

Present: President Mercer; President Pro-Tem Briggs; Members: Burry, Kelly, LaFerriere, Mooney and Oen

Absent: None

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

President Mercer 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 Mooney, second by Burry, to approve the agenda as published.

Motion passed.

COMMUNITY ANNOUNCEMENTS

Bill Kondak, Vice-Chair of the Parks and Recreation Board, came forward with Kim Eberhardt, this year's parade co-chairperson with her husband Mike Eberhardt. Kondak reported that the Beverly Hills Parade and Carnival held on Monday, May 26 was a great success this year. The weather was perfect, and a lot of families participated in the festivities. The sale of tickets combined with generous donations from sponsors will cover all of the Parks and Recreation Board expenses with a modest surplus remaining for park improvements. This community event owes its success to the efforts of many individuals who make contributions and volunteer their time. Kondak thanked new residents Kim and Mike Eberhardt for volunteering to organize the parade this year. They stepped forward and did a tremendous job.

Kim Eberhardt commented that it was a pleasure to organize the parade. She provided a brief recap of the event and listed some of the highlights. There were more than 50 acts participating in the parade this year. She thanked Bill Kondak for being a great resource and providing guidance along with the entire Parks and Recreation Board, Ellen Marshall, Pat Westerlund and Matt Goodrich. Kondak remarked that the parade means a lot to the people of Beverly Hills and the surrounding communities. He wholeheartedly thanked Kim and Mike Eberhardt for their efforts.

Kondak thanked Ron Berndt for organizing the Memorial Day Commemoration, noting the participation of President Pro-Tem Walter Briggs, President Tim Mercer, Pastor Daniel Grams, and remarks from Grand Marshal Mr. Murray Cotter, who served in the Army Air Corp during WWII as a first lieutenant and bombardier on a B-24 bomber. The memorial wreath was provided by Irene Davis and Pat Greening in memory of their husbands Robert Davis and Donald Greening. The ceremony ended with Taps played by Ron Berndt.

Kondak mentioned the food vendors that participated in the Carnival as well as the featured rides, games, and entertainment. He thanked all the volunteers for their efforts before, during,

and after the event. He named a number of people who helped out including Jeff Hausman, Loma Schmitt, Sue Kondak, Janet Mooney, Mary Simon, Lisa Ross, Anna and Sara Garcia, Te' Andrew, Lisa Napolitan, Eileen Abood, Lynn Kier, Donna Shelby, Jim O'Reilly, Boy Scout Troop 1024, Jim Mocerri, Margaret and Christopher Dimond, Tina Ostach, and high school students from Groves.

The support from sponsors who provided monetary contributions was greatly appreciated. Kondak named the sponsors, noting that they were listed on a banner displayed in the park. He asked that residents give their support to these businesses. Finally, Kondak named the Parks and Recreation Board members and thanked them for the effort they put forth to make the Memorial Day festivities a success.

President Mercer and Council liaison to Parks and Recreation John Mooney came forward and thanked Bill Kondak and the Eberhardts for their part in making the Parade and Carnival a success this year. It is a signature event in our community, and it takes a lot of volunteers and effort to keep this celebration going. On behalf of Council and Administration, Mercer presented Bill Kondak with a Certificate of Appreciation. He presented a Certificate of Appreciation to Mike and Kim Eberhardt for their hard work as well.

John Mooney commented on the long history of the Memorial Day parade and carnival in Beverly Hills and the tremendous contributions that have been made by community volunteers. He acknowledged the many years that Pat Westerlund organized the parade and expressed gratitude to Kim and Mike Eberhardt for offering to take over and organize a parade that equals past parades.

Pat Westerlund of 18540 Devonshire extended the greatest accolades to Kim and Mike for taking on a huge event in organizing the parade. They did all the work on their own and provided the community with a fantastic parade. Westerlund suggested creating a committee for Kim and Mike next year.

CONSENT AGENDA

Mercer asked that item 'b', "Review and File Bills" be removed from the consent agenda and added as item 'h' on the Business Agenda.

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

- a. Consider approval of minutes of a regular Council meeting held May 2, 2014.
- b. Review and consider resolution approving participation in Oakland County's Urban County Community Development Block Grant Program for years 2015, 2016, and 2017.
- c. Review and consider appointment of Village representative and alternate to the Southeastern Oakland County Resource Recovery Authority Board.
- d. Review and consider appointment of Village representative and alternate to the Southeastern Oakland County Water Authority Board.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER REQUEST FROM KAREN MCEWEN TO HOLD A CHARITY WALK FOR THE PRIMARY CILIARY DYSKENISIA (PCD) FOUNDATION ON SUNDAY, OCTOBER 12, 2014 AT BEVERLY PARK

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council authorize Karen McEwen to use Beverly Park and Village streets and sidewalks for a charity walk benefitting the Primary Ciliary Dyskenisia Foundation on Sunday, October 12, 2014 from 9:00 a.m. until noon, subject to providing of the appropriate insurance policy. Pavilion rental fees will be waived for this event.

Karen McEwen from Bloomfield Hills outlined her proposal to hold a first annual fundraiser, “A Spooktacular Walk for PCD” to benefit the Primary Ciliary Dyskenisia Foundation. McEwen stated that her 10-year-old daughter has this rare, incurable disease. McEwen requested to hold the walk on Sunday, October 12, 2014 beginning at 9:00 a.m. at Beverly Park. She outlined the route and said that the participants will return to the park where a number of adults will hand out candy along the park trail. The young people will be wearing their Halloween costumes. This will be a family event that will end about noon. McEwen said she would contact the Beverly Hills Public Safety Department regarding the route and whether their assistance is needed.

Mercer suggested that Ms. McEwen attend a Council meeting prior to this event to announce the walk again. Mooney stated that the Parks and Recreation Board voted unanimously to support this event.

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

RECONSIDER PROPOSAL FROM BRILAR FOR LEAF COLLECTION SERVICES

Motion by Oen, second by Briggs, that the proposal from Brilar LLC for curbside leaf collection services be brought back to the table for reconsideration.

Roll Call Vote:
Mercer - yes
Mooney - no
Oen - yes
Briggs - yes
Burry - yes
Kelly - yes
LaFerriere - yes

Motion passed (6 -1).

Manager Chris Wilson provided background on the proposal for curbside leaf collection services. The topic of soliciting bids for leaf collection services was raised at a Council meeting some months ago. Administration prepared and distributed a Request for Proposal (RFP) for leaf collection to multiple bidders.

Wilson related that he spent time reviewing how this service was carried out in other communities; he talked to individuals from Birmingham and Royal Oak about their process for collecting leaves. The RFP required leaf collection from every residential household at least once every other week for a fixed period from October 15 until the third Saturday in December. The Village asked for quotes for a three-year time period with the ability to terminate the service through notification by June 30 of the service year.

The proposal was sent out to various public and private firms that could provide this service. The Village received a total of one proposal from Brilar LLC. Wilson was familiar with this company through their work for the City of Pleasant Ridge. The quote from Brilar was in the amount of \$119,800, which was less than anticipated. Administration advised Council that this would be a fee of roughly \$30 per household per year to cover the cost of this service. Council agreed to put that fee in the 2014-2015 FY budget. After the budget meeting, approval of the contract with Brilar came before Council for a vote. Questions came up at the time regarding the process of doing leaf collection.

Wilson and Marshall have met with Larry Yaffa, President of Brilar LLC, to discuss various aspects of the service. Yaffa is present in the audience tonight. Some of the requirements of the contract were that, by August of any service year, the contractor would have to submit a schedule to the Village showing how they were going to divide the community for leaf collection. This information would go out to all residents in the September Villager Newsletter. Wilson felt confident that Larry Yaffa has the capability and capacity to do this work at the price provided.

Other concerns included leaf collection along major arterial roads like 13 Mile, 14 Mile and Greenfield Roads. Wilson related that special provisions were included in the contract describing how leaf collection would be done on those roads for optimum safety and traffic and for general orderliness during the season.

Larry Yaffa from Brilar LLC stated that his business is located at 13200 Northend Ave. in Oak Park. Yaffa indicated that he provides this service in other communities including Pleasant Ridge. Yaffa stated that they have been in business for 36 years providing commercial and municipal services to multiple cities and entities throughout southeast Michigan. He has a staff of about 100 employees. Yaffa commented on the trucks he has available; they have a five acre facility in Oak Park with a 45,000 sq. ft. building and four full-time mechanics. Brilar said that he has never failed on a project or been fired from a contract.

Yaffa addressed questions from members of Council regarding picking up leaves on streets with ditches and on streets without curbs; weather related delays of scheduled pick ups; equipment used to pick up leaves; what happens to leaves after they are collected; State Law requirements on disposing of yard waste and possible increased cost from SOCRRA for disposal of leaves. The Village will continue to pick up bagged leaves and take them to the SOCRRA transfer station in Madison Heights before going to the compost facility owned by SOCRRA.

Burry asked Wilson about the possibility of not charging residents for this service during the first year trial period. Wilson responded that the service contract could be paid from the General Fund

at Council's discretion. He added that Council has already adopted a fee for this service to be placed on the tax bill. Wilson does not have the authority to withdraw that fee.

Motion by LaFerriere, second by Oen, that the Village of Beverly Hills Council approve and authorize the Village Manager to sign the agreement with Brilar, LLC for leaf collection services in the Village of Beverly Hills per the proposal of Brilar dated March 28, 2014 in an amount not to exceed \$119,800. Funds for the service are available in account 101.440.816.02.

Mooney expressed opposition to approving this contract for curbside leaf collection service because he did not think that the logistics of collecting leaves in the community have been thought out properly by administration or Council. He related variables that could keep this process from working, including the topography of the Village, size of lots, and ditches on many east side lots. Mooney added that residents are already being charged to pick up bagged leaves. He was unconvinced that this program would work.

Council members LaFerriere, Kelly, Burry, and Oen spoke in favor of initiating a leaf collection service. Members have talked to people in the community who have expressed an interest in this service.

The floor was opened for comments from the public. Alda Marie McCook of 19370 Riverside Drive outlined reasons why she was opposed to the curbside leaf collection service. She mentioned that leaves blow around in the wind and would be best collected in bags.

Sharon Tischler of 21415 Virmar Court stated that she lives in a large lot area with drainage ditches. She anticipates wet leaves that will be difficult to haul away. Tischler commented that residents are already paying for pick up and composting of bagged leaves. Some residents contract for lawn service.

The following residents voiced strong support of contracting for curbside leaf collection services. The people who spoke want to receive this service and did not object to the \$30 per year charge. Perfection was not expected; residents believed that problems would be worked out. The point was made that this will save people time. These residents appreciated the option to use the leaf collection service and urged Council to vote yes on the motion before them.

Tammy Wilms	32085 Waltham
Mathew Davis	19845 Beverly Road
Pat Westerlund	18540 Devonshire
Brian Quinn	18531 Devonshire
Darryl Compass	18508 Devonshire
Mike Zigley	31761 Waltham Ct.
Greg Ross	18266 Devonshire
Dan Hubert	31610 Waltham

(Pres. Westwood Homeowners Assoc.)

Dan Hubert stated that he polled 85 out of the 97 homeowners in Westwood; 84 people favored leaf collection with one opposed.

Burry had proposed that the Village pay for the first year of this contract from the General Fund balance. Mercer stated that Council should vote on the motion to approve the contract for leaf collection prior to considering legal procedures involved in amending the budget to pay for this service from the General Fund.

Roll Call Vote:

Mooney	- no
Oen	- yes
Briggs	- yes
Burry	- yes
Kelly	- yes
LaFerriere	- yes
Mercer	- yes

Motion passed (6 – 1).

A straw vote of Council confirmed that six members did not want to reconsider the \$30 per household annual fee for payment of the leaf collection contract.

SECOND ANNOUNCEMENT OF VARIOUS BOARD/COMMITTEE VACANCIES

The second announcement was made for a number of vacancies on various boards and committees as terms of office expire on June 30, 2014. There are two seats on the Birmingham Area Cable Board; three seats on the Communications Committee; three seats on the Parks and Recreation Board; three seats on the Planning Commission; and three seats on the Zoning Board of Appeals.

With the exception of Edna Freier’s term on the Communications Committee, all terms are for three years. It is the policy of Council to make these positions open to the public as well as the currently seated members. The deadline for submitting applications is Friday, June 6, 2014. Appointments are scheduled to take place at the June 17 Council meeting.

Wilson related that he has been notified by Todd Schafer that he will not be submitting an application for reappointment to the Zoning Board of Appeals. Schafer has been a valuable member of the ZBA for some time; his input on that Board will be missed.

SECOND READING AND POSSIBLE ADOPTION OF ORDINANCE #349 AMENDING CHAPTER 7 WATER SERVICE OF THE MUNICIPAL CODE

Attorney Ryan conducted the second reading of Ordinance No. 349, an ordinance to amend Chapter 7, Water Service, Village Municipal Code. The main change from the first reading is additional language that clarifies that separate metering is available only to residential customers and homeowner associations. A new definition section was added under Chapter 7 as follows:

Residential Property Owner. A residential property owner is a single family residential property or a homeowner’s association utilizing village water service.

Chapter 7, Section 7.05 Water Meters was changed to add the word ‘residential’ as follows:

Section 7.05 WATER METERS

(v) Secondary Area Maintenance Water Meters. At the option and expense of a residential property owner, an additional water meter, referred to as a secondary area maintenance water meter, may be installed. The secondary area maintenance water meter shall allow for the metering of water that is directed exclusively to a sprinkler system or outside spigot or connection such as, but not limited to, a swimming pool, which water would not enter a sanitary sewer system and will not be applied to the calculation of the sewage disposal bill for the property. The installation, use and other provisions of village ordinances, which apply to a single water meter, shall also apply to the secondary area maintenance water meter. The property owner must comply with all department of public works requirements and pay all associated costs for the installation of a secondary area maintenance water meter.

The ordinance includes a Severability Clause, Saving Clause, Repealer Clause, and Effective time, which will be 20 days after publication of the adopted ordinance. Ryan related that water rates will be a policy matter for consideration by the Village Council.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council adopt Ordinance No. 349, An Ordinance to Amend Chapter 7, Water Service, Village Municipal Code.

LaFerriere commented that Council will address the issue of water rates at a later date. Mercer stated that he is voting in favor of allowing installation of a secondary area maintenance water meter even though this is a service he will probably never use. He added that he does not agree with this service and believes that his bills will increase because of it.

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

This ordinance in its entirety is available for public review at the Village office.

SECOND READING AND POSSIBLE ADOPTION OF ORDINANCE #350 AMENDING CHAPTER 8 SANITARY SEWER SYSTEM OF THE MUNICIPAL CODE

Attorney Tom Ryan stated that this is a tandem resolution that must be adopted along with Ordinance No. 349 in order to allow the Village to offer separate metering to residents for a sprinkling system or outside spigot.

Ryan conducted the second reading of this ordinance. The main change from the first reading is additional language that clarifies that separate metering is available only to residential customers and homeowner associations. A new definition section was added under Chapter 8 as follows:

Residential Property Owner. A residential property owner is a single family residential property or a homeowner’s association utilizing village water service.

Chapter 8.05 (a) was changed to add the words ‘to a residential property owner’ as follows:

Section 8.05(a) Consumption Charge.

6. The sewage rate for the sewage disposal system shall not apply to a residential property owner where water is separately metered and used for secondary area maintenance.

There will be a Severability Clause, Saving Clause, Repealer, and Effective Date Clause.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council adopt Ordinance No. 350, An Ordinance to Amend Chapter 8, Sanitary Sewer System, Village Municipal Code.

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

This ordinance in its entirety is available for review at the Village Office.

REVIEW AND CONSIDER APPROVAL OF OAKLAND COUNTY HAZARD MITIGATION PLAN

Wilson stated that Oakland County passed a Hazard Mitigation Plan in 2005, which was adopted by the Village of Beverly Hills. In 2011-12 Oakland County conducted an update of that process and asked the Village to update its Hazard Mitigation Plan in accordance with their plan. The 350 page document was reviewed by Village Administration. If there were to be a disaster declared and the Village of Beverly Hills did not have a Hazard Mitigation Plan adopted through Oakland County, FEMA funding or grants could potentially be delayed. Based on his review of the Plan updates, Wilson recommended Council approval of the Oakland County Hazard Mitigation Plan.

Motion by Mooney, second by Oen. Be it resolved by the Village of Beverly Hills Council that:

1. The Oakland County Hazard Mitigation Plan is hereby adopted as an official plan of the Village of Beverly Hills.
2. The Village of Beverly Hills is charged with supervising the implementation of the Plan’s recommendations, as they pertain to Beverly Hills and within the funding limitations as provided by the Village Council or other sources.
3. The Public Safety Director shall give priority attention to the following action items recommended in portions of the Plan specific to the Village of Beverly Hills:
 - a. Adopt Chapter 5, Hazard Assessment, Section 5.2.4 Community Input, Village of Beverly Hills, page 113.

b. Adopt Chapter 6, Hazard Mitigation, Section 6.3.1 Community Identified Mitigation Strategies, Village of Beverly Hills, page 159.

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

REVIEW AND CONSIDER AWARDING 2014 CONCRETE ROAD IMPROVEMENTS PROGRAM TO DOMINIC GAGLIO CONSTRUCTION

The Village of Beverly Hills opened bids for the 2014 Concrete Road Improvement program on May 22, 2014. This is for the project along Metamora that involves the removal of existing asphalt and concrete base and the re-pouring of a new concrete road. The engineering estimate for this construction project was \$265,000.00. Five bids were received ranging from a high bid of \$330,866.50 to the low bid of \$233,318.65, which was submitted by Dominic Gaglio Construction, Inc.

Council is in receipt of the bid tabulation. Dominic Gaglio Construction, Inc. has done work in the Village previously with good results. Director of Public Services Meszler recommended that the Village Council award the 2014 Concrete Road Improvement program to Dominic Gaglio Construction.

Motion by Mooney, second by LaFerriere, that the Village Council award the 2014 Concrete Road Improvement program to Dominic Gaglio Construction, Inc. in the amount of \$233,318.65. Funds for this program are available in account number 203-451-810.03.

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

REVIEW AND FILE BILLS RECAPPED AS OF MONDAY, JUNE 2, 2014

Motion by Mooney, second by Briggs, to allow Council member Kelly to abstain from voting on the invoice received from Hubbell, Roth & Clark based on her business relationship with the vendor.

Motion passed.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council approve and file the bills recapped as of Monday, June 2, 2014.

Ayes: Briggs, Burry, LaFerriere, Mercer, Mooney and Oen
Abstain: Kelly
Nays: None

Motion passed (6 yes – 0 no – 1 abstention).

PUBLIC COMMENTS

Florence Debono of 18674 West 13 Mile Road, resident of Evergreen Commons, related issues that she is experiencing with her condominium management. Mooney suggested that this resident meet with the Village Manager and Public Safety Director following the Council meeting in order to receive direction on how to proceed with her concerns.

Alda Marie McCook had an inquiry regarding recent public safety activity in her neighborhood, which was addressed by Director Torongeau. There was no criminal activity to report.

REPORTS – MANAGER

Manager Wilson reported that the Village has been working with Bloomfield Community Television and the Birmingham Area Cable Board on upgrades to its camera room in the council chamber. Those upgrades will be forthcoming soon, and the Smart Board will be linked to the camera system. Wilson thanked the Cable Board for providing funding for this upgrade and thanked Steve Rota and his crew at BCTV for their technical expertise and assistance on this project.

The Village-wide Garage Sale was held last week. There were over 125 official participants who signed up with the Village.

Wilson received comments about the grass being high in certain areas of the park during the Memorial Day event. There were wet areas, where two Oakland County vehicles got stuck. Wilson thanked the Groves Football Team for extricating the trucks.

In answer to an inquiry, Wilson commented briefly on the final report received from Hubbell, Roth & Clark (40+ pages) on the Eryty Dam. He will provide Council with the report and a summary at an upcoming meeting.

Wilson announced that the Village has received its allotment of supplies this year from Oakland County for the West Nile Virus Program. Residents may stop in to receive mosquito abatement equipment.

REPORTS – COUNCIL

Referring to the Memorial Day Parade, Kelly observed that so many people dedicate so much of their time to the service of the community. It was a wonderful event. She thanked the Village Manager, Clerk, and Council members for their support and attendance at the parade and carnival.

LaFerriere commented that he attended an impressive Graduation Ceremony of Seaholm High School seniors last weekend. He congratulated Seaholm and Groves High School graduating classes. LaFerriere thanked the citizens who took the time to attend tonight's Council meeting to voice their opinions on the topic of the leaf collection service contract.

Oen mentioned the request before Council tonight to hold a charity walk for the Primary Ciliary Dyskenisia (PCD) Foundation. He wished the organizer the best of luck in accomplishing her goals. Oen thanked everyone who participated in the Memorial Day Parade.

Mercer thanked all the residents who came out to support the Memorial Day Parade and the Commemoration Ceremony. He commended the volunteers who made this happen. Mercer encouraged everyone to watch out for kids on the street this summer.

Briggs echoed comments on the outstanding Memorial Day Parade and thanked all those who volunteered their time. Briggs passed an inquiry from a resident to Parks and Recreation liaison Mooney regarding establishing a dog park in Beverly Park.

Mooney related that the Village suffered an enormous loss last week with the passing of resident Frank Worrell. He was a long-time Council member, President of the Village, and served on the Planning Board. Mooney talked about his leadership and the many contributions Frank Worrell made to the community that improved the quality of life for everyone. Some of his accomplishments include rehabilitation of the sewer infrastructure on the east side of the Village, road improvements, a sidewalk replacement program, and support for the CSO treatment center in the Douglas Evans Nature Preserve. He worked to maintain the character of the Village. Frank Worrell was a strong and effective leader. He was a decorated combat marine and served his country well. Frank Worrell and his wife Millicent raised five daughters. Mooney will miss Frank Worrell; this Village will miss Frank Worrell.

Motion by Mooney, second by Briggs, to adjourn the meeting at 9:46 p.m.

Motion passed.

Tim Mercer
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary