

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

Absent: None

Also Present: Manager, Wilson
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, to approve the agenda as published.
Motion passed (7 – 0).

PUBLIC COMMENTS

Director of Public Safety Karl Woodard stated that the Department considers applications for awards on a quarterly basis to be presented to Department personnel and civilians in recognition of activities that are above and beyond the call of duty. Commendations were presented to the following individuals.

PSO Matt Malcolm (Individual Commendation and Unit Commendation) and PSO Paul Chickensky (Unit Commendation) while on routine residential patrol at 5:00 a.m., observed suspicious activity leading to the discovery of several Larceny from Auto cases. Three juvenile offenders were arrested on the scene and charged in Probate Court with the larcenies, and recovered property was returned to owners.

PSO Lee Davis (Individual Commendation) assisted a Royal Oak PD officer and their Fire Department in responding to and extinguishing a car fire in their city. While still in the area, PSO Davis observed a suspicious bicyclist who he detained for investigation. The suspect was ultimately charged with starting the fire, and a string of vehicle arson fires was halted.

Beverly Hills Club employees Cindi Hodgenson and Matt Mikkola (Citizen Citation) were each recognized for their prompt response to a client who collapsed and was unresponsive during a physical workout. They administered the club's automated external defibrillator (AED) which shocked the man, restoring his pulse to a manageable rhythm. The 61-year-old survived the life threatening incident and received further care and treatment at an area hospital.

PUBLIC COMMENTS

Rukni Abboud of 18207 Gould Court announced that he is a write-in candidate for the Village Council.

Paul Kleppert of 20855 W. 14 Mile Road stated that he was looking forward to a Council that would work together for the betterment of the Village; he has not been disappointed. Council has been fair and firm in their commitments. Kleppert thanked Hugh Woodrow and Dorothy Pfeifer for their service to the community. Kleppert mentioned that Robert Borgon is running for Village Council as a write-in candidate.

Kleppert appealed to the people of the Village to think seriously about the fact that the millage restoration is something that this community truly needs. Costs can be cut until there is nothing left, but it is important to maintain Village services and keep this community a nice place in which to live.

Kleppert mentioned that Detroit Country Day School had a chance this year to be civic-minded and install a sidewalk along the perimeter of its property as part of the construction of a sports complex. He expressed disappointment that the School decided to take the Village to court over this matter.

Kathleen Berwick of 31381 Kennoway Court is a proponent of sidewalks along major roads. She has observed people running and bicycling along 13 Mile Road. Berwick urged people to vote against added taxes. She mentioned that the incumbents running for Council ran on a platform that there would be no new taxes.

Bruce Wayne of 25 Riverbank Drive talked about what could happen if the millage restoration proposal is not approved by the voters. Reducing the police force and other services will hurt this community. With regard to the Detroit Country Day School sidewalk issue, Wayne thought that it was unreasonable and costly to require the School to install sidewalks along its perimeter as part of the recent construction project.

Bob Walsh of 20655 Smallwood Court stated that the Town Hall meeting held on October 27 to discuss the millage restoration proposal was not well publicized nor well attended. He said that the Headlee millage override on the ballot would increase taxes by 17 percent. Walsh believed that other municipalities have adjusted their expenses and have not placed millage proposals on their ballots. He hoped that the Village would undertake cost cutting regardless of the vote on the millage proposal.

Dave Taylor of 16950 Buckingham displayed a sign reading “Ax the Beverly Tax”. He commented on the write-in candidates running for Council. Taylor expressed appreciation to retiring Council members Pfeifer and Woodrow and to all the members of Council for their service. He remarked that we will all have to work together for the betterment of the community. Council will require real leadership through these tough economic times. Taylor thanked the citizens and members of public safety who were recognized tonight.

CONSENT AGENDA

Motion by Pfeifer, second by Koss, to approve the consent agenda as published:

- a. Review/consider approval of minutes of a Council meeting held October 21, 2008.
- b. Review and file bills recapped as of Monday, October 27, 2008.

Motion passed (7 – 0).

BUSINESS AGENDA

RECOGNITION OF DOROTHY PFEIFER AND HUGH WOODROW FOR THEIR SERVICE TO THE VILLAGE

Hugh Woodrow and Dorothy Pfeifer are not running for re-election. Woodrow stated that he was honored to present Dorothy Pfeifer with a plaque in appreciation of her many years of service to

the Village. Pfeifer chaired a library study committee in 1991, was a member of the Oakland County 14 Mile Road Task Force, and was recently the head of a City Study Committee. She has been a member of Council since 2001 and a liaison to the Birmingham Area Cable Board. Woodrow thanked Pfeifer for her commitment and accomplishments as Beverly Hills Council member and presented her with a plaque in appreciation of her dedicated service.

Koss related that Hugh Woodrow has served the Village since 2001 when he was appointed to the Planning Board before being elected to Council in 2002. He served as President Pro-Tem and was elected Council President in 2007. Koss thanked Hugh for all he has done to serve and represent Beverly Hills and make a difference in the community. Koss presented Hugh Woodrow with a plaque in appreciation of his service and wished him all the best.

Former Council President Andy Craig of 31239 Sunset publicly thanked Hugh Woodrow and Dorothy Pfeifer for their dedication to the Village. He has been a friend of Dorothy Pfeifer for 32 years and served with her on Council at the end of his tenure. Craig thanked Pfeifer and Woodrow for their time and effort in making the Village a better place in which to live.

ACCEPT JOHN MOONEY’S RESIGNATION FROM THE FINANCE COMMITTEE AND MAKE FIRST ANNOUNCEMENT OF VACANCY

Stearn stated that it is with great regret that Council accepts John Mooney’s resignation from the Finance Committee. John Mooney is on the ballot for election to the Village Council. His resignation is effective immediately.

Stearn made the first announcement of a vacancy on the Finance Committee for a term to expire on June 30, 2010. He urged residents with experience, talent or interest in finance to submit an application to be appointed to the Finance Committee. Applications are available at the Village office or can be printed from the village web site (www.villagebeverlyhills.com). The deadline for receiving applications is Tuesday, November 24, 2008 at 4:30 p.m.

Motion by Stearn, second by Berndt, to accept the resignation of John Mooney from the Finance Committee.

Motion passed (7 – 0).

SECOND READING OF ORDINANCE #328 CHAPTER 22 OF THE MUNICIPAL CODE ACCESSORY BUILDINGS

This is the second reading of an Ordinance to Amend Chapter 22, the Zoning Ordinance for the Village of Beverly Hills. Ordinance #328 amends Section 22.04 Definitions of Accessory Building and Accessory Structure; it also amends Section 22.08.100 Accessory Buildings, Structures and Uses in Residential Zone Districts. The only change from the first reading is in paragraph ‘i’, “Accessory buildings shall be designed so that no *exterior* wall length is greater than two-times the length of any other wall of that accessory building, unless otherwise approved by the Planning Board upon a finding of no adverse impact to the surrounding neighborhood”. This ordinance amendment is available for public review at the Village offices and on the Village website.

SET PUBLIC HEARING OF DECEMBER 2, 2008 FOR ACCESSORY BUILDING ORDINANCE AMENDMENT

Before adopting Ordinance #328, Council and the Planning Board must hold a public hearing. Council postponed setting a public hearing date on amendments to the Accessory Building Ordinance until after the Village Planning Board conducts its hearing on this matter.

REVIEW AND CONSIDER PURCHASE OF PATROL VEHICLES FOR PUBLIC SAFETY DEPARTMENT

The capital budget for fiscal year 2008/09 contains funds for the purchase of replacement patrol vehicles that have accumulated over 70,000 miles. These funds are located in a dedicated capital account that is rolled over each year. In addition to revenue from older fleet vehicle sales during the year, \$30,000 from the General Fund will be transferred to this account in 2008/09.

Vehicle #133 (2005 Ford Crown Victoria with 92,000+ miles) and vehicle #135 (2006 Ford Crown Victoria with 75,000+ miles) each satisfy the department mileage policy standard; vehicle #135 will reach 80,000+ miles prior to a new vehicle being acquired and properly equipped to replace it.

Jorgensen Ford of Detroit has been awarded the Oakland County Cooperative Bid for 2009 Ford Crown Victoria patrol vehicles. Two 2009 Crown Victoria patrol vehicles, equipped in line with department specifications are currently in stock and available for delivery, each priced at \$21,181. These vehicles were originally ordered by Dearborn Police Department, which revised their order after the build date.

Concurrent with this new vehicle purchase comes the issue of transferring specialized equipment from the old to the new vehicles at an estimated cost of \$2,500 for each vehicle. Typically, this expense covers the labor costs involved in the changeover.

Motion by Peddie, second by Koss, that the Beverly Hills Village Council award the purchase of two 2009 Ford Crown Victoria patrol vehicles to Jorgensen Ford of Detroit in the total amount of \$42,362. Funds are available for this purchase in Account #101-900-976, Vehicle Purchases. Village Council further approves the expenditure of up to \$2,500 for each vehicle's changeover expenses, with the preferred vendor to be selected by competitive bid process. Funds are available in Account #101-345-852: Radio Maintenance and 265.333.750.01 Department Drug Forfeiture (NET).

Questions and comments from Koss and Stearn were addressed by Director Woodard.

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

SET PUBLIC HEARING DATE OF DECEMBER 2, 2008 FOR REZONING REQUEST OF LOT #5 GOULD COURT

At its October 22, 2008 meeting, the Planning Board approved recommending the rezoning of Lot #5, Gould Court, from R-3 Residential to P-Parking. A public hearing on this proposal was held at the September Planning Board meeting with notification by mail and newspaper for both the September and October meetings. Council set its public hearing date for December 2, 2008.

Nancy Abboud of 18207 Gould Court asked to be recognized. Woodrow asked if her comments were relevant to setting a Council public hearing date on this rezoning request. The rezoning issue will be discussed in its entirety at that time.

Nancy Abboud commented on what she viewed as unprofessional behavior exhibited by the Planning Board at the October 22, 2008 meeting. She and others were present to hear the discussion of a revised site plan and zoning request submitted by Stephen Satovsky from the Beverly Hills Club. She and her family were not allowed to give their entire presentation to the Board members on the basis that the public hearing was held at the previous Planning Board meeting. Abboud asserted that the Planning Board recommended approval of the rezoning without complete feedback from residents.

Rukni Abboud of 18207 Gould Court questioned the basis on which Council set a public hearing date on this rezoning request. Stearn responded that the hearing is held to provide the public with an opportunity to voice their opinions on the proposed rezoning. Village Attorney Ryan outlined the process for considering a rezoning request that comes before the Village.

Rukni Abboud questioned why Council would move forward with the recommendation when area residents are opposed to the rezoning of Lot #5 of Gould Court. Ryan responded that the Planning Board makes a recommendation to Council; the Village Council has the authority to make a decision on a rezoning request. Abboud asked Council to read the relevant information he submitted to the Village regarding the rezoning request.

Bruce Wayne, Planning Board member, stated that he did not believe that the Planning Board chairperson was out of order in his comments at the October meeting.

REVIEW AND CONSIDER RESOLUTION APPOINTING REPRESENTATIVE FOR CONTESTED CASE HEARING REGARDING MS4 PERMIT

The Village of Beverly Hills along with 70 other units of government has filed for a Contested Case Hearing on the Phase II MS4 Permit (storm water discharge). The Administrative Law Judge who will be handling the hearings has decided to hold one hearing with all 70 units of government represented. He intends to choose a reasonable number of representative petitioners for this hearing.

Council is in receipt of a resolution proposed by Secret Wardle, the contracted environmental attorney representing the Village in this case. The resolution identified the Village's intent to be a representative to the Contested Case Hearing or to have a representative from one of the 11 local communities from which the Administration Law Judge may choose.

Motion by Oen, second by Peddie, to approve the Resolution for submittal to the Administrative Law Judge for selection of a representative in the Contested Case Hearing on the Phase II MS4 Permit.

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

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

PUBLIC COMMENTS

Andy Craig of 31239 Sunset thanked Council members for their service and for seeking re-election. He was pleased that the Village returned to staggered terms.

Jack Fahlen of 30295 Marimoor, member of Zoning Board of Appeals since 1974, stated that one of the best things he did was to suggest to Bill Pfeifer that he join the ZBA, which led to involving Dorothy Pfeifer in Village government. Fahlen thanked Dorothy Pfeifer for the time and energy she put into serving the Village.

Bruce Wayne of 25 Riverbank related that the Planning Board heard a presentation from planning consultant Bob Gibbs at its October meeting. Gibbs Planning Group, Inc. was retained by the Village to conduct planning studies for the Southfield Road corridor between Thirteen Mile and Beverly Roads. The presentation and the concepts described and illustrated by Gibbs were enlightening. At the direction of Council, the Planning Board with the help of Bob Gibbs is moving ahead to develop a concept and prepare a plan that envisions what the Southfield Corridor could become in future years.

Kathleen Berwick of 31381 Kennoway Court complemented Southfield Road business Emile Salon on its outstanding landscaping.

Dave Taylor expressed the view that the Village will continue to have money to spend on the Public Safety Department if the millage restoration proposal does not pass. Taylor mentioned several write-in candidates running for a seat on the Village Council and encouraged residents to consider electing one of them.

Paul Kleppert of 20855 W. 14 Mile Road referred to the vacant office building on Southfield Road. The building has been maintained, but the hundred plus engineers who used to work in that building and support this community are gone. He questioned why other companies have not leased this building in Beverly Hills. If you do not give people a reason to want to live and work here, they will go someplace else. People should feel a need to invest in the future of Beverly Hills. Kleppert said that he was pleased to see a new Ace Hardware store open at the corner of Thirteen Mile and Southfield.

Bob Borgon of 32340 Drury Lane thanked the current Council for serving the Village over the last two years. He thanked Hugh Woodrow and especially Dorothy Pfeifer, who has been his mentor and Council advisor. He wished Council members luck in the election. Borgon is running for Council as a write-in candidate.

REPORTS - MANAGER

Wilson commented that most of the items in his written report to Council were covered in the agenda items. He informed the public that the Village has been in contact with SOCWA (Southeast Oakland County Water Authority) regarding a petition from a cellular telephone provider to locate a cell tower on property located on 14 Mile in Beverly Hills. Wilson has provided information to Council regarding this issue. He will take a position with SOCWA that the Village is opposed to the proposal based on assurances that no further structures were to be located in this area. Wilson will be discussing the matter further with Village legal counsel.

Wilson reported that there were difficulties experienced with the laptop computer and projector during a presentation to the public at the Town Hall meeting held last week. He met with a representative of the company who handles Village technology issues. It was determined that the laptop purchased in 2001 is unable to communicate with the projector on a routine basis and will need to be replaced.

Wilson answered inquiries from Stearn relative to comments he made at the last Finance Committee meeting on topics including contracting services, efforts of administration to keep the Village operation efficient, the financial position of the Village, and the need for revenue from the millage restoration proposal to budget next year without cutting services. If the proposal does not pass, Wilson and Finance Director Wiszowaty will begin a list of recommendations to Council and the Finance Committee on how they will address the budget beginning July 1, 2009. Even if the ballot proposal is approved, a number of options will have to be considered for coming years due to continuing revenue pressures.

REPORTS – COUNCIL

Peddie explained the reason why she is voting for the millage restoration ballot proposal. The proposal comes down to property values and quality of life. It is a reality that services will be cut if the millage restoration measure is not approved. Peddie hopes that people are not waiting to see how this plays out in the future. That is not a chance she is not willing to take because Beverly Hills is her home and where her future lies. Peddie thanked Woodrow and Pfeifer for their service on Council and related that it was a pleasure working with them.

Berndt reminded people about the seriousness of the ballot issue facing the Village. The Village cannot continue the way it has with decreasing revenue and rising costs. Beverly Hills must maintain its image as a desirable place to live. Berndt does not want to see the value of his home decrease further; the future of Beverly Hills is ultimately the future of his financial well being. Berndt congratulated Terri Stearn on a successful Halloween Hoot and thanked her for organizing the event this year.

Oen talked about the importance of the millage restoration vote. If the proposal does not pass, the Village will lose services. The Village DPW is currently doing work for Bingham Farms; administration is continuing to look for ways to consolidate services with other communities. Village staff has secured a number of grants this year. The Village would not ask for a millage restoration vote if it did not need the revenue to maintain the current level of services.

Oen remarked that planner Bob Gibbs made an extremely informative and interesting presentation to the Planning Board on October 22. His ideas and visions for the future were positive and encouraging. Oen thanked Hugh Woodrow and Dorothy Pfeifer for their time and commitment during their tenure on Council and said that it was a pleasure working with them.

Stearn thanked the many volunteers from the community that came out for the Halloween Hoot last Sunday including scouts from Troop 1024 and Groves High School students. Over 1600 children came to the park for the event. Terri Stearn worked from 9 a.m. until 9 p.m. that day. Everybody had a great time.

Stearn thanked the officers and civilians who received commendations today from the Public Safety Department. He stated that it has been a pleasure to serve on Council with Dorothy Pfeifer and Hugh Woodrow.

Koss asked people to be informed voters in tomorrow's election. Koss said that she has looked to Dorothy Pfeifer for information and guidance during her tenure. Pfeifer will be missed, but Koss will continue to seek her counsel. Koss said that it was a pleasure serving with both Hugh Woodrow and Dorothy Pfeifer.

Pfeifer stated that her nine years of service on Council has been a labor of love for the Village of Beverly Hills. She thanked all the people who have taken the time to express their appreciation. Pfeifer recognized her family members sitting in the audience tonight, who have been very supportive throughout her term. Pfeifer thanked all of the Council members and said it was a pleasure working with them.

Woodrow thanked Terri Stearn for organizing a wonderful Halloween Hoot. His daughters enjoyed the event.

Woodrow thanked the residents for allowing him to serve the Village. Council has accomplished much over the past years that will help the community in the future. This Council has made some great progress, and he hopes the next Council will keep the momentum going. Despite some opposition and nay saying in the Village, Council has been fiscally responsible in the past six years he has served. Improvements to the infrastructure include paving of roads, drainage improvements, water main replacement, completion of the Acacia Drain Project, and replacement of water meters throughout the Village. Council oversaw the expenditure of the park millage and adopted a park master plan. These are several of the accomplishments that he is proud to be a part of during his tenure on Council. Woodrow mentioned that he is still looking for sidewalk funding.

Woodrow said that he had fun representing this Village and feels that he was doing his part in giving back to the community he loves. He hopes to remain in the Village of Beverly Hills for many years and will miss serving on Council.

Motion by Pfeifer, second by Oen, to adjourn at 9:08 p.m.

Motion passed (7 – 0).

Hugh Woodrow
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary