

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

Absent: None

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

President Woodrow called the regular Council meeting to order at 7:30 p.m. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Oen, second by Pfeifer, that the agenda be approved as published.

Motion passed.

PUBLIC COMMENTS

Bruce Wayne of 25 Riverbank related a recent incident that occurred in his subdivision and commended the Public Safety Department for their cooperation and assistance with the situation. Wayne expressed his support of recent Zoning Ordinance amendments that resulted in reducing the amount of nonconforming properties on the east side of the Village.

State Representative Chuck Moss talked about Comcast's intent to move public access channels from low-numbered cable television stations to digital-only channels positioned in the 900s where people would not be able to see their local government working. Moss related that he cosigned a couple of resolutions in the State House of Representatives admonishing Comcast and requesting that they retain local access channels in the current location where they are more accessible to subscribers. Representative Bieda has initiated a bill to amend the State Uniform Video Services Local Franchise Act that went into effect in January of 2007. Moss stated that he supports this bill and agrees with the position of the Village on this matter. He understands that President Woodrow has good news about the status of Comcast's proposed move of public access programming.

Woodrow related that U.S. District Judge Victoria Roberts in Detroit signed a temporary restraining order today that prevented Comcast from moving the PEG (public, educational and governmental) channels from their present location.

CONSENT AGENDA

- Motion by Pfeifer, second by Koss, to approve the consent agenda as published.
- a. Review/consider approval of minutes of the January 2, 2008 Council meeting.
 - b. Review and file bills recapped as of January 7, 2008.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER PURCHASING PATROL CAR FOR PUBLIC SAFETY DEPARTMENT

The 2007/08 budget contains funding for the purchase of patrol cars to replace vehicles with over 70,000 miles. Vehicle #131 (2004 Ford Crown Victoria) has 85,000+ miles, satisfying this policy standard. Vehicle #133 with 80,000+ miles will be rotated to decoy duty to replace #131.

Golling Chrysler Jeep Dodge of Bloomfield Hills has been awarded the Oakland County Cooperative Bid for 2008 Dodge patrol vehicles. The new 2008 Dodge Charger patrol vehicle equipped per department specifications is priced at \$20,804. The cost of transferring specialized equipment from the old to the new vehicle is \$2,500. It is standard procedure for the Department to offer decommissioned fleet vehicles for public bid/sale. Resulting revenue is deposited to the vehicle fleet account for future vehicle purchases.

Motion by Peddie, second by Koss, that the Village of Beverly Hills Council award the purchase of one 2008 Dodge Charger patrol vehicle in the amount of \$20,804 to Golling Chrysler Jeep Dodge of Bloomfield Hills, Michigan. Funds for this purchase are available in Account #101-900-979 Capital Purchases-Vehicle Purchases. Village Council further approves the expenditure of up to \$2,500 for vehicle changeover expenses with the preferred vendor to be selected by competitive bid process. Funds are available in Account #101-345-852: Radio Maintenance.

Berndt disclosed that he is a Daimler Chrysler employee. Council members had no problem with Berndt voting on this issue.

Administration informed Council that any additional Department vehicle purchases would be discussed during upcoming budget deliberations.

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

REVIEW AND CONSIDER RESOLUTION SUPPORTING THE ALLIANCE OF ROUGE COMMUNITIES (ARC) COMMENTS ON THE PROPOSED NPDES WASTEWATER DISCHARGE GENERAL PERMIT

Before Council for consideration is a resolution supporting the efforts of the Alliance of Rouge Communities (ARC) to change the proposed wording in the waste water permit language to be issued to all Rouge communities. The proposed permits establish criteria that will immediately render the communities in violation of the permit and will be extremely costly to correct.

One of the criteria is the total maximum daily limit for E. coli bacteria. Presence of E. coli in the Rouge River comes from many sources that are uncontrollable by the communities, such as animal waste entering the Rouge through storm water outlets. The Village already has a permit for the Acacia Park Drain that limits E. coli in the outfall to the Rouge River. This outfall is treatable due to its nature, and the established criteria are consistently achieved.

Members of Council voiced their support of this resolution.

Motion by Oen, second by Peddie, to approve the Resolution in support of the Alliance of Rouge Communities (ARC) comments on the proposed NPDES Wastewater Discharge General Permit, No. MIG61000.

The Resolution is available for public review at the Village municipal office.

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

DISCUSSION ITEM – STAGGERED TERMS FOR COUNCIL MEMBERS

Koss reviewed that this topic was a discussion item at the August 2007 Council meeting. It was determined at the time that the Village could not make the deadline to place a Charter amendment on the ballot for the November School Board election. Koss stated that she spoke with the Township Clerk, who indicated that the deadline for submitting ballot language for the August primary is May 13. Koss proposed that Council direct the Village Attorney to draft ballot language for a Charter Amendment that would allow for four-year staggered Council terms.

Based on her experience, Koss believed that it was important that Council have the continuity and stability that staggered terms would provide. She maintained that it takes time for a new Council member to become knowledgeable about the operation of the Village. Further, a four year term would require candidates to make a commitment to the community.

Peddie indicated that she favored staggered terms. Berndt thought that continuity was important and was in agreement with proceeding with a ballot question for four-year staggered Council terms. Oen was in support of moving forward with a ballot question.

Pfeifer commented that this will be a decision of the electorate. She recalled that Council had the option of creating four-year terms without a vote of the people at the time when new election laws went into effect; Council chose to proceed with two-year terms. Pfeifer supported four-year Council terms and thought it would be advantageous for members to work together as a group for a longer period of time.

Woodrow disagreed with changing to four-year terms, noting that there has never been a complete turnover of council members in the history of the Village. He thought that four years is a long time to ask people to serve, and it might limit the field of willing candidates. If the electorate realized it made a mistake electing someone, four years would be a long time for that individual to serve on Council.

Stearn expressed the view that Council should decide whether to place this item on the ballot before it directs legal counsel to prepare draft language. He suggested placing this item on the business agenda of the next regular Council meeting.

Woodrow stated that Ryan can be directed to draft appropriate ballot language for Council consideration if that is the direction of the majority of Council.

Ryan related that it takes a super majority of Council (five votes) to place a Charter Amendment on the ballot. He will prepare draft language for Council consideration at its first meeting in February. Ryan will forward the draft language for review by the Attorney General, who is the legal advisor to the Governor.

PUBLIC COMMENTS

Bruce Wayne of 25 Riverbank Drive mentioned that Planning Board members are appointed for three year terms, but there are members who have been sitting on the board for 10-15 years. He made the point that it takes a number of years to become familiar with what goes on in the Village and the Planning Board. The Village has a strong Planning Board based on the fact that it is comprised of a number of experienced people. Wayne thought that Council should take a good look at staggered four-year terms.

Woodrow announced that the Personnel Committee consisting of Koss, Pfeifer and himself will meet on Tuesday, January 22 at 7:00 p.m.

Included in Council's information packet was an updated list of priorities developed by Council approximately a year ago. Woodrow proposed setting a date for a study session to review Council goals and objectives. Spallasso asked for Council discussion and direction on budget assumptions. There was agreement to schedule a special Council meeting on Tuesday, January 22 at 7:30 p.m. Items that are not covered at that meeting will be carried over to a meeting on Tuesday, January 29.

REPORTS – MANAGER

The Winter Family Fun Day will be held this Sunday, January 20 from 1:00 to 4:00 p.m. at Beverly Park. Village offices will be closed on Monday, January 21 in observance of Martin Luther King Day.

The Oakland County Health Department will hold a training session on child safety seat installation at the Public Safety fire hall on Tuesday, January 29. Interested citizens should contact Julie at the Oakland County Health Department to make an appointment for child safety seat installation between noon and 3:30 p.m. on that date. The number is 248/424-7132.

Spallasso reported that web streaming of tonight's Council meeting is occurring live.

COUNCIL

Peddie announced that a Pancake Breakfast will be held in Beverly Park on Saturday, June 14 at 9:00 a.m. until noon as part of the 50th Anniversary Celebration of the Village of Beverly Hills. She asked that anyone who has Village memorabilia share it with the Village office.

Berndt thanked people who live in the Fourteen Mile and Greenfield area as well as others in the Village for their holiday light displays that decorated the entrances of the Village. He commented on the AT&T Internet service product and will provide future updates.

Stearn reported that the Finance Committee met last week and discussed a presentation they propose to make at a Council meeting in February addressing the impact of lower property values on property taxes and Village income over the coming years. He congratulated Don MacDonald on his election as the new chairperson of the Finance Committee and John Mooney as vice-chair. Stearn urged Council members to consider the role of the Finance Committee as a discussion item at a future Council meeting.

The Parks and Recreation Board will meet on Thursday, January 17 at 7:30 at the municipal building.

Pfeifer mentioned that the Birmingham Area Cable Board will meet tomorrow morning, January 16 at 7:45 a.m. in the Beverly Hills Council chamber. She mentioned ongoing litigation with Comcast that has resulted in a restraining order that will temporarily halt Comcast from moving PEG channels from their current location. Pfeifer related that the Cable Board has prepared an informational brochure that provides information on television options, providers in the consortium communities, and the upcoming digital transition scheduled for February of 2009. Pfeifer mentioned that Comcast has closed its Eton Street office and has directed residents to the Comcast office on Delemere in Royal Oak.

The City Study Committee is preparing its draft report and will meet in February to finalize the document. The committee hopes to have a final report to Council in March.

Koss related that she had her water meter replaced today, which took less than 20 minutes. Notices are being sent to residents advising them of when Rudder Limited will be working in their area, but the contractor is experiencing difficulties finding people at home. Koss urged residents to call the contractor to make an appointment to have their water meter replaced at their convenience.

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

Motion passed (7 – 0).

Hugh Woodrow
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary