

Present: President Taylor; President Pro-Tem Walsh; Members: Burry, Koss, Pfeifer, Rijnovean and Woodrow

Absent: None

Also Present: Village Manager, Spallasso
Assistant Manager/Clerk, Marshall
Building Official, Byrwa
Public Safety Director, Woodard
Village Attorney, Ryan

President Taylor 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. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

At the request of Koss, it was the consensus of Council to move Discussion Item, “Review Proposed Ordinance #324 Property Maintenance Code” to the Business Agenda.

Woodrow asked to add an item to the Business Agenda, “Discuss alleged investigation by Council into the Beverly Hills Public Safety Officers Association’s endorsement of candidates”.

Woodrow stated that he was not in attendance at the September 19, 2006 meeting when members of Council directed the Village Attorney to provide legal interpretation of a letter sent by a representative of the Beverly Hills Public Safety Officers Association to Council members inviting them to be interviewed so that the Association could decide on which candidates to endorse for the November election. Council subsequently received a letter from the Police Officers Association of Michigan (POAM) suggesting that they may have done something illegal, which Woodrow would like addressed. Woodrow thought that there should be action taken by Council to assure the POAM that there was no investigation of the local Association.

Ryan stated that his letter to the Police Officers Association covered the fact that there was no investigation of the Association authorized by this Council and that he believed the matter to be concluded. Koss clarified that the request made by certain members of Council was for Ryan’s opinion on the letter with respect to the Organizational Policies and Procedures Manual. She thought that Council members should have an opportunity to read all the correspondence before the matter is discussed at the table.

Roll Call Vote on adding this item to the agenda:

Woodrow	- yes
Burry	- no
Koss	- no
Pfeifer	- no
Rijnovean	- no

Taylor - yes
Walsh - no

Vote (5 – 2).

Motion by Pfeifer, second by Koss, that the agenda be approved as amended.

Yes - Burry, Koss, Pfeifer, Rijnovean, Taylor, Walsh
No - Woodrow

Motion passed (6 – 1).

PUBLIC COMMENTS

Toni Grinnan of 1 Stonehouse Lane commented on the decision of the public safety officers to interview and endorse candidates and the Council's response to that activity. It was clear to her that the public safety officers were properly exercising their first amendment rights, which is commonly done by departments in other communities. She did not think that there was anything improper about Council seeking a legal opinion on this fairly unusual occurrence.

Grinnan stated that she was troubled by the eagerness at which some members of Council addressed this and expressed their opinions opposing the actions of the PSOs without the benefit of a legal opinion. She viewed this as damaging to the Village. Grinnan expressed the view that the management style of the majority of this Council has created problems where there have been none before.

Kathleen Berwick of 31381 Kennoway Court stated that she was disappointed that the public safety department chose to become involved in the upcoming election. She does not think that this is their role in the community.

Jim Delaney of 18129 Riverside Drive stated that he belongs to a recently formed group of concerned Beverly Hills citizens who do not like what they see occurring in the Village. The group has endorsed several candidates, who they expect will keep this community the way they like it. Delaney referred to the recent candidate forum held at the Village municipal building. He expressed concern with the purpose and objectives of four candidates who have formed a slate. Delaney urged citizens to pay attention to this election because it is critical for the Village if people want to retain the community that they have now.

Bob Walsh of 20655 Smallwood Court questioned why the public safety department wants to conduct interviews and endorse candidates for the upcoming Village election in November. He mentioned that the Village is currently negotiating all of the public safety labor contracts, which are approved by Council. Walsh stated that public safety officers are subject to Village policies and procedures.

Walsh referred to the candidates forum sponsored by the League of Women Voters held in the Council chamber last week and commented on what he believed to be erroneous statements. Walsh questioned the status of the Plante Moran financial audit for fiscal year 2005/06.

Alda Marie McCook of 19370 Riverside emphasized that Council members should realize that there needs to be a blending of individual thoughts and ideas at the Council table. She suggested that Beverly Hills conduct a survey of its residents in this economy to determine how many people in the community are retirees on a fixed income.

Ron Berndt of 31384 E. Rutland stated that he was disturbed by a previous comment that the biggest issue Council has faced recently was a letter mailed to members from a labor union. Labor unions have always been politically involved, and national labor law protects their right to do so. Berndt contends that a big issue facing the Village is that the current economy is devaluating our property. The Council needs to focus on the future of the Village and the big issues and not get dragged down on less important matters.

Sharon Tischler of 21415 Virmar Court announced that Southfield Township will be offering free document shredding on Saturday, October 21 between 10 and noon in the municipal building parking lot. Tischler questioned whether there is a report on the prisoner lockup service being provided to Lathrup Village by the Beverly Hills Public Safety Department.

Doyle Downey of 30865 Lincolnshire West expressed the view that it is important for people to have a positive outlook and work together. It was his opinion that there has been a loss of trust in the Village fostered by people who are propagating angst in the community. Downey related that the Village auditors have affirmed that Beverly Hills is in sound financial condition. The Village is facing economic challenges, but the situation in Beverly Hills is not dire. Downey commented on the voting record of members of Council on specific issues and expressed concern with the direction of Council. He emphasized the importance of everyone voting for candidates who they believe in and can trust.

Leanne Toth of 21605 W. Thirteen Mile Road expressed the view that it would be unwise for the public safety officers to endorse candidates. It is an irregularity in the election pattern that has divided the community. Toth expressed the view that it is a conflict of interest.

CONSENT AGENDA

- Motion by Pfeifer, second by Koss, to approve the consent agenda as amended.
- a. Review and consider approval of minutes of a regular Council meeting held September 19, 2006.
 - b. Review and file bills recapped as of Monday, October 2, 2006.

Motion passed (7 – 0).

BUSINESS AGENDA

SET PUBLIC HEARING DATE OF NOVEMBER 7, 2006 FOR PROGRAM YEAR 2007 COMMUNITY DEVELOPMENT BLOCK GRANT

In order to receive Community Development Block Grant funding, a municipality is required to hold a public hearing to review next year's CDBG proposal. Council scheduled a public hearing date of November 7, 2006 for review of the 2007 Community Development Block Grant proposal.

REVIEW PROPOSED ORDINANCE #324 PROPERTY MAINTENANCE CODE

Before Council for consideration is adoption of Ordinance No. 324, the 2006 International Property Maintenance Code. Although building, plumbing, mechanical and electrical codes are automatically adopted locally when the State adopts them, the Property Maintenance and Fire Prevention Codes are required to be adopted separately by municipalities to comply with State Law.

Village Building Official Byrwa provided background information on the Property Maintenance Code. Once adopted, the Code acts as a set of rules that apply to all properties throughout the community. The code complements and supplements current Village ordinances that preserve and protect property values throughout the Village. Byrwa related that the building official and ordinance enforcement officer issue a first and second notice to homeowners whose property may be in a state of disrepair to provide them with an opportunity to comply with the code. If a ticket is issued, the citation is written against the current Property Maintenance Code. The Property Maintenance Code sets minimum standards for local property maintenance, and it will allow Council to move forward on a landlord/tenant ordinance.

Comments and questions from Council were addressed by Byrwa. It was indicated that the International Property Maintenance Code will be posted on the Village web site for the benefit of residents.

In response to an inquiry from Woodrow, Attorney Ryan stated that it is his opinion that Council can consider this review of proposed Ordinance No. 324 as a first reading. Council has unanimously amended the agenda to move the ordinance from a discussion item to the business agenda. A second reading is required prior to adoption of the ordinance.

Resident Alda Marie McCook remarked that the word she would use to describe the Village is ‘pride’, noting that the majority of the homes in Beverly Hills are beautifully maintained. She thinks that citations should be issued to the houses that reflect poorly on the Village. McCook urged Council to take action against a billboard in the area that she views as objectionable. It is located in the area of Woodward and Beverly Road.

Ron Berndt thought that the proposed property maintenance code is a positive step forward and the beautification awards encourage people to fix up their homes. Proper enforcement of the code may motivate those in the community who could use a nudge in the right direction. By the same token, he hopes that there will be compassion shown to those in the community who are not in the best of health or whose financial circumstances may be challenged to the point where they find it difficult to bring their property up to the required standards. Berndt noted that BASCC is a source that people can turn to for help with property maintenance.

REPORTS – MANAGER

Spallasso reminded everyone that a joint meeting between the Council and Planning Board has been rescheduled from October 11, 2006 to February 14, 2007. Because the Village offices are closed on Monday, October 9 for Columbus Day, the Zoning Board will meet on Tuesday, October 10 and the Finance Committee will meet on Wednesday, October 11.

The Halloween Hoot will take place on Sunday, October 22 in Beverly Park. The Beautification Committee will meet on Tuesday, October 10 at 8:30 a.m. in the Village municipal building to select properties to receive this year's Beautification award. Lt. Steve Standfest has announced his retirement from the Department of Public Safety after 25 years of service. His last day will be November 24, 2006.

Walsh inquired about the status of the audit report for 2005/06. Spallasso responded that the delay is due to new regulations instituted by the Governmental Accounting Standards Board. Administration will be meeting with Plante & Moran this week to discuss the draft audit report and schedule a finalization date and presentation to Council.

Walsh requested information on the Village Master Plan adoption process. Byrwa stated that the Planning Board will receive an update from the planner on the adoption process at its October meeting. The public agency review period is at an end, and the Planning Board and Council will be proceeding with the public hearing and adoption stage.

Byrwa stated that the Oakland County Planning Commission has reviewed the Draft Master Plan and found it to be consistent with the development patterns in the community as well as those of adjacent communities. The City of Birmingham Planning Commission also submitted a written comment on the Draft Plan. Copies of these communications will be distributed to Council.

Walsh remarked that Public Act 110 of 2006, the Michigan Zoning Enabling Act, was adopted by the State of Michigan in July. She questioned when Council would receive a summary of action required by Beverly Hills to comply with the new legislation. Ryan responded that he will have a report for Council next month.

COUNCIL

Walsh commented on the letter to Council members from the Public Safety Officers Association and the subsequent opinion letter from the Village Attorney. She maintains that employee ethics and compliance with the organizational policies and procedures manual are important issues that should be questioned. Walsh talked about the challenges facing future Councils with respect to fiscal responsibility and planning for the long term future of the Village. She believed that the individuals elected to serve on Council are extremely important in terms of making the best decisions possible.

Walsh stated that the Zoning Board of Appeals will meet on Tuesday, October 10, 2006 at 7:30 p.m. in the Council chamber. She suggested that the ZBA consider adding an item to their agenda that would allow for public comments.

Woodrow revisited action taken at the last meeting to direct the Village Attorney to look into whether a letter from the Public Safety Officers Association to Council regarding endorsement of Council candidates was ethical and legal. He read the letter from the Police Officer Association of Michigan to Council members suggesting that Council is conducting an improper investigation or harassment of local union officials. Woodrow stated that he was concerned by this letter and by members of Council causing Tom Ryan to look into this

matter. Ryan has informed the POAM and local units in writing of his opinion that there was no illegal activity by the public safety union and that he believes this matter to be concluded. Woodrow maintains that it is wrong for Council to harass its employees by conducting this investigation and that Council owes an apology to those individuals.

Woodrow mentioned that a past sponsor of the Halloween Hoot is no longer supporting the event. It would be greatly appreciated by the organizers if individuals or businesses would donate money to help out with the Halloween Hoot. The money would be used towards creating the Enchanted Forest area of Beverly Park.

Burry stated that he has encountered intolerance and intimidation during his tenure on Council. He believes that people have the right to their opinions and ideas in a democracy.

Rijnovean referred to the letter sent by the POAM to Council and took the stance that Council was evaluating the Village policies and procedures manual and not investigating the Association. She proposed requesting a non-biased third party to evaluate this situation and suggested that it should be the State of Michigan Bureau of Elections.

Koss announced that the Southfield Township Board will meet on Tuesday, October 10, 2006 at 7:30 p.m. at the Township hall. She urged residents to attend these meetings as well as Beverly Hills board and committee meetings for information about the Village.

Pfeifer related that, at its last meeting, the Cable Board approved a request from the Beverly Hills Council to provide funding to tape and broadcast up to six municipal meetings each year in addition to its regularly scheduled meetings. Pfeifer suggested taping and airing the three joint meetings with the Planning Board, Parks and Recreation Board, and the Finance Committee. She requested an item on the next Council meeting agenda to request taping of these joint meetings by action of the Council as a whole. Any future requests to broadcast special Council meetings must be made to the Cable Board by a majority of Council.

Flu shots will be available on October 17 at the Birmingham Area Seniors Coordinating Council (BASCC) center on Midvale. There will be a charge to those who are not covered by Medicare. BASCC will host a Craft Show on October 27 from 10 a.m. to 6 p.m. At the last BASCC meeting, the school liaison announced that Birmingham Public Schools are now providing senior citizens with passes to all of their sporting events. Interested individuals can call the Seaholm High School athletics department at (248) 203-3773.

Pfeifer mentioned that CDBG funds are used by qualifying seniors who are in need of home repair or maintenance. Pfeifer distributed a sheet answering questions received from a member of Council regarding library usage.

Koss informed residents that the Beverly Hills web site now has a link to the Channel 15 program lineup. She also noted that flu shots will be administered this fall by the Visiting Nurse Association at seven schools in the Birmingham School District.

Taylor encouraged residents to participate in the Halloween Hoot on Sunday, October 22 in Beverly Park.

Taylor commented on a number of topics raised at today's meeting including the letter from the POAM and the upcoming Council election. He would like there to be a more positive dynamic on Council.

Motion by Pfeifer, second by Koss, to adjourn the meeting at 9:22 p.m.

Motion passed (7 – 0).

Dave Taylor
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary