

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

Absent: Oen

Also Present: Village Manager, Spallasso
Director of Public Safety, Woodard

President Stearn called the Council meeting to order at 6:34 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

Motion by Peddie, second by Woodrow, to go into closed session to discuss collective bargaining.

Roll Call Vote:
Motion passed (6 – 0).

The meeting returned to open session at 7:30 p.m. Two Boy Scouts in the audience led those present in reciting the Pledge of Allegiance.

Also Present: Assistant Manager/Clerk, Marshall
Village Attorney, Ryan

ADDITIONS TO AGENDA/APPROVE AGENDA

Peddie proposed adding an item to the agenda, “1A. Proposed Eagle Scout Project by Derek Brewer of Boy Scout Troop 1024”.

Motion by Pfeifer, second by Koss, to approve the agenda as amended.

Motion passed (6 – 0).

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court informed the public that she has paperwork available that would give World War II Veterans the opportunity for a one-day, all expenses paid trip to the Capital to see the WWII Memorial. Honor Flight Michigan Inc. is a non-profit organization formed to raise funds to send all World War II Veterans to see their monument free of charge. Interested persons can contact her at the Township office or at home.

Tischler stated that a large flat-bed truck used Virmar Court as a turn around earlier this year, and damaged landscaping in the road right-of-way. She contacted the Public Safety Department, and they caught up with the truck. Tischler questioned whether there was a claim filed with the trucking firm’s insurance company that would provide money to repair damage caused by the truck. Spallasso responded that administration will follow up on this.

CONSENT AGENDA

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

- a. Review and consider approval of minutes of a regular Council meeting held May 15, 2007.
- b. Review and consider replacement of air conditioning compressor at Public Safety Building.
- c. Review and file bills recapped as of Tuesday, May 29, 2007.

Motion passed (6 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER REQUEST FROM BOY SCOUT ERIC HAUSMAN FOR AN EAGLE SCOUT PROJECT AT BEVERLY PARK

Peddie stated that Boy Scout from Troop 1024 Eric Hausman will present plans for an Eagle Scout project in Beverly Park. Parks and Recreation Board Chairperson, Jim O'Reilly, remarked that Eric Hausman came before the Board at its April meeting with an idea to construct a percussion park in Beverly Park. He received the support of the Parks and Recreation Board to undertake this project just south of the playground area.

Eric Hausman introduced himself as a Life Scout in Troop 1024 as well as a percussionist and piano player at Groves High School. He is proposing to construct a sound garden in the park modeled after a similar structure in Cadillac, Michigan. It would consist of three structures that are designed to be played like instruments: a xylophone made from hollow logs that would be hit by mallets attached to the side of the structure, chimes made from recycled brake drums and lengths of wood, and a large hollow log. The structures would be built south of the playground area of Beverly Park. Hausman described the construction and components of the structures.

Motion by Peddie, second by Woodrow, that Council approve the Eagle Scout project proposed by Eric Hausman of Troop 1024 to construct a percussion park in Beverly Park.

Hausman commented that he would like to start the project as soon as possible and have it done before the beginning of the school year. In response to an inquiry, Spallasso stated that this structure would be covered under the Village's liability insurance because it is an activity authorized by the Village Council.

Motion passed (6 – 0).

REVIEW AND CONSIDER REQUEST FROM BOY SCOUT DEREK BREWER FOR AN EAGLE SCOUT PROJECT AT BEVERLY PARK

O'Reilly reviewed that improvements to the volleyball court have been identified as a priority project to be undertaken with dedicated park millage funds. Up to \$5,000 was allocated for that work. Boy Scout Derek Brewer has come forward with a plan to do the improvements as part of an Eagle Scout project. O'Reilly has consulted with Brewer about the design and implementation of the project. There have been conversations with Public Services Director Tom Meszler to obtain his support and approval of the plans. Brewer will be able to do this work for under \$2,000. He is here to present his proposal and to request that Council authorize an amount not to exceed \$1,500 of park millage money for materials.

Derek Brewer from Boy Scout Troop 1024 distributed information on his project. He described his plan to place a border made of composite material eight feet from the edge of the playing surface of the volleyball court. He discussed the material, quantity and estimated cost of the project, which is \$1,352. Brewer addressed questions from Council members.

Motion by Peddie, second by Koss, that Council approve the Eagle Scout project proposed by Derek Brewer to undertake improvements to the volleyball court in Beverly Park and to allocate an amount not to exceed \$1,500 from the Park Dedicated Millage Fund to cover the cost of material with all labor provided by boy scouts.

Roll Call Vote:
Motion passed (6 – 0).

PRESENTATION BY THREE CONSULTANTS WHO SUBMITTED PROPOSALS FOR THE PUBLIC SAFETY OPERATIONAL STUDY

At Council’s direction, proposals were solicited and received from three consultants to perform an operational study for the Public Safety Department. The contract was to include services to review the operations of the Public Safety Department, specifically: 1) Operational and efficiency study; 2) Department scheduling analysis (8 hour vs. 12 hour shift); and 3) Supervisory staffing levels.

The Mercer Group	\$22,950
Plante & Moran	\$14,500
Rehmann Robson	\$17,900

Council members considered the proposals at its April 17, 2007 meeting and questioned whether they were comparable in terms of the scope of work. It was decided by a majority vote of Council to table consideration of a contract so that representatives from the firms could attend a meeting to present their proposal and answer questions.

Representatives from the three consulting firms were present to provide additional information on their proposals for a Public Safety Department Operational Study. Steve Egan from the Mercer Group presented highlights of the company and what it proposes to do. He commented on police organizational studies that the Mercer Group has prepared for Franklin-Bingham Farms and for Southfield. Mercer indicated that he would be project manager and on-site consultant for the job. He provided background on other staff members who would be part of the team and emphasized the thoroughness of the study they propose to conduct. The firm is based in Georgia, but it has a Michigan presence. Egan answered questions from Council. Stearn asked that Council receive copies of the Franklin-Bingham Farms report conducted by the Mercer Group.

Christine Andrysiak, senior manager of the Plante Moran government consulting group, introduced other members of the project team – Jeff Werner, former chief of the Bloomfield Township Police Department, who would serve as a project consultant; Craig Frankland, primary project consultant, who has been working on consolidations studies, cost analysis, and staffing analysis. Andrysiak presented a detailed explanation of the proposal to conduct a Public Safety Department Review that would address the issues specified in the Request for Proposal. Jeff Werner commented on his role in the process. Andrysiak remarked that Plante Moran has a vested interest in the success of this

project as the auditing firm that currently serves the Village. She affirmed that no one involved in the audit serves with the group that will be evaluating the Public Safety Department. Questions from Council members were addressed by Plante Moran representatives. Andrysiak will provide Council with copies of the Ann Arbor Police Department organizational study.

Mark Nottley, principal with the governmental consulting division of Rehmann Robson, distributed a handout issued as an addendum to their proposal to conduct an operational study of the Public Safety Department. The proposal prepared in response to the RFP anticipated redoing an operational study that was conducted by his firm in 2004. Another approach to doing this project would be to address only the issues that are a concern to the Village. Nottley stated that he has knowledge of the Department and could focus on the main issues quickly. He believes that Rehmann Robson could meet all of the objectives stated for approximately \$7,000. The addendum outlines that option as well as the full proposal.

Nottley discussed the scope of the limited study that draws on prior experience. He answered questions and concerns from Council members focusing on what the abbreviated study would address that was not covered in the previous report.

Council will consider the information presented tonight and review the studies to be provided by the firms before making a decision on engaging a consultant.

DISCUSSION AND POSSIBLE FIRST READING OF AN ORDINANCE AMENDING CHAPTER 42 OF THE MUNICIPAL CODE ADDING SECTION SEX OFFENDER FREE ZONE

Council members are in receipt of a draft ordinance prepared by the Village Attorney that would prohibit convicted sex offenders from parks and areas where children congregate in the community. Stearn stated that the proposed ordinance prohibits persons who have been convicted of being a sex offender from living within 1,000 feet of any library, municipal building, public park, recreation area or open space, playground, child care center or church. It also prohibits convicted sex offenders from being present or loitering within 300 feet of a park or playground.

Council members had questions and comments on the draft ordinance. In answer to an inquiry, Director Woodard said that conditions placed on a person's release from custody would be part of their parole arrangement. When the parole period is concluded, those conditions would be lifted. However, State statute requires that convicted sex offenders register with the municipality and remain on that list for 10 or 25 years. There are conditions of the sex offender registry that state that a convicted sex offender cannot live, work, or loiter within 1,000 feet a student safe zone. The only long-term conditions beyond confinement, probation, and parole are contained within the Sex Offender Act at the State level, which only restricts the distance from a student safe zone.

The majority of Council members expressed concern about adopting the proposed ordinance. Council members did not think the ordinance was needed and were not in favor of adding another layer of legislation to current State statute. Enforcement of the ordinance was viewed as a potential problem. It was questioned whether people living around the park would be required to disclose that their house cannot be sold to a convicted sex offender. Civil liberties issues were questioned. Reference was made to Section 24.04(c), which says that an officer can require an individual who

he believes to be a convicted sex offender to provide his or her name and address to determine if he or she is on the Michigan Sex Offender Registry.

In response to an inquiry, Ryan related that State law prohibits a person on the sex offender registry to be within 1,000 feet of a school. The proposed ordinance supplements State law by including non-school venues such as parks.

Stearn was in support of adopting the draft ordinance and voiced his disagreement with the position of other Council members on this topic. He would be willing to remove Section 24.04 (c) from the draft ordinance. He stated that, although a convicted sex offender is on the State mandated list for 10 or 25 years, their probation period can be much shorter. Once they are off probation, any terms and conditions are lifted. The State has a requirement that convicted sex offenders cannot be within 1,000 feet of schools; he does not view this as an enforcement problem. People who think they recognize a sex offender can call the police department. He mentioned the high recidivism rate for sex offenders.

This constitutes the first reading of the proposed ordinance.

Sharon Tischler of 21415 Virmar Court believes that Beverly Park is within 1,000 feet of Beverly Elementary School. She questioned whether people who reside in the area surrounding the schools in the Village understand that they are living in that kind of a zone. There has been no requirement in terms of disclosure in closing papers. Unless someone recognizes a person from the sex offenders list, Tischler does not know how that person could be apprehended. She questioned the enforcement element of the ordinance.

Trish Raymond of 17310 Kinross, licensed realtor, commented that people do not have to disclose that information upon selling their home. People generally check the national sex offenders registry when they are looking for a home. She expressed the view that the concept of this ordinance is good; but it would be difficult to implement.

REFER REQUEST FROM ASCENSION OF CHRIST LUTHERAN CHURCH, 16935 W. 14 MILE ROAD, TO THE PLANNING BOARD FOR SITE PLAN AND SPECIAL USE APPROVAL

The Ascension of Christ Lutheran Church is proposing to erect a play structure and fence on the east side of their property at 16935 W. 14 Mile Road. The enclosed area parallels Pierce Street and will not be open to the public.

Motion by Berndt, second by Koss, to refer the request to erect a play structure and fence on Ascension of Christ Lutheran Church property to the Village Planning Board for Site Plan and Special Use approval.

Kathleen Berwick of 31381 Kennoway Court asked where the play structure would be located. She stated that the Village ordinance requires play structures to be located in the rear open space, which has not been enforced at Groves High School.

Spallasso responded that the play structure is proposed to be located on the Pierce side of the property between the building and the Pierce road right-of-way. It was noted that State law does not allow the Village to regulate public schools.

Motion passed (6 – 0).

ACCEPT JACK HARMON’S RESIGNATION AND MAKE FIRST ANNOUNCEMENT OF A VACANCY ON THE PARKS & RECREATION BOARD

Motion by Peddie, second by Koss, to regretfully accept the resignation of Jack Harmon from the Parks and Recreation Board.

Stearn said that he has served as Council liaison to the Parks and Recreation Board and has observed Jack Harmon to be a valued member of that group. He has good ideas and has provided his input and expertise on park matters. Harmon has served on the Parks and Recreation Board for over 16 years. Stearn mentioned that Village Board and Committee members are the heart and soul of the community. On behalf of himself, Council, and the residents, Stearn expressed his gratitude to Jack Harmon for his dedicated service to the Village.

Motion passed (6 – 0).

Peddie made the first announcement of a vacancy on the Parks and Recreation Board and asked interested individuals to submit an application to the Village. Applications are available on the Village web site or at the municipal building.

SECOND ANNOUNCEMENT OF VACANCY ON THE FINANCE COMMITTEE

Pfeifer made the second announcement of a vacancy on the Finance Committee for a three year term to expire on June 30, 2010. The deadline for receiving applications will be Friday, June 8 at 4:30 p.m. Applications are available at the Village office and on the Village web site. A subcommittee has been selected consisting of Dorothy Pfeifer as chairperson, Todd Stearn, and Hugh Woodrow. The subcommittee is scheduled to meet on Tuesday, June 19 at 6:45 p.m. prior to the regular Council meeting to consider applications and make a recommendation on an appointment.

SECOND ANNOUNCEMENT OF TWO VACANCIES ON THE PLANNING BOARD

Berndt made the second announcement of two vacancies on the Planning Board. Both terms will expire on June 30, 2010. The deadline for receiving applications is Friday, June 8 at 4:30 p.m. Applications are available at the Village office and on the Beverly Hills web site. A subcommittee consisting of Ron Berndt as chairperson, Rosanne Koss, and Jon Oen will meet on Tuesday, June 19 at 7:00 p.m. to consider the applicants and make a recommendation to Council on an appointment.

REVIEW AND CONSIDER FLAG DAY PROCLAMATION

Motion by Pfeifer, second by Woodrow, to adopt the following Proclamation:

Whereas, the first annual day specifically celebrating the Flag is believed to have originated in 1884; and

Whereas, Flag Day was officially established by the proclamation of President Woodrow Wilson on May 30, 1916; and

Whereas, on August 3, 1949 President Harry Truman signed an Act of Congress designating June 14 of each year as National Flag Day; and

Whereas, on June 14th each year communities across the nation recognize the Stars and Stripes by properly displaying the flag from their homes, business, and public buildings; and

Whereas, by observing this tradition of a Flag Day celebration by properly displaying the Flag of the United States of America it is strongly endorsed by the Village of Beverly Hills,

Now, Therefore, Be It Resolved that the Village Council of Beverly Hills urges all residents to participate in this traditional celebration of Flag Day by properly displaying the flag on Thursday, June 14, 2007.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER APPOINTMENT OF VILLAGE REPRESENTATIVE AND ALTERNATE TO SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY BOARD

The Southeastern Oakland County Resource Recovery Authority (SOCRRA) is a 12-member community consortium that provides for collection of solid waste, yard waste, and recyclables and for the proper disposal, processing and/or sale of the same for the purchase, maintenance and care of the collection and disposal facilities.

Motion by Woodrow, second by Pfeifer, to appoint Renzo Spallasso as representative and Ellen Marshall as alternate to represent the Village of Beverly Hills on the Board of Trustees of the Southeastern Oakland Resource Recovery Authority for the July 1, 2007/2008 fiscal year.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER APPOINTMENT OF VILLAGE REPRESENTATIVE AND ALTERNATE TO SOUTHEASTERN OAKLAND COUNTY WATER AUTHORITY BOARD

The Southeastern Oakland County Water Authority (SOCWA) provides Detroit water through its member distribution systems to its 11 member communities.

Motion by Woodrow, second by Pfeifer, to appoint Renzo Spallasso as representative and Bob Wiszowaty as alternate to represent the Village of Beverly Hills on the Board of

Trustees of the Southeastern Oakland County Water Authority for the July 1, 2007/2008 fiscal year.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER REQUEST TO PURCHASE SELF-CONTAINED BREATHING APPARATUS AIR CYLINDERS FOR PUBLIC SAFETY DEPARTMENT

A memo from Director Woodard dated May 31, 2007 indicates that the Department was party to an application for federal grant money to assist in the upgrade of its current inventory of Self Contained Breathing Apparatus (SCBA) to be supplied by Mine Safety Appliance Corporation (MSA). The new SCBA equipment would replace 14 current harness sets that will fall out of industry standards and technical support as of August 2007. The Department acted within a consortium including Oak Park, Berkley and Huntington Woods Departments of Public Safety that pursued the grant funding. In February 2007, the grant was awarded to the City of Oak Park, which was the host department.

The Department will be able to retain 20 spare air cylinders in its current inventory that remain compatible with the new technology. The Village's cost totals approximately \$46,000, which will be spread over two fiscal years. The prices quoted for the equipment are from Apollo Fire Equipment, the sole and exclusive distributor of MSA breathing apparatus in this area of the state.

Motion by Woodrow, second by Pfeifer, that the Village of Beverly Hills Council authorize reimbursement in the amount of \$14,734.65 to the City of Oak Park who hosted the original grant application and put forward the entire local grant match amount; further that Council award the purchase of replacement MSA SCBA harnesses, air cylinders and upgrade kits in the amount of \$30,856.75 to Apollo Fire Equipment of Romeo, Michigan (\$13,265.65 in FY 2006/07 and \$17,591.10 in FY 2007/08). Funds are available for these expenditures in Account #101-900-980, Capital Purchases; PS Equipment.

Director Woodard remarked that the total value of the grant package is over \$500,000 shared among the various agencies. Captain Yanosy provided background on the benefits of acquiring this firefighting equipment through grant funding and answered questions from Council members.

Roll Call Vote:

Motion passed (6 – 0).

RATIFY SETTLEMENT AGREEMENT BETWEEN THE VILLAGE AND THE BEVERLY HILLS POLICE OFFICERS ASSOCIATION

Before Council for consideration is the ratification of a tentative settlement agreement that was negotiated between the Village of Beverly Hills and the Police Officers Association of Michigan. The Village has been negotiating with the Public Safety Officers Association since the contract expired in January of 2006; the proposed settlement has been ratified by the PSO union. Woodrow highlighted the content of the agreement, which will be in effect until December 31, 2009. He believes that it is in the best interest of the Village to accept this settlement agreement.

Motion by Woodrow, second by Pfeifer, that the Village of Beverly Hills Council accept the proposed settlement agreement between the Village of Beverly Hills and the Public Safety Officers Association of Michigan.

The contract will be available for public review at the Village municipal building after it is signed.

Stearn commented on the negotiation process and resulting settlement, noting that both parties made concessions that resulted in what he believes to be a good contract.

Koss expressed her discomfort with the terms of the contract. Her main concern was that she did not think that the General Fund could pay for the term of the contract without accessing the fund balance.

Roll Call Vote:

Koss	- no
Peddie	- yes
Pfeifer	- yes
Stearn	- yes
Woodrow	- yes
Berndt	- yes

Motion passed (5 – 1).

PUBLIC COMMENTS

Assistant Manager Marshall reminded everyone that the Beautification Challenge for 2007 is ongoing, and nomination forms are available at the Village office and on the web site. She asked the public to keep their eyes open and consider nominating a neighbor's property, subdivision entrance, business, church, or school for a beautification award. A photo is needed with each nomination form.

Stearn questioned whether the Village office has been receiving applications to fill vacancies on Village Boards and committees. Council was informed that the Village received two applications for the Finance Committee; four for the Planning Board; and one application for the Parks and Recreation Board.

REPORTS – MANAGER

Spallasso reported that the Acacia Park Sewer Relief project is winding down with the pipe installation completed. The contractor is now finishing up the storm drains on Bates. Reconstruction of roads will start next week, weather permitting.

Approximately 20 volunteers participated in Rouge Day in Beverly Hills last Saturday, June 2. Volunteers collected 21 bags of trash and undesirable plants at the clean up at the Douglas-Evans nature preserve. Resident Howard Knorr organized the event, which included crews assisting at Riverside Park and the Hidden Rivers nature preserve. Spallasso thanked Knorr for doing a great job.

Spallasso reported that there will be a meeting with the Public Safety Command Bargaining Unit on Friday, June 8. He will keep Council informed. Administration is in the final stages of evaluating proposals for the Water Meter Replacement program. Spallasso hopes to have a recommendation before Council for consideration at its next meeting.

Stearn asked for an update on signage for an office building at 32804 Pierce. Spallasso responded that the doctor who owns the building attended the last Planning Board meeting and agreed not to erect the wall sign in question. The issue has been resolved.

Stearn asked for information at the next Council meeting on the actuarial study that will be conducted based on the new Public Safety Officers contract.

COUNCIL REPORTS

Council members commented on the success of the Memorial Day Parade and Carnival this year.

Woodrow reported that there was a Business Town Hall meeting held in the Village municipal building on May 17. Local business owners were invited to meet with Council to discuss a number of issues. Woodrow thought that Council gained some good information from the individuals present representing local businesses. One of the main topics was the need to communicate information to these people; business owners want to become more involved in community events and would like the opportunity to be active within the community. Woodrow urged community organizations as well as Village Board and Committees to actively solicit help from business owners for any community activities they may be planning.

Spallasso added that he received a phone call from Mr. Laurencelle, who indicated that he was pleased with the meeting and willing to participate in community activities.

Woodrow mentioned that the Retirement Board met on Tuesday, May 22 to review the asset allocation of the Retirement System. The Public Safety Officers' Pension System is quite healthy. The next meeting will be on August 28, 2007.

Berndt commented on the recent replacement of the air conditioning unit at the Public Safety Department building.

Pfeifer thanked members of the Village Woman's Club of Beverly Hills for their hard work on the Memorial Day Carnival. She reported that the city vs. village ad hoc committee will meet on Monday, June 11 at 3:00 p.m. at the Village offices. Pfeifer reported that the Finance Committee will be taking a summer sabbatical and will continue meeting in September. The next Birmingham Area Cable Board meeting is scheduled for Wednesday, June 20 at 7:45 a.m.

Pfeifer announced that the community lost resident Jim McCook on May 25, 2007 after a long illness. Jim McCook had served as Council President and remained very involved in the Village.

Stearn stated that Council has received a draft landlord/tenant ordinance for review prior to discussion at an upcoming meeting. He received an email from the Michigan Municipal League

asking communities to think about adopting a resolution to be forwarded to the Governor and State House and Senate urging them to settle budget issues.

In answer to when Council can expect to receive the Public Safety Department Annual Report, Woodrow answered that he hopes to have it available in the month of June.

Stearn thanked the business owners for coming out to the Business Town Hall meeting. He thought it was successful. He would like to have a discussion with Council and administration on how the Village can do a better job of communicating with business owners. Stearn asked Council to consider when it would like to schedule a study session to follow up on its discussion of goals and priorities.

Stearn thanked Boy Scouts Eric Hausman and Derek Brewer for volunteering their time and effort to undertake Eagle Scout Projects in Beverly Park.

A Personnel Committee meeting was scheduled for Tuesday, June 19 at 6:00 p.m. prior to the regularly scheduled Council meeting.

Motion by Pfeifer, second by Woodrow, to adjourn the meeting at 9:56 p.m.

Motion passed (6 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary