

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

Absent: None

Also Present: Village Manager, Wilson
Assistant Manager/Clerk, Marshall

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. Those present recited the Pledge of Allegiance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

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

Motion passed.

DISCUSSION REGARDING RIVERSIDE POND AND THE ERITY DAM

President Mooney opened the discussion by summarizing the history and current condition of the Eryty Dam. Mooney explained that the Eryty Dam, which created Riverside Pond, was constructed in the mid 1800s. He noted that the dam runs from Rosevear Street to Evergreen Road. The land in between is considered part of the dam. Mooney explained that water flows through the dam's two spillways, the left (Rosevear) and the right (Evergreen). The right spillway failed in May, 2015, after a heavy rain episode. As a result, the pond's water level dropped by about a foot.

Mooney commented that the failure of the spillway posed an immediate threat to the integrity of the Evergreen bridge. The bridge is crossed by thousands of vehicles every day, including school buses. Mooney explained that water is seeping in behind the foundation of the bridge. The Village needs to stop this flow of water to be able to assess damage to the bridge. Stopping the water flow means stopping it from flowing through the right spillway.

The Michigan Department of Environmental Quality (MDEQ) has jurisdiction over the dam and water flow. Mooney explained that the MDEQ granted the Village a permit to stop water from flowing through the spillway. By closing off the spillway the pond's water level dropped and it is now nearly dry. Mooney commented that the drawdown of the pond is temporary.

Repairs to the Evergreen bridge will be done in coordination with the MDEQ through a permit process. Mooney indicated two different permits must be granted by the agency, one that will allow for bridge repairs and a second that controls environmental impact. Getting the permits and working out the details of what can and cannot be done will be a lengthy process. He also noted that a temporary or coffer dam will be constructed to stop the flow of water to the bridge and, as a result, water will back up and refill the pond. The coffer dam will allow the Village enough time to go through the MDEQ permit process and then make needed repairs.

Mooney commented that the cost of those repairs is undetermined. He added that there are several alternatives in how the bridge and spillways can be repaired. The MDEQ's dam section

recommends elimination of the right spillway to let the river flow naturally. No matter which alternative is selected, maintenance of the pond will be necessary. Mooney indicated that if those maintenance costs are too high, saving the pond may not be tenable.

Construction of the coffer dam will start when Lahser Road reopens. Village Manager Wilson reported that the road would reopen by November 15, according to Oakland County. He explained that Evergreen Road would close during construction of the coffer dam for 2-5 days, depending on weather conditions. As currently constructed, the spillways lack capacity to handle high volumes of water adequately and the right spillway has a choke point underneath Evergreen Road. When work is completed, the spillways will have improved water flow capacity.

Neil Hitz, Riverside Drive, asked if the state and the Village would share in the repair costs. He also asked if private property owners would have to help pay and if it was the left spillway that needed repair. Mooney responded that the Village is seeking grants from the State of Michigan. He explained that most grant money available is for removing the spillways. Mooney added that the Village needs to determine what the costs of various repair alternatives are before determining the best payment mechanisms. In terms of the left spillway, Mooney indicated that it will be difficult to determine what repairs, if any, are needed below the water level. Concrete above the water level appears to be in good shape.

Alan Gigliotti, Rosevear, asked if the MDEQ is determining repair alternatives or if the Village's engineers are determining repair alternatives. He also asked if residents would have input into the MDEQ's permitting process. Mooney remarked that the MDEQ will tell the Village what it wants done with regard to repairs. Mooney explained that the Village will post MDEQ contact information for residents to become involved in the permitting process.

Alda Marie McCook, Riverside Drive, commented that any repairs should be shared by the Village, not just homeowners adjacent to the pond.

Greg Burry, Pierce, indicated that an Erity Dam feasibility study had been completed in 2014. He explained that the study concluded that the two spillways needed to be replaced and would cost approximately \$4.5 million. Burry added that the pond would also need to be dredged every 10 years. He noted that the state and federal governments would pay to remove the spillways and turn them into a park or meadow. A similar project was recently completed in Farmington Hills. Mooney explained that final costs of fixing the spillways and the dam have yet to be determined, despite the feasibility study.

Lyle Russell, Rosevear, asked what the impact would be on the Village's property tax if the dam is not restored. He also asked if property taxes decline, would the decline exceed the cost of making repairs. Mooney responded that he spoke with the Oakland County assessor about the potential impact on property tax revenues and the assessor believes there would be virtually no impact on property tax revenues.

Robert Deneweth, Arlington, stated that he had lived in the Village for 25 years before knowing Riverside Pond existed. He added that clearing the Rouge River of older dams that do not serve any practical purpose is being pursued by the MDEQ to improve the overall health of the river.

Deneweth believes that it would be difficult to justify spending \$4 million on the pond. He added that the pond is very shallow.

Ron Rocz, Evergreen, noted that the Eryty Dam is more than 100 years old and that it is not temporary. He added that repairs should be made without dredging. Mooney explained that the repairs being discussed are not temporary fixes.

Richard Bekolay, Evergreen, commented that the pond has filled with silt over the years from flows coming from north of the Village, including the City of Birmingham. Bekolay indicated that Birmingham dredged about 50 years ago and that a portion of the silt in the pond came from that dredging.

Bill Webber, Sunnyslope, would like the pond to be restored. He inquired about the expected life of a coffer dam. Webber said if residents organize, they can be heard by the MDEQ. Mooney indicated the coffer dam would last two to four years.

Pam Rijnovean, Evergreen, indicated that homeowners adjacent to the pond own the bottom of the pond. She added that the MDEQ is a caretaker of the waterway. She also believes the pond is a big asset to the community and should not be ignored. Mooney explained that the state owns the waterway. He added that the Village is a partial owner of the right spillway and that it is located on private property.

Sarah Apsey, Rosevear, asked if it would be safe for residents living adjacent to the river/pond, if the spillways were removed and the river returned to its natural course. Wilson indicated that the natural course of the river is through the left spillway. If the right spillway was removed, the left spillway would need major reconstruction to handle the volume of water going through it. Mooney indicated that the Village is probably not going to remove both spillways.

Mark Hammel, Evergreen, asked if the Evergreen bridge was damaged when the spillway failed. Wilson indicated that the bridge was not damaged and that its reconstruction and the failure of the spillway are two separate issues.

Jim Courter, Village Drive, wanted to know what would happen to the Rouge River if repairs are made to the spillway. Wilson indicated that flows would return to a normal level after repairs are completed.

Robert Deneweth, Arlington, asked who was legally responsible for dredging. Mooney indicated the Village would not dredge the pond.

Suzanne Carrillo, Riverside Drive, asked why there was no water flowing from the north down through the Village. Wilson indicated that since the spillway failed, water is no longer being impounded. Therefore, water does not back up to fill the pond, which in turn does not send water flowing through the river and into Hidden Rivers.

Howard Knorr, Bedford, uses the pond for recreation. He would like the pond to be restored for recreational purposes. Mooney thanked Knorr for being the Village's unofficial naturalist and for his work with replanting the Douglas Evans Nature Preserve.

Pam Rijnovean, Evergreen, indicated that ownership of the pond is complicated due to property rights of landowners. Wilson indicated that there are three owners of the right spillway, including the Village.

Allen Gigliotti, Rosevear, commented that there is grant money available for removing the spillways, but not much for repairing them. He added that grants are available for a "fish channel," which he described as a middle ground between removal and restoration of the spillways. Mooney indicated that the Village will pursue every grant dollar it can.

Bill Webber, Sunnyslope, explained that his property is on the river and that the river is as deep as five feet adjacent to the left spillway.

PUBLIC COMMENTS

Suzanne Carrillo, Riverside Drive, thanked the Council and administration for their efforts in communicating the issues about the pond and spillways. Mooney indicated that the Village would continue to keep residents informed.

COUNCIL COMMENTS

Delaney commented that the Council would collect all of the relevant information about the various repair options and then make the best decision for all residents. Delaney wants to avoid litigation.

Oen indicated that there are more questions than answers at this point with regard to the pond and spillways. He added that he was in favor of repairing the pond only if it makes economic sense.

Peddie indicated that the situation with the pond is complex and needs to be handled one step at a time. She added that all Village residents would be considered on any decisions made.

Mooney indicated that the importance of Riverside Pond is not as significant to residents that do not live adjacent to it. If cost estimates come in high, he indicated that the Village would likely put it to a vote of the residents.

Motion by Oen, second by Peddie, to adjourn the meeting at 9:10 p.m.

Motion passed.

John Mooney
Council President

Ellen Marshall
Village Clerk

Scott Daniel
Recording Secretary