

Present: President Koss; President Pro-Tem Briggs; Members: LaFerriere, Mercer, Mooney

Absent: Oen

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 7:33 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 Mercer, to approve the agenda as amended.

Motion passed (5 – 0).

COMMUNITY ANNOUNCEMENTS

Baldwin Public Library Director Doug Koschik announced that the library is conducting a community survey to determine what kinds of library services people value and how they should be delivered. The survey is available in printed form and online at the Baldwin Library website. The Library Board is interested in hearing both from people who use the library and those who do not.

Koschik informed the public of a fundraiser that is taking place today and tomorrow at the California Pizza Kitchen at Somerset Collection in support of the Birmingham Optimists Club and the Friends of the Baldwin Library in memory of Katherine Halbert, long-time member of Friends of the Library and the American Association of University Women (AAUW).

Koschik updated Council and the public on the situation with the Bloomfield Township Public Library (BTPL) that would limit the use of that library. The BTPL Board voted on April 26, 2011 to rescind circulation privileges to all contract communities. Koschik commented on what he believed to be illogical action on the part of the BTPL Board against contract communities. Their decision was made without proper consultation and contradictory to contacts made by Koschik with BTPL over the course of the year.

The Baldwin Library Board met yesterday, May 16, and agreed to send a letter to the Bloomfield Township Board asking them to reconsider their decision. If the BTPL Board does not rescind its action, the Baldwin Library Board will take measures at its June 20 meeting to withdraw special privileges to Bloomfield Township residents that have existed for decades including unlimited use of Baldwin Library. Homebound service to Bloomfield Township residents will be discontinued.

Ken Bugis, member of the Beverly Hills Lions Club, announced that the Lions Club will offer free vision evaluations on Memorial Day for pre-school children from the ages of 6 months to 5 years old as a service to Beverly Hills residents. An area will be set up in the park pavilion during the carnival where children can be screened through the use of a specialized digital camera to determine whether there are potential problems. The results will be available in two minutes and will indicate either “passed” or “refer”, in which case parents will be advised to consult with their eye doctor. Bugis talked about the significant long-term benefits of early vision screening.

Bugis reminded everyone that the Lions Club will sponsor the Fun Run on Memorial Day prior to the parade and carnival. The annual event starts at 9 a.m. at Beverly School with a 5K run and a 1K walk. Any profits from this endeavor will go back to the community.

Jim O’Reilly of 31191 Huntley Court was present on behalf of the Parks and Recreation Board to remind everyone of the Annual Memorial Day Parade and Carnival in Beverly Park. The parade begins at 11 a.m. followed by the carnival at noon. This year’s Grand Marshal will be former Council President Andrew Wong. O’Reilly commented on the participants, entertainment, games and activities confirmed for the parade and carnival. He noted that the Village received generous support for the events from businesses and individuals in the community.

CONSENT AGENDA

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

- a. Consider approval of minutes of a regular Council meeting held May 3, 2011.
- b. Review and file bills recapped as of Monday, May 9, 2011.
- c. Review and consider resolution for West Nile Virus Fund expense reimbursement.

Motion passed (5 – 0).

BUSINESS AGENDA

PRESENTATION BY DENNIS DUBAY REGARDING COLLECTIVE BARGAINING

Village Labor Attorney Dennis DuBay presented a brief report on the outcome of the Act 312 Arbitration Case with the Michigan Association of Police, which represents the Beverly Hills Public Safety Officers. The Arbitration Award was issued on March 28, 2011 following formal hearings. At the conclusion of the hearings, the parties were required to submit final offers of settlement. In the economic areas, the arbitration panel must select one or the other with no compromises. The arbitration panel is free to draft its own award or accept one of the parties’ proposals with respect to non-economic areas. There were 24 issues before the panel; the Village’s position was adopted on 15 of the issues.

DuBay stated that one of the challenges facing the Village going into the Act 312 case was to contain labor costs with regard to various union proposals. The union prevailed on two issues, none of which had a significant economic impact on the Village. The Village succeeded in having the panel award a number of significant concessions in light of the financial conditions generally in Michigan, Oakland County, and in Beverly Hills.

DuBay outlined concessions received by the Village in the areas of longevity payments, legacy costs, shift scheduling, employee contributions to the retiree health care fund and pension plan, a new health care program with reduced cost to the Village, and Cost of Living payment. He noted that there were other issues where the Village did not prevail. DuBay read a quote from the panel chairperson who thought he had gone above and beyond in reaching the desired ends from the Village's standpoint. It was the opinion of the majority of the panel that it is unrealistic for the Village to expect to achieve all of the reductions in wages and benefits they proposed in one agreement. DuBay thought that there were areas of the contract that can and should be changed in the future. On the whole, DuBay expressed the view that it was a satisfactory rendition.

REFER REQUEST FROM VERIZON TO THE PLANNING BOARD FOR REVIEW AND RECOMMENDATION REGARDING INSTALLATION OF INFRASTRUCTURE ON SOCWA PROPERTY LOCATED AT 16125 W. 14 MILE ROAD

Wilson stated that Verizon has been working with SOCWA (Southeast Oakland County Water Authority) on a plan to install facilities on SOCWA property along 14 Mile Road in the Village of Beverly Hills. Verizon is proposing to remove its existing structure and construct a brick enclosure matching those already on the site.

At its recent Board meeting, SOCWA agreed to a lease arrangement with Verizon that will allow for installation of new equipment on that property pending site plan approval by Beverly Hills. A site plan has been presented to Village administration. It would be in order for Council to refer that site plan to the Village Planning Board for review and recommendation at its next regular meeting of May 25, 2011.

Motion by Mooney, second by Mercer, to refer the Verizon site plan request regarding installation of infrastructure on SOCWA property located at 16125 W. 14 Mile Road to the Planning Board for review and recommendation.

Motion passed (5 – 0).

REVIEW AND CONSIDER APPROVAL OF DETROIT COUNTRY DAY SCHOOL METRO PERMIT APPLICATION

Detroit Country Day School has submitted an application to the State of Michigan through the Metropolitan Extension Telecommunications Right-of-Way Oversight Act of 2002 (METRO Act) for the installation of fiber optic telecommunications infrastructure in the Lahser Road right-of-way. The purpose of this infrastructure is to allow for communications between the two primary DCDS campuses in Beverly Hills and Bloomfield Township.

The METRO Act provides that municipalities approve or deny applications for installation of such infrastructure within 45 days of application. Wilson stated that this application has been reviewed by Village Administration. Village Attorney Ryan has reviewed the insurance certificate provided by DCDS and finds the application to be in order.

Motion by Mercer, second by LaFerriere, that the Village of Beverly Hills Council approve the METRO Act application of April 13, 2011 submitted by Detroit Country Day School and authorize the Village Manager to sign the application.

Roll Call Vote:
Motion passed (5 – 0).

REVIEW AND CONSIDER EMPLOYMENT CONTRACT WITH CHRIS D. WILSON

Briggs stated that the Personnel Committee of Council has met to review the performance of Chris Wilson over the last year. There was agreement that Mr. Wilson has done an outstanding job of achieving his goals. The Committee reviewed the Manager’s contract and arrived at a recommended document that is before Council for consideration. Briggs highlighted each section of the proposed Beverly Hills Village Manager Employment Agreement.

Mercer suggested a revision in Section IX, Deferred Compensation to change the word ‘the’ to ‘any’ and to add the word ‘Council’ after ‘Village’. The revised sentence would read “The amount of any contribution shall be determined by the Village Council on an annual basis.”

Mercer questioned language in the paragraph that addresses Village reimbursement for the cost of tuition up to a maximum of \$3,000 per year provided that the employee remains employed by the Village for a minimum of three years from the date of such tuition reimbursement. He suggested additional text to clarify that the employee would reimburse the Village for that tuition if the employee leaves before the three years have expired.

Attorney Ryan responded that the text is taken from the AFSCME (American Federation of State, County and Municipal Employees) contract, which is currently in existence. Wilson said that it was his understanding that it was his responsibility to reimburse the Village if he were to voluntarily separate from the Village within a period of three years of receiving a tuition reimbursement. Council members were satisfied with the language as it exists.

Motion by Briggs, second by Mooney, that the Village of Beverly Hills Council accept the Beverly Hills Village Manager Employment Agreement for a term from August 1, 2010 to July 31, 2013 with changes identified under Section IX Benefits. The last sentence of the Deferred Compensation paragraph should read as follows: “The amount of *any* contribution shall be determined by the Village *Council* on an annual basis.”

Bob Walsh of Smallwood Court had questions relative to Section IX Benefits, which were addressed by the Village Attorney. Ryan clarified that deferred compensation would be at the discretion of Council.

Roll Call Vote:
Motion passed (5 – 0).

SECOND ANNOUNCEMENT OF COUNCIL VACANCY

Briggs made the second announcement of a vacancy on Council due to the resignation of Doug Prew on May 2, 2011. The term expires in November of 2014. The deadline for accepting applications will be Friday, May 27, 2011 at 4:30 p.m. Council will meet at 6:30 p.m. prior to the next regular Council meeting on June 7 to select a candidate. Candidates will be invited to attend. The new member will be sworn into office at the beginning of the regular meeting that same evening by a judge from the 46th District Court.

Mooney asked that an item be placed on the June 7 Council meeting agenda directing Attorney Ryan to prepare a Charter Amendment that would comport with State Law in terms of prohibiting the appointment of an unelected individual to a Council seat for three and one-half years.

REVIEW/CONSIDER AWARDING CONTRACT TO HIGHWAY MAINTENANCE FOR 2011 DUST CONTROL SERVICES

At its March 15, 2011 meeting, Council awarded the bid to supply asphalt emulsion to Liquid Calcium Chloride Sales at a cost of \$1.06 per gallon for 15% asphalt emulsion applied. Village staff attempted to order an application of emulsion last week, at which time it was discovered that the vendor was not able to supply the required material. It is necessary to rescind this bid award and to award the bid to the next low bidder, Highway Maintenance Co. This vendor was the Village's supplier last year.

Motion by Mercer, second by Briggs, to cancel the bid award for 2011 Asphalt Emulsion to Liquid Calcium Chloride Sales for failure of the winning bidder to provide contract services.

Roll Call Vote:
Motion passed (5 – 0).

Motion by Mercer, second by Briggs, to award the 2011 Asphalt Emulsion Dust Control bid to Highway Maintenance at a cost of \$4.00 per gallon for 25% asphalt emulsion.

Roll Call Vote:
Motion passed (5 – 0).

SECOND ANNOUNCEMENT OF VARIOUS BOARD/COMMITTEE VACANCIES

A second announcement was made for multiple vacancies on various boards and commissions as terms of office expire on June 30, 2011. There are four seats on the Finance Committee; three seats on the Parks and Recreation Board; three seats on the Planning Board; and three seats on the Zoning Board of Appeals. All of the terms are for three years to expire on June 30, 2014. Council agreed in November of 2008 to make these positions open to the public as well as the currently seated members. The deadline for submitting applications is Friday, May 27, 2011.

REVIEW AND CONSIDER AWARDING CONTRACT FOR IRRIGATION SYSTEM AT BEVERLY PARK

Bids were solicited for a project that will provide irrigation for the lawn and shrubbery on the front and west sides of the Beverly Park pavilion. Funds are available through the Park Capital Improvement Millage. There were five bidders for this project with the low bid from Troy Clogg Landscape Associates in the amount of \$3,581.00.

Motion by Mooney, second by Mercer, that the Village Council accept the low bid of Troy Clogg Landscape Associates using the proposed base bid plus Alternate I for a total project cost of \$3,581.00.

Questions from Council and a member of the public were addressed by Mooney and Wilson.

Roll Call Vote:
 Motion passed (5 – 0).

REVIEW AND CONSIDER RESOLUTION TO ADOPT REVISED 2011/2012 RATE SCHEDULE FOR WATER CONSUMPTION AND SEWAGE DISPOSAL

Council is being asked to reconsider the Water and Sewer rates for FY 2011-12 for the reason that changes to the Sanitary Industrial Waste Control Charge initiated by Water Resources Commissioner John McCulloch were received after Council had approved Village water and sewer rates based on existing rates. As these rates will be increasing as of July 1, Administration is asking that Council revise the Sanitary Industrial Waste Control Charges to mirror the rates established by the WRC.

Wilson also asked Council to revisit the minimum quarterly charge for residential water and sewer. Currently, the minimum residential charge is based on 10 units, or 1000 cubic feet of water use per quarter. Based on the current rate structure, that 10 unit minimum quarterly charge is equal to \$67.10. Because the volume upon which that rate is based has not changed over time, the minimum quarterly bill has increased significantly over a long period of time. It is the opinion of administration that this minimum charge level is too high for homes that are unoccupied for periods of time during the year, or for residents who may use less than 10 units of water per quarter. Wilson is recommending that the Village adjust the minimum charge to a level equal to 5 units of water per quarter, or \$36.35 per quarter. These changes are reflected on the resolution before Council establishing water and sewer rates.

Motion by Mooney, second by Mercer, to adopt the following Resolution:

**RESOLUTION
 ESTABLISHING WATER & SEWER RATES**

Each premises within the Village connected to the water and/or sanitary sewer system shall pay a consumption charge based upon the amount of water used as shown by the water meter installed in each premises as follows:

Water Consumption	\$	14.72 per 1000 cu ft
Sanitary Sewer O.M. & R		40.67 per 1000 cu ft
Debt Service		<u>5.71</u> per 1000 cu ft
Total	\$	61.10

Sanitary Industrial Waste Control Charge

<u>Meter Size</u>	<u>Monthly S.O.C.S.D.S.</u>	<u>Quarterly Evergreen/Farmington</u>
5/8"	\$7.85	\$ 22.35
3/4"	11.78	35.34
1"	19.63	58.89
1-1/2"	43.18	129.54

2"	62.80	188.40
3"	113.83	341.49
4"	157.00	471.00
6"	235.50	706.50
8"	392.50	1177.50
10"	549.50	1648.50
12"	628.00	1884.00

Residential Meter Charge

Quarterly meter charge (up to one inch)	\$	6.00
Quarterly meter charge 2"		9.00
Quarterly meter charge 3"		12.00
Quarterly meter charge 4"		15.00

Minimum Charge

Minimum charge per 500 cu ft per quarter for water, sewer OMR, sewer debt and meter charge is:
 One inch meter or less \$ 36.35

Sewer Only

All sewer-only customers per quarter \$ 113.07 OMR
15.93 Debt Service
 \$ 129.00

Effective with all bills mailed after July 1, 2011 and thereafter until changed

Roll Call Vote:
 Motion passed (5 – 0).

DISCUSSION ITEM – OTHER AVAILABLE USES OF GOV DELIVERY

LaFerriere outlined details regarding the expanded use of the Oakland County “GovDelivery” free email system. Village residents have successfully used the Nixle communications program and now have switched to the Oakland County email system to communicate news and information from the Public Safety Department and Village office. A way to expand the use of the GovDelivery email service would be to offer an “opt out” program on printed Village communications. Citizens would continue to receive everything they do currently by mail unless they decide to opt out and receive Village communications (newsletter, calendar) electronically.

People can decide how they want to receive communications from the Village and decide what they will receive. Residents would be asked to renew their “opt out” preferences every year or two in order to assure that the Village does not omit households when a new family moves into an “opted out” household. LaFerriere asked for a consensus of Council on whether to move ahead with exploring the use of existing and new technology through the GovDelivery email system to improve communications with citizens as well as reduce printing and postage costs.

Briggs referred to a Council goal setting session held on March 12, 2011 at which time there was discussion of improved voter communication. He and Prew were assigned to develop an effective plan for conveying priority messages to the population. Briggs will be working with administration on strategies and procedures that would incorporate the GovDelivery system as part of a broad range of media to ensure effective delivery of priority community messages.

There were Council comments and questions on the GovDelivery email system including the benefits of the program, administrative time required to manage the program, and managing contacts that move. Council was in general agreement at the goal setting session that there was a need to increase communication with the community. It was the consensus of Council to suggest that Council members LaFerriere and Briggs partner to develop a plan to improve voter communication with the possible assistance of community volunteers.

DISCUSSION ITEM – VILLAGE SIDEWALK SURVEY

Wilson related that there has been conversation for some time about the need to conduct a comprehensive inventory of existing sidewalk infrastructure in the Village and identify locations where there is a need for repair or replacement. Because of financial concerns, the Village has not moved forward on this.

As the Village begins to have more capital funds available, it would be appropriate to survey the infrastructure. Wilson noted that identifying areas in need of repair is a labor intensive process; the Village will be looking for qualified volunteers to assist with this project. The question will be whether to target specific areas of the Village or the entire community. Wilson recommended beginning on the east side of the Village where there is the highest concentration of sidewalks.

Typically, sidewalk conditions change from year to year, resulting in the need for a current survey. It was noted that a sidewalk survey was accomplished five or six years ago. That information could serve as a starting point with the intent to look at that infrastructure again.

Wilson reviewed the operation of a sidewalk program. The Village would identify existing sidewalk sections that need repair or replacement. Homeowners would be allowed a certain period of time to correct any problems on their property. The Village would request a contractor doing concrete work in the Village to provide a per square foot price on sidewalk replacement. It will be a more competitive cost than a homeowner could obtain on their own. Residents who want to take advantage of that price will be able to contract for the work through the Village. According to the Village Ordinance, it is the responsibility of adjacent homeowners to make repairs to their sidewalk.

Questions from Council on the repair program were addressed by Wilson. It was the consensus of Council to direct Administration to move forward with a sidewalk survey.

Resident Ken Bugis commented on a village-wide sidewalk repair program that took place about 25 years ago.

PUBLIC COMMENTS

None

REPORTS – MANAGER

Wilson reported that he has received a draft proposal from the City of Royal Oak for the provision of building department services. He and Ryan have been reviewing the document. Wilson has also had discussions with the Birmingham City Manager about an arrangement for building department services. The Birmingham building official will be in contact with Wilson to

explore whether there is a potential for cooperation in this area. Wilson will continue to update Council on this topic.

The house on Blossom Court that was damaged by fire has been removed, and the property is being restored. Wilson thanked area residents for their patience and assistance in this process.

A Village-wide garage sale will be held on Friday, Saturday, and Sunday, June 3, 4, and 5. Residents who would like to participate can register their address at the Village office for a cost of \$3. Residents will receive two signs as part of that cost. That money will be used by the Village to advertise addresses that will be included in the garage sale.

Wilson offered condolences on behalf of Council to Public Safety Officer Pete Barch and his family on the passing of his father.

The Village Offices will be closed on Monday, May 30 in observation of Memorial Day.

REPORTS - COUNCIL

Council members thanked Chris Wilson for his service to the Village over the term of his last contract as manager. He has worked hard to make certain that the best interests of the Village have been served.

LaFerriere noted that rain barrels are a growing topic of interest in the community. There will be a truckload sale of rain barrels on June 18 in a local community. Interested individuals can contact the Village Clerk for more information. LaFerriere and members of the subdivision board will be meeting with a DTE engineering manager to discuss power outages in the Westwood Subdivision area.

Mooney reported that the missing carved wood squirrel that was part of the lost & found pole located at the Beverly Park pavilion has reappeared. The wood pole was created by resident Don Greening. Mooney commented favorably on the character of the community.

The Annual Beverly Park Clean Up held on Saturday, May 14 went very well despite the weather. Mooney thanked Oen and Mercer for attending as well as scouts, little league members, and other volunteers who came to clean up the park. The Dog Walk fundraiser sponsored by the Groves Amnesty/Animal Rights Club was held on May 7 in Beverly Park. Those individuals raised over \$800 for local animal shelters. Mooney is proud of the students in the Beverly Hills area.

Briggs announced that the Birmingham Area Cable Board will meet tomorrow morning, May 18 at 7:45 a.m. in the Council chamber. Briggs followed up on comments made by Baldwin Library Director Doug Koschik in opposition to action taken by the Bloomfield Township Library Board to rescind circulation privileges to all contract communities, including Beverly Hills and Bingham Farms. Briggs expressed his disappointment with the course of action and urged the BTL Board to reverse its decision concerning contract communities.

Koss distributed a handout summarizing the outcome of the March 2011 Council goal setting sessions. A number of the items on the short term portion of the list have been accomplished. She will attempt to address resulting action steps at future Council meetings.

Koss gave a glowing review of the Berkshire Middle School production of Thoroughly Modern Millie Jr. She encouraged people to attend community events.

Motion by Mooney, second by Briggs, to adjourn the meeting at 9:24 p.m.

Motion passed (5 – 0).

Rosanne Koss
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary