

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

Absent: None

Also Present: Manager, Wilson
Assistant Manager, 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

Oen asked that item ‘c’ regarding the asphalt resurfacing program be removed from the business agenda.

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

Motion passed (7 – 0).

PUBLIC COMMENTS

Mr. Zimmerman presented a check to the Village Clerk in payment of the water bill for his wife’s house on Camelot Court less the past due charges, which he said had not been identified. He asked Council to define the term “water bill” as it is used in the Village Charter.

Marcia Gershenson, Oakland County Commissioner, was present to honor two retiring Council members. She understood the time and personal commitment that goes into being an elected official. On behalf of the residents of Beverly Hills and Oakland County, Gershenson thanked Dorothy Pfeifer and Hugh Woodrow for their service to the community.

Hugh Woodrow has served the Village since 2001 when he was appointed to the Planning Board before being elected to the Village Council in 2002. He has served as Council Pro-Tem and was elected Council President in 2007 by his colleagues. Gershenson presented an engraved proclamation to Hugh Woodrow in appreciation for his dedicated service to the Village.

Gershenson recognized Dorothy Pfeifer as a role model for all women. Councilwoman Pfeifer has worked on behalf of the community serving as a member of the 1991 Library Committee, the Fourteen Mile Road Task Force, the Cable Board, and the City Study Committee. These are several of the organizations that have benefited from Pfeifer’s involvement. Gershenson presented an engraved proclamation to Dorothy Pfeifer for her years of serving the residents of Beverly Hills honorably and with distinction.

Elaine McLain, chairperson of the Birmingham Area Cable Board, was present to update Council on the activities of the Cable Board. The mission statement of the Cable Board can be viewed on their web site (www.birminghamareacableboard.org). One of the main functions of the Cable Board is to address customer complaints and concerns and attempt to bring

competition into the area. The Cable Board continues to deal with local control issues and other aspects of the Uniform Service Local Franchise Act 480 passed by the Legislature in 2006.

McLain updated the public on the Cable Board's presence at the Birmingham Farmers Market where volunteers staff a booth and provide information to community members; delivery of the new production truck; the 2009 digital transition and government coupons for converter boxes; Comcast litigation involving its plan to move local access cable channels to the 900 range; and the Michigan Public Service Commission dispute resolution process.

John Mooney of 19111 Devonshire reminded the public that the election is four weeks away. He related that, no matter how the elections and issues turn out, a person's day-to-day life will remain about the same. However, the millage cap restoration ballot proposal will have a remarkable impact on the daily existence of Beverly Hills residents. The Beverly Hills electorate approved raising the millage cap to 11 mills in the 1995 Village Election. It was predicted that the 11 mills would last until 2001; that millage cap has been made to last for 13 years due to the efforts of the Village Council. This is remarkable considering that state legislation in terms of the Headlee Amendment and Proposal A have reduced that millage cap to 9.3 mills. The cost of providing services has increased since 1995, and current revenue received by Beverly Hills will not meet the expense of running the Village.

Mooney urged residents to take the steps necessary to retain the value of their homes in Beverly Hills by preserving existing community services at the current level including road repair, snow plowing, library access, and public safety protection. He affirmed that this is a financially responsible community that protects its people. Mooney believed that the future bodes well for Beverly Hills being an inner ring suburb in a time when gas prices are going up. This will be an attractive community in which to live, and house prices will rise. If the community is responsible in voting "yes" on the restoration of the millage cap, property values will eventually be restored.

Bob Walsh of 20655 Smallwood Court commented on the direction of the Village in terms of cost containment. He talked about the effect of longevity payments on 2.5% salary increases. Walsh commented on the outlook for the future of the Village. He referred to the Actuarial Valuation Report of the Village Retirement System as of December 31, 2007 that established the amount of the actuarial accrued liability. Walsh expressed the view that the most recent public safety contracts did nothing to reduce health care costs. Walsh thought that the Village should take a serious look at its cost experience before considering a Headlee override, noting that restoring the millage cap represents a 17% tax increase.

CONSENT AGENDA

Pfeifer asked to move item 'd' to the business agenda, "Review and consider approval of work completed by J.H. Hart for tree removal services reimbursement through Metro Act Funds administered by Southfield Township".

Motion by Oen, second by Peddie, to approve the consent agenda as amended:

- a. Review/consider approval of minutes of Council meeting held September 16, 2008.
- b. Review and file bills recapped as of Monday, September 29, 2008.
- c. Receive and file June 30, 2008 Investment Report.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER SUBCOMMITTEE'S RECOMMENDATION TO FILL VACANCY ON THE BIRMINGHAM AREA CABLE BOARD

Pfeifer reported that a subcommittee of Council met earlier this evening to review three applications to fill a vacancy on the Birmingham Area Cable Board. The applicants were present to speak on their behalf. Pfeifer remarked that any of the three individuals interviewed would have served well. The committee voted unanimously to recommend the appointment of Kenneth McFadden to represent the Village of Beverly Hills on the Cable Board.

Motion by Pfeifer, second by Stearn, to appoint Kenneth McFadden to the Birmingham Area Cable Board to fill the unexpired term ending June 30, 2010.

Stearn thanked Sherry Suggs and Hildreth Buterbaugh for their interest in submitting an application and attending the meeting. He encouraged all interested residents to take the time to submit an application to volunteer in the community. Koss added that it was good to see a number of qualified candidates apply for this position. She asked these individuals to consider requesting a future appointment.

Motion passed (7 – 0).

SET PUBLIC HEARING DATE OF OCTOBER 21, 2008 FOR PROGRAM YEAR 2009 COMMUNITY DEVELOPMENT BLOCK GRANT

Stearn stated that a requirement for receiving Community Development Block Grant funding is to hold a public hearing to review next year's CDBG Proposal. Council set a public hearing date of October 21, 2008 for review of the 2009 Community Development Block Grant proposal.

REVIEW AND CONSIDER PURCHASE OF PICNIC TABLE FOR BEVERLY PARK

Stearn announced that the West Beverly Hills Homeowners Association has submitted a check to the Village in the amount of \$1,233 to cover the cost of an eight foot recycled plastic picnic table for Beverly Park.

Motion by Stearn, second by Oen, that the Village of Beverly Hills Council gratefully accept the generous financial gift from the West Beverly Hills Homeowners Association for one picnic table for Beverly Park, which will be obtained by Village Administration.

Stearn expressed appreciation to Anne Bernardini from the West Beverly Hills Homeowners Association for contacting Village administration regarding this generous donation. He thanked the West Beverly Hills Homeowners Association on behalf of the Village residents.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER AUTHORIZING ADMINISTRATION TO SEEK BID PROPOSALS FOR THE REPAIR AND RENOVATION OF THE SOUTH BASEBALL FIELD

Stearn provided background on the five-year dedicated park millage initiated and approved by the electorate in 2001. The millage has been used to fund capital improvements included in the Park Master Plan approved by Council. The Parks and Recreation Board is recommending that money remaining in the dedicated millage fund be used to renovate the south baseball field.

Stearn read the proposal for renovation of the south baseball field (see September 18, 2008 Parks and Recreation Board meeting minutes). He noted that there was discussion by the Parks and Recreation Board about safety aspects of the field that need to be addressed. The ball fields in Beverly Park are heavily used.

Motion by Stearn, second by Oen, that the Village Council authorize administration to seek bid proposals for the repair and renovation of the south baseball field pursuant to the proposal for renovation prepared by the Parks and Recreation Board. There is money remaining in the park dedicated millage to fund these improvements.

Council members commented on the proposal to renovate the south baseball field. Berndt pointed out that the park also needs more volleyball facilities. He supported the planned proposal that will renovate the ball field and deal with safety issues.

Oen mentioned that resident Dan Mooney rebuilt both of the dugouts at the south diamond as an Eagle Scout project. He is the 101st Eagle Scout from Troop 1024.

Maryann Deters of 32264 Robinhood, Vice-President of the Beverly Hills Little League, thanked Council for supporting this proposal. She asked that the project be scheduled so that it does not interfere with the 2009 Little League season. Wilson responded that he discussed this with Public Services Director Meszler, and the work will be coordinated with the Little League schedule.

Dave Fabbri, fields director for Beverly Hills Little League, stated that the Little League Board has agreed to contribute \$2,000 towards the renovation of the south diamond. They planned to put the money into field mix, which is not in the proposal submitted by the Parks and Recreation Board. Field mix is the dirt on the infield that needs to be replaced every several years.

Council considered adding this donation to install field mix into the bid proposal. Jim O'Reilly, Parks and Recreation Board chairperson, stated that adding the field mix component to the bid proposal would result in a problem with staging the work. It is likely that work on the fields will not commence until July so that it does not interfere with the five leagues that play during the spring. Adding field mix should be done prior to the start of the season.

The Parks and Recreation Board considered field mix a maintenance item. O'Reilly suggested that the Village add under \$1,000 from repair and maintenance park funds to the \$2,000 that the Little League will contribute towards installing field mix. The intent would be to install \$3,000 worth of field mix on the south diamond in the Spring of 2009 before the season begins. The remainder of the renovation and repair would be done in July.

O'Reilly reported that there will be approximately \$63,000 remaining in the park dedicated millage fund after the installation of tennis court fencing. He anticipates keeping the south ball field renovation in the \$40,000 range. There would be roughly \$20,000 left, which is earmarked for landscaping next year. Beverly Park lost 158 trees to the Emerald Ash Borer disease in the last few years. There is landscaping proposed for the pavilion and sled hill area.

Motion passed (7 – 0).

METRO ACT FUNDS REIMBURSEMENT

Pfeifer reviewed that the Township of Southfield has allocated a portion of its Metro Act Funds to the Village of Beverly Hills. Council took action to approve the use of these Metro Act Funds to remove dead trees in Village rights-of-way utilizing its contract with J.H. Hart for the work.

Motion by Pfeifer, second by Oen, that the Village of Beverly Hills Council approve for payment the invoice from J.H. Hart Urban Forestry for a total of \$2,372.35 and request reimbursement of \$2,216.81 through Metro Act Funds allocated by Southfield Township.

Roll Call Vote:

Motion passed (7 – 0).

PUBLIC COMMENTS

Jack Lanigan of 31171 Sunset Court acknowledged the achievement of four young men in the community. These members of Boy Scout Troop 1029 from Our Lady Queen of Martyrs achieved Eagle Scout status on Sunday, October 5: Christopher Gardner, Patrick Gilmour, Timothy Holton, and Beau Krueger.

REPORTS – MANAGER

Chris Wilson referred to his October 3 Manager Report. He related that Detroit Country Day School has filed a claim of Appeal in Oakland County Circuit Court appealing the decision of the Zoning Board of Appeals to deny their request for a variance from the Village Sidewalk Ordinance. As it currently stands, Detroit Country Day would be required to place a sidewalk on the perimeter of their property. The State allows Zoning Board of Appeals decisions only to be appealed before the local circuit court. Village Attorney Ryan will represent the Village in this matter.

Pfeifer referred to information in the Manager's report relative to joining PROTEC (Michigan Coalition to Protect Public Rights-of-Way). She related that the Birmingham Area Cable Board will fund the membership dues if Beverly Hills decides to participate. Wilson added that he is in receipt of the Village's application packet from PROTEC.

In response to an inquiry about water meter installations, Wilson stated that the contractor has completed its systematic approach and is installing meters in the outstanding homes. The project is close to being complete.

REPORTS - COUNCIL

Peddie reported that the Baldwin Library Board will be meeting with the Birmingham City Commission on Thursday, October 16 to discuss ongoing matters. The open meeting will be held in the downstairs meeting room at the Baldwin Library.

Berndt announced that the October Zoning Board of Appeals meeting has been canceled. Berndt commented on the upcoming millage cap restoration vote expressing concern about the amount of misunderstanding of the ballot proposal. He encouraged the public to investigate the topic rather than relying on flyers received in their mailboxes. People can contact the Village office with their questions.

Oen thanked Director Woodard for providing Public Safety Department statistics to Council. He mentioned that the Beverly Hills Public Safety Officer's Association instituted an Adopt-A-Senior program in 2006 with the purpose of locating, assisting and befriending seniors who are in need. The Beverly Hills citizens in the program have increased from 15 to 61.

Oen explained that leaves are placed in paper bags rather than plastic trash bags because they are recycled at the SOCRRA facility and made into mulch.

Stearn refuted remarks made during the public comment section of the meeting regarding the Public Safety union contracts negotiated and ratified by the Village earlier this year. He related that there were concessions made on both sides before the contracts went into 312 Arbitration. Employees received a 2.5% increase in pay; there were health care changes initiated that will result in substantial savings to the Village.

Stearn commented that he has been involved in local politics in Beverly Hills since 1999. He affirmed that this community strives to be as frugal as possible. The Village relies heavily upon volunteers and donations for its operations. If the Charter Millage restoration proposal does not pass, the Village will have to start cutting services. This community has suffered a revenue loss of over \$1 million dollars for these reasons: 1) annual decreases in State Shared Revenue; 2) declining property values; 3) Headlee Amendment and Proposal A have resulted in lowering the 11 mill cap approved by the voters in 1995 to 9.3 mills. The Village cannot continue to operate without additional revenue. The community has to make a decision to pass the millage restoration proposal or experience reductions in services.

Stearn invited residents to come to the annual Halloween Hoot that will be held on Sunday, October 26 at Beverly Park.

Pfeifer announced that Flu shots will be available on Tuesday, October 21 at the Birmingham Area Seniors Coordinating Council (BASCC) center on Midvale from 10 a.m. to 1 p.m. There will be a charge to those who are not covered by Medicare. There will be a Senior Expo event on that day with information available on senior housing, home care agencies, products, services and more.

Pfeifer commented that Elaine McLain is the new chairperson of the Birmingham Area Cable Board and Bob Borgon has been appointed as the Executive Director. The new production truck

purchased by the Cable Board has been delivered and will be a useful asset to the communities. The Board is looking for a facility for winter storage of the truck. The next Cable Board meeting will be held on Wednesday, October 15 at 7:45 a.m.

Pfeifer mentioned an article on the editorial page of the October 2, 2008 Birmingham Eccentric on the topic of Proposal 2 regarding stem cell research. She urged voters to understand the issues.

Koss stated that the Village Council along with the Finance Committee and Administration have worked diligently on a flyer that will be mailed to Village residents explaining the millage restoration proposal. It will provide facts and data. If people have any questions once they receive the document, they can call Village administration or access the Village web site to determine how the proposal will affect them personally. Voters submitting absentee ballots before the flyer is received can call the Village office if they have any confusion on the issues.

Koss will attend a Membership Outreach Workshop offered by SEMCOG (Southeast Michigan Council of Governments) on October 8 on the topic of government efficiency.

Woodrow asked Administration to post the brochure explaining the millage restoration proposal on the Village web site (www.villagebeverlyhills.com). He encouraged people to volunteer to provide booths for the Halloween Hoot.

Motion by Pfeifer, second by Berndt, to adjourn the meeting at 8:53 p.m.

Motion passed (7 – 0).

Hugh Woodrow
Council President

Ellen E. Marshall
Village Clerk

Sue Bernard
Recording Secretary