

Present: President Stearn; President Pro-Tem Pfeifer, Members: Berndt, Koss, Oen, Peddie and Woodrow

Absent: None

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

President Stearn called the regular Council meeting to order at 7:32 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. Boy Scout Billy Crowe led the audience in reciting the Pledge of Allegiance.

ADDITIONS TO AGENDA/AMEND AGENDA

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

Motion passed (7 – 0).

PUBLIC SAFETY PRESENTATION

Public Safety Director Woodard explained that the Public Safety Department has had a program in place since 1997 for department members to nominate fellow officers for Officer of the Year. Nominations are reviewed by the award panel, and then forwarded to Director Woodard for final approval. This year, Captain Chris Yanosy nominated Sgt. John Milliron and Woodard announced Milliron as this year's recipient.

Sgt. Milliron has worked for the department since September 1989. He also serves as Fire Chief at Station #2 for the Troy Fire Department where he has volunteered since 1986, thus bringing good fire knowledge to Beverly Hills. Throughout his career with the Village, Sgt. Milliron has displayed a healthy work ethic and motivated attitude. He has been named in numerous thank you letters from citizens and has been awarded three individual commendations, one unit commendation, two certificates of merit, a safe driving award, and one life saving award. Sgt. Milliron was named the school liaison officer in October 1999 and served in that capacity until January 2005 when he was promoted to sergeant. In July 2006, Sgt. Milliron became responsible for supervising the dispatch staff. In that short time, dispatcher training has been improved as well as the overall dispatcher operation. His name will be placed on a plaque in the lobby at Public Safety, he will receive a new uniform name tag designating him as the 2006 Officer of the Year and he will also receive an individual plaque.

Woodard presented a plaque to Sgt. John Milliron, Officer of the Year 2006, for his outstanding dedication to the Public Safety Department and his exceptional commitment to the Village of Beverly Hills. Sgt. Milliron thanked the Department for the great honor.

President Stearn publicly congratulated Sgt. Milliron for helping make the Village a safer and better place to live.

PUBLIC COMMENTS

Jill Sickles, 17171 Kinross, was recently shopping at Premier Pet Supplies and shared her idea of having a dog show/adoption at Beverly Park with owner, Mike Palmer. Palmer expressed his interest in the idea and volunteered to help Sickles with the event. She stressed that she did not ask for his help, but that he volunteered. Sickles thinks the Village needs to encourage and appreciate people like Mike Palmer. She and Mike are going to work on planning an event for spring/summer 2008. She asked people to patronize Premier Pet Supply.

Larry Murphy, 22920 Nottingham, congratulated the newly elected Council. Murphy commented on the size of the Public Safety staff and stated that he strongly supports the Public Safety Department and encourages Council to maintain the fine department enjoyed by the Village.

PRESENTATION BY DR. ROBERT SWOR REGARDING CARDIO PULMONARY RESUSCITATION STUDY

Dr. Robert Swor, Emergency Physician at Royal Oak Beaumont Hospital for the last 24 years, was asked to return this evening after presenting Council with information at their February 6, 2007 meeting regarding a cardiac arrest study in the Village of Beverly Hills. To comply with community consultation requirements imposed by the Food and Drug Administration for studies conducted under emergency circumstances, this study must be discussed with the governing body at a public meeting. Dr. Swor is in attendance tonight to receive feedback and answer questions from Council.

The unique feature about this study is that when research study is done, consent is obtained either from the individual or their family. In the event of cardiac arrest, it is not possible to get consent from the patient, so under those circumstances the federal government and Food and Drug Administration have very strict regulations to follow which require community consultation, public disclosure, some independent data safety monitoring and some follow-up with the people involved in the study.

The purpose of the study is to determine if two devices that are designed to increase blood flow during CPR actually increase survival rates. In the United States, survival rates after cardiac arrest are 5-10%. This study has been successfully ongoing in Sterling Heights, Troy, Clawson, Royal Oak, Birmingham and Ferndale for the past year and a half. The hospital is exploring expanding the study to include Berkley, Beverly Hills, Huntington Woods, and Oak Park. They believe the devices may improve the survival of cardiac arrest, but the reason for doing the study is to establish whether they do or not.

At this point, Dr. Swor asked for Council's input and questions.

Stearn thanked Dr. Swor for returning tonight. Stearn asked if administration looked into insurance liability. Woodard responded that he spoke with the Village's risk management representative for fire and EMS departments from the Michigan Municipal Risk Management Association. The MMRMA representative was satisfied because this program is overseen by a federal agency, by a study committee at Beaumont Hospital, and by an ethics board at Beaumont, and he has no concern regarding increased liability for the Village. Village Attorney Ryan requested something in writing from the insurance company stating that the Village does not have any liability in the use of the devices during the study period.

Woodrow stated that Alliance Mobile Health personnel will be trained to utilize the devices.

Pfeifer asked for clarification regarding what Dr. Swor needs from Beverly Hills. He reiterated that he is seeking Council's questions and feedback regarding the CPR study.

Koss stated that the last time Dr. Swor visited the Council, he informed them the Data Safety Monitoring Board looks at the data from the study and determines if the devices are having a positive or negative impact. She inquired whether the study continues if the Board determines that the devices have a negative effect. Dr. Swor stated that the Data Safety Monitoring Board is exactly for that purpose. They do not evaluate whether the study is successful or not, but to make reviews at given points in the study and if it becomes statistically clear that use of the devices is negative, the Board would stop the study.

Woodrow and Peddie support the study and Woodrow stated that he does not see how the Village could be held liable.

Stearn believes that the study is a good thing, but he is not comfortable with the liability. He asked Dr. Swor to hold off for two more weeks to give the Village an opportunity to review the MMRMA's opinion.

CONSENT AGENDA

Motion by Woodrow, second by Pfeifer, to approve the Consent Agenda as follows:

- a. Review and consider approval of minutes of a regular Council meeting held March 6, 2007.
- b. Review and file bills recapped as of Monday, March 19, 2007.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER INTERGOVERNMENTAL AGREEMENT WITH SOUTHFIELD TOWNSHIP REGARDING FLOODPLAIN REGULATIONS

Oen explained that the federal government has required that certain federal emergency management agency regulations must be passed for the both the Village and Southfield Township. An agreement between the Village and the Township is required stating that the Village will provide enforcement of Floodplain Regulations of FEMA for the Township relative to new construction work and permits issued in the Township. This does not have a large impact on the Township as there are no floodplains in Southfield Township.

Motion by Oen, second by Woodrow, to approve the intergovernmental agreement between the Village of Beverly Hills and Southfield Township to manage floodplain development.

Pfeifer pointed out a typographical error on page two of the agreement Section 1, Subsection a, first sentence, the word "date" should be "data".

Kathleen Berwick, 31381 Kennoway Ct., asked for confirmation that the Township does not have any floodplain areas.

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

SECOND ANNOUNCEMENT OF TWO VACANCIES ON THE CITY VERSUS VILLAGE COMMITTEE

Pfeifer made the second announcement of two openings for at-large members on the soon-to-be created City vs. Village Ad Hoc Committee. Applications are available at the Village offices or online at www.villagebeverlyhills.com.

Applications will be accepted until 4:30, Wednesday, March 28, 2007. A subcommittee consisting of Pfeifer, Oen and Peddie will meet at 7:00 p.m. on Tuesday, April 3, 2007 to review applications.

REVIEW AND CONSIDER AMENDING PERSONNEL POLICIES AND PROCEDURES MANUAL

Pfeifer reviewed that the Personnel Policies and Procedures Manual was recently updated on February 20, 2007. At that time, two items were inadvertently omitted from adoption, they include the New Hire Package effective July 1, 2006 and also health insurance coverage for part time employees.

Motion by Pfeifer, second by Koss, to adopt the Personnel Policies and Procedures Manual adding the New Hire Package effective July 1, 2006 and also that health insurance coverage is available to part time employees who pay 100% of the premium.

Motion passed (7 – 0).

REVIEW AND CONSIDER RESOLUTION OPPOSING HB 4440 (GENERAL PROPERTY TAX ACT)

Koss stated that HB 4440 was proposed in Lansing to establish a moratorium from March 1, 2007 to September 2, 2008 on house sales in Michigan. If a home is purchased in that 18-month period, the taxable value of the home would not uncap (or “pop-up”) and the new owner would continue to pay the same amount of taxes as the previous owner. The taxable value remains the same as long as the buyer owns the home. It does not uncap (or “pop-up”) after the 18 month period. HB 4440 was passed in the House and is on its way to the Senate.

Two other bills relating to this issue are HB 4441 which is tie-barred to HB 4440. That means that neither bill could take effect unless both are enacted. HB 4442 addresses Proposal A and the Headlee Amendment. The Michigan Municipal League supports HB 4440 provided HB 4442 is passed as well. Koss suggested the Village adopt a resolution opposing HB 4440.

Koss reported that she spoke with Senator Gilda Jacobs who informed her that the Senate was working on HB 4442. They are waiting for it to come out of the House. She told Koss that her vote on HB 4440 would depend on what happens with HB 4442. HB 4442 is at the Finance Committee level in the Senate right now.

Ryan offered to provide Council with a memo explaining the different bills.

Stearn recommended tabling the item until more information is available. Koss reminded everyone that after the 18-month moratorium, property taxes will not uncap.

Berndt thinks there is a lot of confusion regarding Headlee and Proposal A and how they affect the Village tax base versus individual tax bills. He suggests spending some time going into the details of what occurs when a home changes ownership.

Stearn requested Finance Director Wiszowaty's attendance at the next Council meeting to provide a brief but detailed explanation regarding the Headlee issue and how it affects property tax. Ryan will address the 18-month moratorium in writing.

Motion by Koss, second by Berndt, to postpone this discussion until April 3, 2007.

Motion passed (7 – 0).

PUBLIC COMMENTS

Sharon Tischler, 21415 Virmar Ct. offered to contact the Oakland County Assessor's office to see if they have someone available to speak to Council regarding the proposed legislation regarding the General Property Tax Act.

REPORTS – MANAGER

Spallasso reported that work on the Acacia Park Relief Sewer project has been delayed for a few days because of weather. He asked for everyone's patience during this time of construction.

An Executive Session of Council will be held on Wednesday, April 4, 2007 at 6:00 p.m. to give an update on the status of labor contract negotiations.

A Budget Study Session of the Council will be held next Tuesday, March 27, 2007 at 6:30 p.m.

Pfeifer remarked that a sample letter to be sent to Board and Committee members whose terms are expiring this June meets with her satisfaction. Other members of Council agreed, so the letter will be sent as written.

COUNCIL

Peddle reported that the Baldwin Board has some new things happening. They implemented a new program on March 6, 2007 called My Library DVD. People can download information on their personal computer from the library. Patrons are allowed up to 10 checkouts at one time and they would be available on the patrons' computer for seven days.

On Monday, April 16, 2007, Kevin Boyle, author of *Arc of Justice* will be at the Library at 7:00 p.m. His books will be available for purchase and signing.

Oen commented that Ray Mills, Southfield Township Supervisor has resigned his position on the Township Board effective April 1, 2007. Supervisor Mills has served as supervisor for 11 years and prior to that served as a trustee. He will be missed and Oen wished him well. Applications for the position of Supervisor are being accepted at the Township office through April 2, 2007.

The Township adopted their 2007/08 budget and as part of that has reduced their millage rate from .55 to .50.

Woodrow stated that Governor Granholm has proposed a 2% service tax which he very strongly opposes because of the impact on businesses in the State. The Construction Association of Michigan (www.cam-online.com) has put together some information to express their opposition to Gov. Granholm's proposal. He explained that businesses will end up having to raise their fees by approximately 10 – 15% to cover the costs of the 2% hike, which will have an impact on consumers.

Berndt reported that the Planning Board will be meeting on Wednesday, March 28, 2007 to discuss the issues on the east side with regard to legal conformity and protecting the character of Village neighborhoods.

Koss is impressed with the work being done on her street with respect to the Acacia Park Relief Sewer project. She also thanked the Public Safety Department for their response on a recent call she made to them.

Pfeifer reported that the Cable Board meeting will take place in the Council Chamber tomorrow morning, Wednesday, March 21, 2007 at 7:45 a.m. On March 13, 2007, a joint meeting between Council and the Finance Committee took place and the Committee brought Council up to date on the status of their projects. They are looking at putting together a 5-year forecast. The Finance Committee is working very hard and doing a good job.

Stearn asked about the new Zoning Enabling Act with regard to notification regarding changes in the zoning ordinance. It was previously suggested to utilize the *Villager* newsletter to notify all Village residents of changes, instead of doing a mass mailing. Stearn is wondering if that can be done. Spallasso responded that administration and the Village Attorney will look into it.

Stearn again congratulated Sgt. Milliron for being Officer of the Year 2006 and extended thanks to Billy Crowe for leading us in the Pledge of Allegiance this evening.

Motion by Pfeifer, second by Peddie, to adjourn the meeting at 8:40 p.m.

Motion passed (7 - 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk