

Present: President Mooney; President Pro-Tem Peddie; Members: Abboud, Delaney, Kelly, Mueller and Oen

Absent: None

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

Council President Mooney 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. Scout Max Cooper from Troop 1024 led those present in reciting the Pledge of Allegiance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

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

Motion passed.

COMMUNITY ANNOUNCEMENTS

Catherine Turnbull and Pam Davis were present from Friends of BPS, a group of citizen volunteers that are advocating for a ‘yes’ vote on the bond proposal from the Birmingham School District coming up on the May 5, 2015 ballot. Turnbull and Davis provided information about the upcoming zero tax rate increase bond proposal, the specific needs the bond will address, and what it means to the homeowners. More information is available on the website www.BPSyes.org.

Former Council member Greg Burry related that Next, formerly the Birmingham Area Seniors Coordinating Council, has given its unanimous endorsement to the passage of this bond proposal. He mentioned that the Next senior center is located in a school building at 2121 Midvale. The bond issue will result in improvements to this structure, which also houses the Midvale Early Childhood Center.

Burry thanked Beverly Hills for its support of the Next organization, which has resulted in expanded services and hours of operation. He introduced the Next Director, Cris Braun. She outlined some of the work that will be done to the Midvale building if the bond proposal passes. Brown brought Council up to date on the success of many Next programs. Next is grateful for the support and funding received from Beverly Hills. The new website for the organization is birminghamnext.org.

PUBLIC COMMENTS

None

CONSENT AGENDA

Delaney asked that items related to the approval of minutes of two closed sessions of Council held on March 3 and March 17 be removed from the consent agenda and considered at the next

Council meeting. Council members will receive a copy of the closed session minutes before voting to approve them.

Council member Oen withdrew his motion to approve the consent agenda as published and Abboud withdrew his support of the motion.

Motion by Oen, second by Delaney, to table consideration of items 2 and 3 from the published consent agenda until the April 21, 2015 Council meeting.

Motion passed.

Motion by Oen, second by Abboud, to approve the consent agenda as follows:

1. Consider approval of minutes of a regular Council meeting held March 17, 2015
2. Review and file bills recapped as of Monday, March 23, 2015.
3. Review and file bills recapped as of Monday, March 6, 2015
4. Set public hearing date of May 5, 2015 to review and confirm 2014 Assessment Rolls for dust and other miscellaneous assessments.
5. Receive tentative budget and set public hearing for May 5, 2015
6. Review and consider proposals for 2015, 2016, and 2017 Dust Control Services.

Motion passed.

BUSINESS AGENDA

REVIEW AND CONSIDER PRIVATE ROAD AT 31805 EVERGREEN

Council held a public hearing on March 3, 2015 on the private road application for 38105 Evergreen Road. Action on the private road application was tabled at that time to allow the petitioner and the neighbor to the north to enter into an agreement regarding a driveway access easement from the applicant's property to 31825 Evergreen. This agreement has been drafted and signed by both parties and a copy has been submitted for Council review. If the private road application is approved, the applicants will file the easement records with Oakland County.

Manager Wilson related that the petitioner has resubmitted a drawing of the proposed plan for the private road following the March 3 Council meeting. The revised drawing indicates a "living fence" along the boundaries of three properties on Ronsdale that abut the new development. It was the recommendation of the Planning Commission that the private road plan be approved with the inclusion of a picket fence along this boundary. The abutting Ronsdale residents have indicated a preference for a landscaped living fence. Commission member Patrick Westerlund submitted a letter indicating that the Planning Commission is agreeable to an amendment to the private road application to install a living fence.

Village Administration has reviewed the application and recommends approval of the private road application for 31805 Evergreen subject to the provision to the Village of all easements for water utilities, sewer utilities and sight line clearance prior to approval of construction plans.

Motion by Oen, second by Delaney, that the Beverly Hills Village Council approve the private road application for 31805 Evergreen Road subject to the provision to the Village of all easements for water utilities, sewer utilities and sight line clearance prior to approval of construction plans. Approval is further subject to the applicant providing the Village with a maintenance agreement for the private road as well as a maintenance agreement for the living fence abutting Ronsdale residences.

Wilson and Ryan addressed comments from Council regarding the maintenance of the living fence. Kelly expressed concern about continuing to approve private roads in the Village, which has been a recent topic of discussion between the Planning Commission and Council.

Attorney Paul Cavanaugh indicated that he was present on behalf of the Willets, owners of the property at 31805 Evergreen Road. He said that the Willets have informed the neighbors to the south that there will be an association agreement that will contain a requirement to maintain the green fence.

Siva Thunga on Ronsdale was present representing the three property owners abutting 31805 Evergreen Road. He provided background on the private road application and meetings between the Willets and Ronsdale neighbors. Progress has been made on landscape plans for the living fence. Ronsdale owners would like to have an understanding with the applicant and the Village relative to the maintenance of the living fence. Thunga questioned when the neighborhood association agreement would be put in place and go into effect.

Attorney Ryan said that the neighborhood association agreement will provide a mechanism that will trigger the Village's involvement, if necessary, including associated costs for road maintenance and maintenance of the living fence. The private road is being approved by the Village subject to entering into these maintenance agreements that will include an enforcement mechanism.

Kelly referred to the ordinance addressing existing private roads. Attorney Ryan and Wilson addressed inquiries regarding a provision to hold the Village harmless and how private roads function with regard to enforcement of traffic laws and parking regulations.

Roll Call Vote:

Delaney	- yes
Kelly	- no
Mooney	- yes
Mueller	- yes
Oen	- yes
Peddie	- yes
Abboud	- yes

Motion passed (6 – 1).

REVIEW AND CONSIDER COST PARTICIPATION AGREEMENT WITH THE ROAD COMMISSION FOR OAKLAND COUNTY REGARDING 2015 LAHSER ROAD CONSTRUCTION

Council is in receipt of an agreement between the Village of Beverly Hills and the Road Commission for Oakland County (RCOC) for the funding of construction on Lahser Road between 13 Mile and 14 Mile in the Village. Lahser Road is being constructed by the RCOC from 13 Mile to Maple Road utilizing federal funding which requires local matching funds. These matching funds are being shared by RCOC, Beverly Hills, and Bloomfield Township. Beverly Hills' share of the matching funds is \$270,000. The Village will use tri-party funds for a portion of the match, \$112,964, and the balance, \$157,036, is included in the budget for 2015/2016 fiscal year.

Motion by Oen, second by Delaney, that the Beverly Hills Council approve the cost participation agreement between the Road Commission for Oakland County and the Village of Beverly Hills for the 2015 Lahser Road Construction in the amount of \$270,000 and authorize the Village Manager to execute the agreement.

Questions from Council on the cost participation agreement were addressed by Wilson.

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

REVIEW AND CONSIDER SETTLEMENT FOR PAYMENT WITH BRILAR AND CANCELLATION OF CONTRACT

Village Attorney Tom Ryan and Manager Wilson have been in discussion with Brilar L.L.C. regarding a settlement of the outstanding invoices for leaf collection services in 2014. At the direction provided by Council, Ryan drafted an agreement to settle the matter. Brilar has agreed to the settlement and to release the Village from the contract and all claims. The contract would end the Village's relationship with Brilar for the amount of \$95,000; the initial contract for service was in the amount of \$119,800.00. Brilar has not been paid for its service to date. Both parties have agreed to accept the settlement amount of \$95,000 on the disputed claim.

Motion by Oen, second by Peddie, that the Beverly Hills Council authorize the Village Manager and Village Attorney to enter into a Settlement Agreement and Release of All Claims with Brilar L.L.C. and to cancel the contract with Brilar. The Village is authorized to pay Brilar the total amount of \$95,000 forthwith in full settlement of all claims and disputes under the Contract after the full execution of the Agreement.

President Mooney recapped that leaf collection at the curb will be eliminated for the reason that it was a failed effort. Residents will be bagging or disposing of leaves as they did in prior years. Those who promoted curbside leaf collection had only the best motives for providing this service. The leaf collection program did not work in most of the Village. It was a safety hazard for driving or walking and an aesthetic disappointment. The company contracted to do the work did not deliver what was promised. The Council is ending Brilar's association with the Village of Beverly Hills.

Sharon Tischler on Virmar Court mentioned that the Village's public works department did some of the leaf collection work that was not done by Brilar. She suggested that there be an accounting of what the program actually cost the Village. Tischler concurred that it was a wise move to end this curbside leaf collection program.

Mooney responded that some of the cost to the Village was to ensure that its streets were safe and passable. He congratulated Village Administration for its efforts to maintain safe streets and the aesthetics of the community during the fall.

Norman Rubin of Rivers Edge Court referred to the \$30 per household assessment on last year's tax bills for leaf collection. He questioned whether the taxpayers would receive a partial refund. Mooney responded that the Village paid for removing all of the leaves from the curb by Brilar and the Village DPW. There will be no refund.

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

REVIEW/CONSIDER RECOMMENDATION FROM THE PARKS & RECREATION BOARD TO REPLACE 14 PICNIC TABLES AT BEVERLY PARK

Assistant Manager Marshall related that the Parks & Recreation Board has been discussing repair or replacement of picnic tables in Beverly Park for several months. The majority of tables at the park have wooden seats and tops that are beginning to show age and splinter, requiring annual maintenance. In addition, the design of those tables represent a trip hazard.

The Parks & Recreation Board is recommending replacement of 14 picnic tables. Two proposals have been received, one from Superior Play and another from Belson Outdoors. The lowest proposal is from Belson in the amount of \$15,355.25 for 14 eight-foot Park Master tables that have a galvanized frame with boards made from recycled plastic. Each table weighs 319 lbs. These tables look similar to the other four composite top tables currently at the park.

Motion by Mueller, second by Peddie, that the Village of Beverly Hills Council authorize the purchase of 14 Park Master Picnic Tables with galvanized frames, eight foot recycled plastic boards in a cedar finish from Belson Outdoors for a cost of \$15,355.25. This money will come from the Park Capital Improvement Fund.

Delaney suggested that Administration attempt to recoup some value from the current picnic tables. Wilson related that the plan was to market those picnic tables or at least obtain scrap value from the metal.

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

PUBLIC COMMENTS

Township Clerk Sharon Tischler advised the Village on procedures to follow for closed sessions of Council and closed session meeting minutes.

MANAGER'S REPORT

FY 2015-16 Budget – Council members are in receipt of a draft copy of the Village Budget for Fiscal Years 2015/16 and 2016/17. A workshop to review the budget document is scheduled for Tuesday, April 14. It was the consensus of Council to convene the meeting at 7:00 pm.

The draft budget is very positive in the opinion of Village Administration. Taxable value in the Village will increase for FY 2015-16 and Village Administration is recommending an overall millage rate that will be less than the rate charged in 2014-15. Even with a slightly lower rate, this draft budget allocates significant funds (\$600,000) to road construction and bridge repairs both years, allows for an additional public safety officer in 2016-17, provides for better administration and oversight of planning and zoning matters, fully funds the Village's pension obligations, and continues to aggressively set aside funds for future retiree health care costs. Wilson urged Council to contact him with any questions or comments prior to the study session.

Eastlady - Smallwood Sewer Backup – Oakland County, through the Water Resources Commissioner's Office, has been working on a major sewer repair underneath Evergreen Road at 14 Mile Road. As part of this repair, it was necessary to bypass sewage flow out of the line on Evergreen for a period of time. To accommodate this, the WRC and the contractor proposed a temporary bypass around this area that would have redirected flow down around the area of Smallwood and Eastlady. The Village and HRC reviewed this proposal and provided a set of specifications for this bypass that were agreed upon by all parties.

In preparation for the bypass, a test procedure was set for Monday, March 23 to run for a period of 24 hours. The test went well and the bypass worked as expected during peak flow periods during the day. Overnight into Tuesday the 24th, the monitoring of the pumps and manholes was not properly conducted and too much water was pumped into the bypass resulting in sewer backups in a number of homes in the area. Village Administration and HRC have been reviewing the records of this event with WRC and have concluded to our satisfaction that this backup was the result of a failure on the part of the contractor and improper oversight by the WRC. The damage to individual homes varies but will be significant in some cases.

The Village was informed that Oakland County advised homeowners to do what work was necessary to repair their homes; claims would be processed through the WRC and the contractor. To date, the Village has received reports of seven homes along Eastlady, Westlady, Smallwood and Smallwood Court that were damaged.

Yard Waste Collection – Yard waste collection in the Village began on Monday, April 6th and will run throughout the summer. Residents wishing to dispose of yard waste can place leaves, grass clippings, plant material and sticks and debris in paper yard waste bags and leave them at the curb to be collected on their regular trash day.

SEMCOG Recognition – The Southeast Michigan Council of Governments (SEMCOG) recently recognized 18 communities in the region for achieving perfect fiscal indicator scores. The fiscal indicator score is based on an evaluation of the fiscal health of communities using ten criteria including taxable value growth, population growth, fund balance, debt, and expenditures as a portion of taxable value. The Village is honored to receive this distinction as it reflects

positively on the fiscal discipline and planning of current and previous Village Councils and Council Presidents and the willingness of Village residents to support local government services like Public Safety, libraries and parks.

Beverly Park Maintenance – The Parks and Recreation Board, in conjunction with Village Administration, has solicited bids from professional landscaping firms for the clearing, improving and maintenance of the flower beds in Beverly Park. It is anticipated that the proposals will be reviewed by the Parks and Recreation Board at its April 16 meeting with a recommendation forwarded to Council for consideration at its April 21 meeting. Treatment of the grass areas of the park will take place four times in the upcoming year and will be occur for the first time in early April. Sections of the park to be treated include the grass areas around the pavilion and playground back to the grass around the tennis, basketball and volleyball courts and the grounds around the baseball diamonds including the fields.

Delaney thanked Wilson, Marshall and Wiszowaty and the staff for everything they do to keep Beverly Hills in a strong financial position.

Mooney related his concern regarding the maintenance of Beverly Park. He thanked Council members Mueller and Delaney for spending time last weekend walking through the park with him in an effort to identify maintenance needs. Mooney asked that the Parks and Recreation Board address some of these issues.

COUNCIL COMMENTS

Abboud announced that there will be a Zoning Board of Appeals meeting on April 13. Abboud commented on his attendance at the SEMCOG Annual Assembly meeting at the Detroit Institute of Arts. He plans to become involved on a committee and work towards serving on the executive board of SEMCOG in the future.

Abboud stated that he will be attending a Michigan Municipal League Suburban Summit in Westland, which is targeted to communities with challenges in terms of finances and economic development. This summit is geared towards city managers, planning commissioners, and local developers.

Delaney, as liaison to the Birmingham Area Cable Board, reported on a meeting he and Wilson had with the Treasurer of the BACB, Jeff Heldt. They discussed the franchise fee reserve funds being held by the Cable Board. Heldt anticipated that the Board would approve an additional administrative grant back to the communities. Delaney said that there will be a continuing dialog with Mr. Heldt and possibly the other member communities. Delaney thanked Bob Borgon for bringing Cable Board issues to his attention. The next BACB meeting will be held on April 15 at 7:45 a.m.

Delaney thanked former Council member Greg Burry for his advice regarding senior issues. Burry has indicated a willingness to assist Council by representing the Village at Next board meetings held at the Midvale facility during daytime hours and report back to Council regularly. As Council liaison to the Next organization, Delaney proposed that Greg Burry be appointed as Council's senior ambassador to Next.

With the unanimous consent of Council, Mooney appointed Greg Burry as senior ambassador to Next representing the Village of Beverly Hills. Burry accepted the position.

Delaney referred to his walk through Beverly Park with Mr. Mooney last weekend. He observed that the gazebo needs to be power washed and stained.

Mooney joined Chris Wilson in his thanks to a number of Councils and Council Presidents who worked diligently to lead this community to a sound financial position. Beverly Hills is now recognized by SEMCOG as one of 18 communities in the region that received a perfect score on its financial health. Village residents have seen an improvement in the quality of life in a number of ways including increased public safety patrols, shared services with surrounding communities, and movement towards fulfilling Village obligations to fund its post employment benefits. Mooney is proud of Village Administration and of Chris Wilson's efforts to ensure that Beverly Hills is a premier community. This Council and Administration is going to maintain the quality of life in Beverly Hills at the level that we have all come to expect.

Motion by Oen, second by Peddie, to adjourn the meeting at 8:57 p.m.

Motion passed.

John Mooney
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary