

Present: President Koss; President Pro-Tem Briggs; Members: Mercer, Mooney, Oen and Prew

Absent: None

Also Present: Village Manager, Wilson
Assistant Manager/Clerk, Marshall
Village Attorney, Ryan
Director of Public Safety, Woodard

President Koss 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.

ADDITIONS TO AGENDA/APPROVE AGENDA

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

Motion passed (6 – 0).

COMMUNITY ANNOUNCEMENTS

Sharon Tischler, Township Clerk, announced that Southfield Township will be offering free document shredding for Township residents on Saturday, May 7 from 10 a.m. until noon in the municipal parking lot.

CONSENT AGENDA

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

- a. Consider approval of minutes of joint Council/Planning Board meeting held February 9, 2011.
- b. Consider approval of minutes of a special Council meeting held on February 12, 2011.
- c. Consider approval of minutes of regular Council meeting held on February 15, 2011.
- d. Review and file bills recapped as of Monday, February 28, 2011.

Motion passed (6 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER REQUEST FROM GROVES AMNESTY/ANIMAL RIGHTS CLUB TO HOLD A DOG AND ADOPTION EVENT & DOG WALKING FUNDRAISER ON SATURDAY, MAY 7, 2011 AT BEVERLY PARK

Mooney stated that the Parks and Recreation Board reviewed this proposal from the Groves High School Amnesty/Animal Rights Club at their February meeting. The Parks and Recreation Board recommended Council approval of the adoption and dog walking fundraiser benefitting two local animal rescues, House of Critters and Paws-n-Claws. The event will be held in Beverly Park on Saturday, May 7, 2011 from 9 a.m. until 1 p.m.

Members of the Groves High School Amnesty/Animal Rights Club were present as follows: Lucy Mailing, President; Austin Kue, Vice-President; and Anisha Glanton, Recording Secretary.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council approve the request of the Groves High School Amnesty/Animal Rights Club to hold a Dog Walk Fundraiser to benefit House of Critters and Paws-n-Claws Animal Rescues on Saturday, May 7, 2011 at Beverly Park from 9:00 a.m. to 1:00 p.m. and waive the park rental fees. A certificate of insurance will be provided upon approval of the Walk/Fundraiser.

Sharon Tischler, Township Clerk, suggested that some of the flyers promoting the event be available at the Beverly Hills office and Southfield Township office, where dog licenses are issued.

Motion passed (6 – 0).

SECOND ANNOUNCEMENT OF VACANCY ON VILLAGE COUNCIL

Briggs made the second announcement of a vacancy on Council due to the resignation of Todd Stearn on February 1, 2011. His term was set to expire on November 13, 2012. The deadline for receiving applications is Friday, March 4, 2011 at 4:30 p.m. Council will meet as a committee of the whole to interview candidates for the Council position. There was discussion on when to schedule the interviews.

REVIEW AND CONSIDER REQUEST FROM BEVERLY HILLS ATHLETIC CLUB TO UTILIZE TENNIS COURTS IN BEVERLY PARK

Mooney reported that a request was made at the last Parks and Recreation Board meeting by a representative of the Beverly Hills Athletic Club to reserve the two tennis courts at Beverly Park as part of their summer tennis program. It was indicated that there are in excess of 200 children in the tennis program at BHAC, many of whom are Beverly Hills residents. Mooney recalled that the Village allowed Club members to use the tennis courts in the park last summer for periods of time during the week; there were no complaints regarding that use. The Club is requesting use of the tennis courts for six consecutive weeks on Monday, Tuesday and Wednesday from 9 a.m. to 1 p.m. for 18 days during the months of June and July.

Motion by Mooney, second by Oen, that the Village Council authorize the Village Manager, acting as Park Superintendent, to approve the use of the tennis courts in Beverly Park by the Beverly Hills Athletic Club on June 20, 21, 22, 27, 28, 29, July 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26 and 27 as requested. A Certificate of Insurance naming the Village of Beverly Hills as an additional named insured under the BHAC liability insurance will be a prerequisite for use of the tennis courts.

Prew asked if he should recuse himself as a member of the Beverly Hills Athletic Club. Attorney Ryan stated it was not necessary for Council members who belong to the Club to recuse themselves since there is no money being exchanged. Three Council members are members of the BHAC.

Kathleen Berwick of 31381 Kennoway commented that the Beverly Hills Athletic Club is a private club that should pay for the privilege of using the tennis courts in Beverly Park. She added that BHAC members are not exclusively Beverly Hills residents. Berwick expressed the view that it was a conflict of interest for Council members who belong to the Club to vote on this request.

Mercer suggested that administration monitor whether there are any issues with residents wanting to play tennis during the times that the BHAC tennis team members are using the courts. Any conflicts will be considered in the decision to reserve the tennis courts next year.

Mooney recalled that the Village allowed the YMCA to use Beverly Park for a youth summer recreation program in past years. The YMCA camp did not limit itself to Beverly Hills residents. There is no cost imposed for the use of tennis courts or baseball diamonds in the park. This is a reasonable request, and any conflicts will be brought to the attention of Council.

Motion passed (6 – 0).

REVIEW AND CONSIDER AUTHORIZING ADMINISTRATION TO SEEK PROPOSALS FOR INSPECTING THE PLAYGROUND EQUIPMENT AT BEVERLY PARK

Mooney stated that the Parks and Recreation Board has had discussions on the need to conduct safety and maintenance inspections to assess the condition of playground structures and equipment, interior and exterior fencing in the park, and pavilion repair and maintenance issues. The goal in each of the inspections is to ensure safety, diminish liability concerns, and maintain existing park facilities and equipment. The reason approval is sought in an amount not to exceed \$1,000 is because the Manager has the authority to solicit services for less than that amount without seeking bids. It is Council's expectation that these inspections would be conducted at a cost far less than \$1,000.

Mooney said that he and Parks and Recreation Board members thought that safety issues in the park should be determined as well as aesthetic concerns such as park benches in a state of disrepair, and a list should be provided to administration. The cost of some of the items may be minimal or could possibly be undertaken as an Eagle Scout project.

Motion by Mooney, second by Oen, to direct administration to conduct a safety inspection of the Beverly Park playground equipment at a cost not to exceed \$1,000.

Prew concurred that safety is an important consideration. He supported the idea of bringing the cost of inspections in under the \$1,000 amount.

As a professional contractor, Oen volunteered his time to conduct inspections that he is qualified to perform. This would not include inspection of playground equipment. Oen said that he is associated with subcontractors including an electrician, plumber, and roofing and painting contractors who would spend a couple hours with him at Beverly Park to do an inspection and write a report.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER AUTHORIZING ADMINISTRATION TO SEEK PROPOSALS FOR INTERIOR AND EXTERIOR FENCING INSPECTION AT BEVERLY PARK

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council direct administration to conduct an inspection of the interior and exterior fencing at Beverly Park and prepare a report at a cost not to exceed \$1,000.

Mooney clarified that the intent was to inspect the ball field fencing and tennis court fencing and repair sections of fence with missing caps and/or missing links.

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

REVIEW AND CONSIDER AUTHORIZING ADMINISTRATION TO SEEK PROPOSALS FOR INSPECTION OF THE PAVILION AT BEVERLY PARK

Mooney commented that there may be some concerns with the pavilion relative to electrical issues and the structure itself.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council direct administration to conduct a safety and aesthetic inspection of the Beverly Park pavilion at a cost not to exceed \$1,000 to include a report of remedial measures that should be taken.

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

REVIEW AND CONSIDER AUTHORIZING EXPENDITURE FOR MOVIE IN THE PARK THIS SUMMER

Mooney reported that there was discussion at the most recent Parks and Recreation Board meeting about organizing a summer activity in Beverly Park. There is an ongoing effort by the Board to engender a sense of community through use of the park. It was proposed to have a “Dinner and a Movie” night in August where people would bring a picnic dinner to the park and watch a movie.

A company would provide the movie screen and audio as well as a person to set up and remove the equipment. The cost for the company to come out and set up the screen is \$595 plus \$20-\$40 for mileage. The Parks and Recreation Board would be responsible for obtaining the movie to be shown publicly at a cost estimated at \$250-\$450 for licensing rights depending on the title. Mooney stated that a member of the public has offered to have his company sponsor the cost of obtaining the movie.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council authorize the Parks and Recreation Board to proceed with planning a Movie Night in Beverly Park to be held in August 2011 in an amount not to exceed \$1,000, coming from unused funds budgeted for the Winter Family Fun Day.

Council commented favorably on the proposed event. It was suggested that a business owner in the community could contribute toward this type of event going forward.

Roll Call Vote:

Motion passed (6 – 0).

DISCUSSION ITEM – BEVERLY HILLS SINGLE-STREAM RECYCLING PILOT PROGRAM

The Village has been participating in a single-stream recycling pilot program through SOCRRA for some months. Through the program, roughly 500 homes located on the east side of the Village have been provided with rolling 65-gallon recycling carts in which to put all of their recyclables. With the use of these carts, residents participating in the recycling program are not required to pre-sort their recycling material.

The point of the pilot project was for SOCRRA to evaluate the feasibility of eventually going to single-stream recycling throughout the entire SOCRRA district. In order to do that, there would need to be sizeable investments made in retooling the SOCRRA facility where they separate and process recycling. The intent of the pilot program was to gather information on whether and how much the volume of recyclable material increases under this program. SOCRRA has done a cost-benefit analysis to determine if it is in their best interest to go toward single-stream recycling; preliminary results indicate that it is the way they want to go in the future.

The pilot program, scheduled to stop at the end of January, was very popular with most of the participating residents. SOCRRA has approached the Village about continuing the program for a fixed period of time. There are still sufficient funds remaining from the original grant to continue the pilot program through the end of this fiscal year. Wilson affirmed that those residents who do not want to continue have the option of having their carts removed by the Village. SOCRRA will be working with the Village, its waste hauler, and the SOCRRA Board to determine the feasibility of implementing single-stream recycling village wide. This will be on the SOCRRA agenda at its March meeting.

Wilson thought that there might be an opportunity for the Village if the SOCRRA communities are interested in going to single-stream recycling on a shorter time frame. If the indication is that single-stream recycling is coming sooner rather than later, Wilson would not want to take the carts away from those 500 households in the pilot program. The Village could start to establish this program by purchasing more carts in the 3-4 year phase-in period that would roll out the program to all the communities at one time. There would be a cost to the Village. If he perceives that the program will not go forward for 5-7 more years, Wilson did not know if the Village could be the only community committed to those costs without the participation of other communities for some time.

The position Wilson is prepared to present to SOCRRA is that Beverly Hills has some interest. If there is a way to speed up the process, he would prefer not to take the 500 carts away from people who still want to continue using them. If there is a shorter time horizon for implementing the program, Wilson would like to come back to Council and re-evaluate moving toward single-stream recycling. He will have a better indication of how to proceed following the March SOCRRA meeting.

Briggs expressed an interest in continuing his family's use of the 65-gallon cart. He suggested notifying the 500 residents in the pilot program about the status of the project through a direct communication. He thinks that single-stream recycling is the way to go in the long run because it encourages more recycling. Recycling rates are going to increase; the value received for those materials will continue to increase.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court observed that the outcome of arbitration proceedings with Public Safety Department unions is still unknown. Tischler had questions on two items approved on the list of bills this evening. She was informed that a bill for DWRF charges in the amount of \$184,000 was a bond payment for the Drinking Water Revolving Fund. Another invoice was in the amount of \$268,000 to the Oakland County Treasurer for Evergreen Farmington Sewage.

Wilson explained that a new billing methodology has been put in place relative to the Evergreen Farmington Sewage Disposal System. There will no longer be consistency in billings because of the precipitation factor that is now placed into the billing calculations for combined sewer communities. This will have an inordinate effect on Beverly Hills, Birmingham, Bloomfield Township and Lathrup. This is the second year of the three-year phase in of the "meter based" billing program. Because of low precipitation in the first six quarters, the Village's bills have been equivalent to those using the former methodology. The Village will not experience the consistency it had with bills under the old master meter water flow system. Wilson said that this has been a serious concern of his since the program was implemented.

Tischler reviewed that, at its February 15 meeting, Council approved a request from the Public Safety Department for funds to purchase a truck in order to revive a program that began in the mid-1990s. She commented on the Motor Carrier Enforcement program and questioned why reference was not made to past experience with a program that was implemented and then discontinued. Tischler did not think that the Drug Forfeiture Funds should have been spent towards the purchase of the truck.

Kathleen Berwick of 31381 Kennoway commented that she had to submit a FOIA (Freedom of Information Act) request to receive a copy of the resignation letter from former Council member Todd Stearn. She questioned this policy.

REPORTS – MANAGER

Wilson stated that Council has received a copy of a letter from the Oakland County Prosecutor's Office regarding the investigation by the Michigan State Police of allegations made against members of the Department of Public Safety regarding possible coercion of a confession and cover-up of a crime. Based upon the investigative report of Det. Sgt. Greenway of the Michigan State Police, those allegations were not supported by the facts.

As is customary in these types of cases, the investigative report was turned over to the Oakland County Prosecutor's Office, which declined to pursue charges against any current or past employee of the Beverly Hills Public Safety Department. A copy of the report is available with a FOIA request through the Michigan State Police. Wilson affirmed that at no time did he have doubts about the lack of culpability of Ted Wink, Mike Miles or Karl Woodard in this incident.

He hoped that the dismissal of these charges are covered as equally and fairly as comments or press coverage made regarding allegations at the time they were filed.

At the last Retirement Board meeting, George Vitta from Asset Strategies provided an analysis of “net of fees” return to the Village’s Public Safety Pension Fund. Through a calculation of the average historical basis point calculation of the various holdings of the pension fund, Vitta has arrived at an average fee cost of 52.2 basis points, or 0.522%. Vitta used this figure to restate the return to the fund in each of the last five years as well as for a cumulative 3-year and 5-year period. The Retirement Board found the information to be adequate for their needs.

On Wednesday, February 23, the Planning Board reviewed a site plan from the owners of Market Fresh detailing a proposal for expansion of the building and other site improvements. The Planning Board agreed to approve the site plan with a list of conditions, including final engineering and fire plan review. Administration is working with the architect and the engineers with the hope of forwarding the revised site plan to Council for review at its March 15 meeting.

At the same meeting the Planning Board reviewed a site plan for a proposed renovation of the Taco Bell on Southfield Road. There were some concerns raised by the Board including the proposed building materials. The site plan will be revised and submitted for review at the next Planning Board meeting. Following Planning Board and Council approval, it is hoped that construction will begin some time this summer. The plan involves removal of the existing structure and rebuilding the Taco Bell restaurant. Both projects will be welcomed improvements to the Southfield Road business corridor.

As Council is aware, the Village has been working with other communities to negotiate a settlement with the Water Resources Commissioner on the reimbursement for use of the retention basins. Beverly Hills, Birmingham and Bloomfield Township received a proposal from WRC legal counsel. After review by all three communities, some modifications and clarifications mutually agreeable to all three communities were included and are in the process of being submitted to the Water Resources Commissioner for his review. Given the nature of the modifications proposed by the RTB communities, Wilson did not expect this matter to be significantly prolonged.

Wilson stated that administration is working toward the budget proposal for fiscal year 2011-2012. This budget will be formatted differently from past budgets due to repercussions of the millage vote in November. Wilson will forward a memo to Council by the end of the week including his thoughts and suggestions on what he would like to see incorporated in the budget. He requested Council feedback. Wilson hoped to have the budget approved by the first meeting in May. It is customary to have a separate budget session that will be scheduled in April at Council’s discretion.

Koss questioned the status of the Plante Moran dispatch study. Wilson responded that the study is expected any day. In response to an inquiry from Briggs, Wilson stated that the net of fees calculations will be provided by Asset Strategies for the Retirement Board on a quarterly basis.

Mooney commended Wilson on his insight with regard to the difficulties faced with the new meter based billing program initiated by the Water Resources Commissioner. He also appreciated the work done by Wilson on the RTB settlement.

Mooney inquired of Director Woodard how the snow emergency ordinance has worked for the Village given the amount of snowfall in the past season. Woodard responded that the general sense is that snow emergency procedures are working well and are well accepted by residents. The road crews are finding it easier to work through the early stages of snow removal with all the cars off the roadway. There have been a handful of violations written, but no vehicles towed.

REPORTS – COUNCIL

Prew announced a St. Patrick's Day event on March 12 called the Blarney Blast sponsored by Our Lady Queen of Martyr's School and parent organization.

Mercer reminded people that homeowners who wish to appeal the 2011 assessment of their property may appear before the Board of Review held at the Southfield Township offices on March 9, 11, 14 and 16. He announced that Council is having a second Strategy Session on Saturday, March 12 at 1 p.m. in the Council chamber.

Mercer mentioned that questions asked during the "Public Comment" portion of the meeting are not always answered during the meeting because there are times when further research is required to provide the appropriate answer. All Council members have an email address posted on the Village website. Mercer said that he will answer any question posed by a resident or refer their question to the proper individual. He encouraged public input.

Mercer announced an activity planned to be held at Beverly Park on Sunday, August 20 called "The World's Longest Lemonade Stand". This will be an attempt by Beverly Hills kids to acquire a place in the Guinness Book of World Records for assembling the longest lemonade stand. More information can be obtained at www.longestlemonadestand.com.

Oen commented on the efficiency of the Comeau Equipment Co. crew in clearing snow from the roads in February. This was the second snowiest February since 1908 with 36" of snow. The snow emergency procedures have been helpful in terms of more efficient plowing.

Oen thanked the State Police for their investigation into serious allegations made against some members of the Public Safety Department. At no time did Oen have any doubt that the report would confirm that there was no wrongdoing.

Mooney voiced his support of two fine public safety officers who have always done their job with the highest level of professionalism and integrity. He also hoped that the press will cover the fact that these individuals have been exonerated in the same manner that they covered the allegations against PSO Miles and Sgt. Wink.

Mooney reported that the Parks and Recreation Board talked about "The World's Longest Lemonade Stand" event at its last meeting and directed Administration to reserve Beverly Park for Sunday, August 20. It is anticipated that the organizers will attend the next Board meeting to present further information on the proposed event.

Mooney congratulated the Parks and Recreation Board on their dedication. He asked Council and members of the public to communicate ideas to him or the Parks and Recreation Board on selection of a movie for the movie event in the park scheduled for August.

Mooney announced that long-time Village resident and former Council member Audrey Mitzelfeld passed away recently. She was a dedicated public servant both as an elected official and a citizen. Mooney offered condolences on behalf of the Village to the family of Audrey Mitzelfeld.

Briggs stated that Baldwin Library has begun its budget deliberations. The Library continues to undertake discussions with Bloomfield Hills relative to joining the library. Briggs announced that Berkshire Middle School will present the play “Thoroughly Modern Millie” on May 12-15.

Koss welcomed public comments. She clarified that questions received during the public comment portion of the meeting are not always answered right then. Council members may need time to research the answer. Residents can call or email Council members with a question. Koss said that she is changing her cable and Internet service provider and will have a new email address. Her temporary email address posted on the Village website is (zanorrc@gmail.com).

Motion by Mooney, second by Oen, to adjourn the meeting at 8:49 p.m.

Motion passed (6 - 0).

Rosanne Koss
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary