Wilson said that this funding originated through a 0.59 mil tax that was approved by the Oakland County voters and also funds from the State of Michigan Transportation Fund paid through the gas taxes.

Motion by Mooney, second by Oen, to authorize the Village Manager to enter into a Municipal Credit and Community Credit Contract for program year 2010 between the

Suburban Mobility Authority for Regional Transportation (SMART) and the Village of Beverly Hills under which contract the Village would accept \$9,833 in Municipal Credits and \$14,762 in Community Credits to be allocated as set forth in the contract. For the amount of funding that will be allocated to the Birmingham Area Seniors Coordinating Council, BASCC will provide the appropriate insurance coverage as required by SMART.

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

REVIEW AND CONSIDER RESOLUTION ACCEPTING GIFT FROM VIRGINIA WATSON'S TRUST

Long-time resident Virginia Fetters Watson, known as Bobby Watson, passed away on July 12 of this year. Ms. Watson remembered the Beverly Hills Public Safety Department in her trust, allocating one percent of the assets in her trust to the Department. In order to receive the bequest, the Village Council must adopt a resolution within four months of her passing approving the conditions contained in the trust. Ms. Watson placed some stipulations on how that money was to be used in a letter written to Chief Davis dated 1989 followed by correspondence to Renzo Spallasso a couple of years ago. Council has received copies of those documents.

Motion by Mooney, second by Koss, that the Beverly Hills Village Council approve the conditions contained in the Virginia Fetters Watson Trust whereby the Beverly Hills Department of Public Safety shall receive an amount equal to 1% of her estate to be used in accordance with Ms. Watson's written directions to Chief Davis dated December 8, 1989, or any subsequent writing.

President Stearn said that Ms. Watson allocated one percent of her estate to be used by the Public Safety Department. The use of that money is not to be determined by the Council or Village Manager. Ms. Watson would like it spent on something over and above what is provided in the yearly budget for public safety; it can be used to make the building more livable or for equipment needed by the Department. On behalf of the community, Stearn expressed Council's sympathy to Ms. Watson's family and thanked them for this bequest.

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

REVIEW AND CONSIDER FINAL PAYMENT FOR CONTRACT #W-04-01 2004 WATER MAIN REPLACEMENT PROJECT

Before Council for approval is final payment estimate for the 2004 Water Main Replacement Project with a total amount due of \$35,033.20 to the contractor Bricco Excavating Company. Wilson related that the 2004 project took about two years to complete. Upon completion of that work, the Village experienced two water main breaks along Beverly Road within a period of four months. It was decided to extend the contract in order to have work done expeditiously to replace that section of water main; the contract was extended by Council approval on December 18, 2007. The original contract price was \$2,934,670.00 and the final contract price including this payment would be \$2,924,781.20, which is almost \$9,900 under budget. There is money allocated for this expenditure in the budget.

Motion by Mooney, second by Peddie, that the Village of Beverly Hills Council approve the final payment of \$35,033.20 to Bricco Excavating Company Llc. for closure of the 2004 Water Main Replacement Project.

Mooney commended members of administration who were able to bring this Water Main Replacement Project in under budget.

Berndt related that significant sidewalk and curb damage occurred during the first phase of this project in Section One, and not all of that damage has been addressed. He was concerned about the liability of area residents to pay for that damage in terms of repaving the street or replacing sidewalk. The damage was itemized and provided to Mr. Meszler a few years ago; it remains unaddressed. Berndt thought that Bricco Excavating Company should be held liable for that damage.

Wilson said that he would address the issues raised by Berndt with Mr. Meszler and review the punch list of items including damaged sidewalks or curbs. In response to an inquiry, Attorney Ryan suggested that Council could table this agenda item and ask Administration to review the record and determine if there is anything that merits withholding the last payment.

Motion by Berndt, second by Briggs, to table Council consideration of final payment for Contract #W-04-01 2004 Water Main Replacement Project until the next regularly scheduled Council meeting.

Yes - Berndt, Briggs, Koss, Oen, Peddie, Stearn
No - Mooney
Motion passed (6 – 1).

REVIEW AND CONSIDER REQUESTING BIDS FOR WOOD CHIPS FOR THE PLAY AREA AND SEAL COATING THE PARKING LOT AND REPAINTING THE PARKING LINES AT BEVERLY PARK

Public Services Director Tom Meszler is requesting Council approval to seek bids for the following items of work in Beverly Park:

Item 1: Sterilized wood chips for the play area in the park. This was bid in 2006 at a cost of \$1,551.65.

Item 2: Seal coating the parking lot surface and repaint the parking lines in the parking lot.

Major cracks in the parking lot were sealed as part of the current joint and crack sealing project. The Village's DPW staff will be doing asphalt patching work to make the parking lot ready for seal coating and repainting. The present parking lines have faded to the point of being non-existent. Meszler estimates the cost of the work to be \$1,500 for the painting and \$2,600 for seal coating. Funds for these projects will come from account #401-905.985.00.

It was noted that money for this work will come from the park repair and maintenance fund and not from the voter approved dedicated millage fund. O'Reilly was informed that this work would be done as part of the Village's routine maintenance of the park.

In answer to an inquiry, Mooney addressed a question regarding wood chips indicating that the specialized wood chips are the appropriate material for the play equipment areas of the park.

Motion by Briggs, second by Oen, to authorize administration to go out for bids for sterilized wood chips for the park play area, seal coating of the parking lot surface, and restriping of the parking lot in Beverly Park.

Motion passed (7 – 0).

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court inquired about the status of the water meter replacement program. She questioned whether the restoration work was complete on 13 Mile Road between Southfield and Greenfield following road improvements. Manager Wilson related that he will get back with Mrs. Tischler after checking with Public Services Director Meszler on these items.

Tischler observed that sewer work has begun at the intersection of 13 Mile Road and Lahser. She asked if the entire sewer and road project would be completed before the start of school. Wilson responded that the drainage work is part of the project. It is intended to complete the project by Labor Day.

Kathleen Berwick of 31381 Kennoway Court had a question about road work along 13 Mile Road. She was informed that it was part of the storm water drainage work being done in conjunction with the 13 Mile and Lahser intersection project.

REPORTS – MANAGER

Chris Wilson said that there were some questions at the last Council meeting regarding the 13 Mile Road project from Lahser to the Village limits. Mr. Meszler has prepared a memo to Council outlining the background and funding for this project.

Wilson related that the City of Southfield has decided to decline further discussions with the Village of Beverly Hills with regard to providing fire services to the Village. Wilson spoke with the City Administrator who indicated that it was not in their best interest to pursue expanding services at this time due to the economic uncertainty facing Southfield and all municipalities in this region.

Stearn referred to the memo of July 23, 2009 from Tom Meszler regarding the 13 Mile Road improvement project. He asked for further information on the additional \$40,000 for construction inspection and testing that was not built into the original bid proposal.

Berndt asked Director Woodard for a Public Safety Department update on the recent increase in larcenies from autos (LFA) in the Village. Woodard related incidents in the Village involving suspects breaking into unlocked cars in driveways and taking items such as iPods, cell phones, laptops and purses. He recounted efforts made by officers that resulted in arresting a 16 and 17-year old who were responsible for a large number of LFAs in the area. A third individual involved in these types of incidents was picked up by Royal Oak a week later. Woodard urged residents not to leave valuables in their vehicles and to lock their cars.

Woodard commented that the Nixle program is up and running. Residents can receive updates on current public safety activity and tips by registering on this free community information website (www.nixle.com).

REPORTS - COUNCIL

Briggs commented that subscribers of Comcast and AT&T can register their complaints with the Birmingham Area Cable Board if they are not satisfied with the response or service they receive from their television provider. The Cable Board works with Comcast and AT&T to address customer concerns in a timely manner. Residents can call the Executive Director of the Cable Board (248/336-9445) or register a complaint on the BACB website. (www.birminghamareacableboard.org).

Mooney announced that the Michigan High School Athletic Association has named its Academic All-State Baseball Team. They named an individual from Detroit Country Day School, one from Brother Rice, and one from Seaholm. These are extraordinary varsity players who have outstanding academic credentials. Mooney was proud to say that there were four players from Groves High School named to this team: Sam Grusin, Jake Schmidt, Josh Smith, and Dave Sherman. He congratulated these fine young men who have contributed to the community.

Berndt stated that the Zoning Board of Appeals will meet on Monday, August 10 at 7:30 p.m. in the Council chamber.

Oen reported that the Planning Board has completed its neighborhood study on non-conforming lots west of Southfield Road. A public hearing will be scheduled for the September Planning Board meeting to receive input on rezoning areas west of Southfield Road.

Koss commented that tonight is National Night Out, an annual event that promotes police-community partnerships, fosters neighborhood spirit, and supports crime prevention.

Stearn stated that Council will meet on Tuesday, August 11 at 6:00 p.m. to discuss future revenue and financing issues in the Village. He invited residents to attend.

Stearn reported that the Village submitted an application but did not receive funding through the COPS Hiring Recovery Program grant. This grant funding would have aided in maintaining public safety officer positions or recalling personnel who have been laid off from positions.

Motion by Mooney, second by Oen, to adjourn the meeting at 8:16 p.m.

Motion passed (7 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary