

Present: President Stearn; President Pro-Tem Koss; Members: Berndt, Briggs, Mooney, Oen and Peddie

Absent: None

Also Present: Manager, Wilson

President Stearn called the regular Council meeting to order at 7:05 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

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

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

Berndt entered the closed session at 7:10 p.m.

Motion by Mooney, second by Oen, to return to open session at 7:35 p.m.
Motion passed (7 – 0).

Also Present: Assistant Manager, Marshall
Public Safety Director, Woodard
Village Attorney, Ryan

The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

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

Motion passed (7 – 0).

SPECIAL ORDER OF BUSINESS - BEVERLY ELEMENTARY SCHOOL PROCLAMATION

President Stearn asked students and staff from Beverly Elementary School to come forward and introduce themselves. He read the following proclamation.

VILLAGE OF BEVERLY HILLS PROCLAMATION

WHEREAS, thirty-one Beverly Elementary School students participated at the 2009 Science Olympiad, held on March 28, 2009 at West Maple Elementary School, and

WHEREAS, twenty-four parent coaches met with the students outside of school hours before school, after school and on weekends, and

WHEREAS, eighteen teams of fourth and fifth graders, two from each Birmingham District elementary school participated in the Science Olympiad, and

WHEREAS, each student competed in two events including projects that they built in advance (such as water rockets and tennis ball catapults) to challenges that took place on the day of competition, including science jeopardy and mystery architecture, and

WHEREAS, the Beverly Elementary students were double winners receiving both first and second place trophies, and

WHEREAS, the Beverly Elementary students gained experience in teamwork and problem solving while also enjoying the experience of competition with other Birmingham students,

NOW, THEREFORE, BE IT RESOLVED THAT the Village of Beverly Hills extends sincere congratulatory wishes to the Beverly Elementary School students who participated at the Science Olympiad 2009.

PUBLIC COMMENTS

Marcia Gershenson, Oakland County Commissioner, spoke highly of the schools in Beverly Hills. She expressed pride in the accomplishments of Beverly Elementary School and also Greenfield Elementary School for winning a “National School of Character” award.

Gershenson reported on the Mackinac Policy Conference where she learned that there are 16 new funded programs coming to Michigan. A new website called “Intern in Michigan” has been introduced to address the concern about losing Michigan’s college graduates to other states; it is an effort to pair up businesses with our college grads. Gershenson commented on plans for the new film studio coming in Pontiac. She related that Mayor Bing addressed concerns about doing business in Detroit; he will be offering properties at low or no cost as incentives for businesses to come to Detroit.

Gershenson outlined legislation going into effect in July whereby individuals facing foreclosure will be able to apply for a 90-day freeze while they are dealing with their mortgage lender. There is a new free prescription program from the Michigan Retailers Association. Flyers are available at the Township and Village Clerks’ offices.

Gershenson introduced Beverly Hills resident Mary White Block, recent appointee to the Senior Advisory Council of the Oakland-Livingston Human Services Agency. Ms. Block commented that she will bring information she collects to the attention of Beverly Hills residents. She mentioned a website called “clickonaging.com” that lists all the senior services in southeastern Michigan.

Jim O’Reilly of 31191 Huntley Court, chair of the Memorial Day Parade and Carnival, said that its success was an effort of a lot of people who volunteered their time, energy, and monetary support to keep this community event going. Parks and Recreation Board member Pat Greening contacted a number of people and was able to receive an enormous amount of support from businesses. O’Reilly thanked and listed all of the businesses and elected officials who provided financial support and contributed to the success of the Memorial Day parade and carnival. O’Reilly gave credit to the organizations and schools that sponsored games and events. He thanked Birmingham Public Schools for their assistance in printing out and distributing flyers to the schools. The Boy Scout Troop 1024 and the Groves football team were thanked for their participation. O’Reilly gave credit to specific individuals including Council members who were

present helping all day. There were a number of other volunteers who helped with various functions throughout the day.

O'Reilly mentioned the phenomenal effort of Pat Westerlund, who took charge of the Memorial Day Parade with the assistance of a group of individuals called the Devonshire Men's Club. O'Reilly acknowledged Pat Greening, who was the Grand Marshal this year, and elaborated on her many contributions to the park throughout the years, including initiating the Halloween Hoot. O'Reilly acknowledged The Village Women's Club, who started this event in 1981, for sharing their knowledge and providing assistance to the Parks and Recreation Board. Finally, O'Reilly credited the Parks and Recreation Board members for organizing and running the events this year. The profit that will be generated for the park will be approximately \$7,000.

Bill Kondak of 31269 Churchill thanked Jim O'Reilly for stepping up to the plate to take on the responsibility of continuing the Memorial Day Parade and Carnival and enlisting the Parks and Recreation Board and many other individuals to make it happen.

Candy Repa of 22868 Shagbark Road was optimistic after hearing about the achievements of community members in terms of organizing the Memorial Day events. There are a lot of good people who can form a grass roots organization. Repa urged Council to go slowly with respect to the library issue and be optimistic about ways in which money can be raised to continue the Village's use of Baldwin Library. She asked that everyone consider the positive reasons for retaining library service.

Mary Lou Flatter of 31455 Waltham commented on the importance of maintaining essential services in Beverly Hills. She related an instance where public safety officers assisted a member of her family during a 9-1-1 call and expressed gratitude for the care and support received. When the Village is faced with budget deficits, Flatter thinks that the maintaining existing public safety staffing is more important than retaining the library contract.

Stephen Mace of 16255 Lauderdale stated that he has observed an increasing number of pit bulls in the Village, which he finds alarming as a father of two small children. He suggested that Council consider adopting an ordinance similar to those passed by neighboring communities to ban this dangerous breed of dogs.

Linda Sinclair of 30637 Pebblestone Court, resident and Birmingham school teacher, commented on how closely the schools work with the Baldwin Library. As both a resident and an educator, she emphasized the importance of a library to Beverly Hills.

Pamela Rijnovean of 32420 Evergreen commented on what she viewed as Council's abrupt dismissal of the proposal from the City of Birmingham to consolidate the Village building department. She related costs statistics for the building department and information on services that would be provided through the proposal from Birmingham. Rijnovean maintained that working with Birmingham could provide residents with a higher level of service for a lesser cost.

Sharon Tischler of 21415 Virmar Court recalled an instance when the Council President failed to ask for public comments during discussion of a business agenda item.

CONSENT AGENDA

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

- a. Review/consider approval of minutes of regular Council meeting held May 19, 2009.
- b. Review and file bills recapped as of Tuesday, May 26, 2009.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER REQUEST FROM GERAD METEYER FOUNDATION FOR USE OF BEVERLY PARK ON AUGUST 23, 2009 FOR FUNDRAISING ACTIVITY

The Gerad Meteyer Foundation contacted Village administration about using Beverly Park on Sunday, August 23, 2009 to hold a fundraising event for diabetes. Chapter 6, Section 6.03 of the Municipal Code requires Council approval for a fundraising activity. The organization has provided the proper insurance coverage and has submitted a large group planning form describing their activities.

Tom Maxwell of 15921 Lauderdale introduced Ron Meteyer who provided background on the Foundation that was created as a result of the death of his son from complications of diabetes. The focus of the foundation is to make life better for children with diabetes including providing scholarships to a summer camp where children learn how to cope with diabetes.

Motion by Oen, second by Koss, that the Beverly Hills Council authorize the Gerad Meteyer Foundation to hold a fundraising event for diabetes at Beverly Park on Sunday, August 23, 2009 from 10:00 a.m. to 4:00 p.m. for not more than 150 people. Appropriate insurance coverage has been provided.

Motion passed (7 – 0).

SECOND ANNOUNCEMENT OF VARIOUS BOARD/COMMITTEE VACANCIES

The following is a list of board members whose terms expire on June 30, 2009. Council agreed in November to make these vacancies open to the public as well as the currently seated member. This will serve as the second announcement of the vacancies. Subcommittee meetings will be scheduled for June 16th with appointments to take place that evening. Deadline for accepting applications is Friday, June 5, 2009.

Cable Board

Alan Heyman
Mary Ann Verdi-Hus

Finance Committee

Neil Hitz
Patrick Westerlund

Parks & Recreation

Jim O'Reilly
William Kondak
Cynthia Nagle

Planning Board

George Ostrowski
Art Liberty
Michele Tillman

Retirement Board

Donald O'Connell

Zoning Board

Tim Mercer
Larry Needham
Mary Ann Verdi-Hus

SECOND READING OF ORDINANCE #331 AMENDING CHAPTER 21 OF THE MUNICIPAL CODE REGARDING ALTERNATES TO THE PLANNING BOARD

Attorney Ryan conducted the second reading of an Ordinance to Amend Chapter 21, The Village of Beverly Hills Municipal Code Entitled “Village Planning”. This amendment will bring the Village Ordinance in compliance with Michigan statute relative to membership on the Village Planning Board and removal from office. The ordinance stated that the Village President, Village Manager and one or more members of the Village Council may be appointed as ex officio members of the Planning Board with that membership being discretionary. Subsection “c” deals with standards for removal from office to comport with State Law. There is a Severability Clause, Savings Clause, and Repealer Clause. The Ordinance will become effective 20 days following its publication in the Birmingham Eagle, a newspaper circulated within the Village of Beverly Hills.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council adopt Ordinance No. 331 Amending Chapter 21 of the Municipal Code Entitled “Village Planning”.

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

SECOND READING OF ORDINANCE #332 AMENDING CHAPTER 22 OF THE MUNICIPAL CODE REGARDING ALTERNATES TO THE ZONING BOARD OF APPEALS

Ryan conducted the second reading of an Ordinance Amending Chapter 22 of the Municipal Code regarding Alternates to the Zoning Board of Appeals to comport with the amended State Zoning Enabling Act. This amendment updates the creation and membership of the Zoning Board of Appeals. A member of the Planning Board sitting on the Zoning Board of Appeals is now discretionary. This amendment also allows the Village Council to appoint up to two alternate members to the Zoning Board of Appeals for situations when a quorum is not available or in the event of a conflict of interest.

The Ordinance includes a Severability, Savings, and Repealer Clause. The Ordinance will become effective 20 days following its publication in the Birmingham Eagle, a newspaper circulated within the Village of Beverly Hills. Council will have the opportunity to appoint two alternative members to the Zoning Board of Appeals.

Motion by Mooney, second by Koss, that the Village of Beverly Hills Council adopt Ordinance No. 332 Amending Chapter 22, Section 38 of the Village of Beverly Hills Zoning Ordinance Creating a Zoning Board of Appeals.

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

Mooney anticipated that administration would make an announcement of two vacancies on the Zoning Board of Appeals following adoption and effective date of Ordinance #332.

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

Motion by Mooney, second by Oen, to appoint Chris Wilson 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, 2009/2010 fiscal year.

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

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

Motion by Mooney, second by Oen, to appoint Chris Wilson 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, 2009/2010 fiscal year.

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

REVIEW AND CONSIDER NOTIFICATION TO THE BALDWIN LIBRARY BOARD

Stearn reviewed that the Village's agreement with the Baldwin Public Library includes a two-year notification requirement to opt out of the contract. Manager Wilson has drafted a letter to the Baldwin Library Board for Council's consideration. Stearn emphasized that, if Council does not give notice to the library at the end of this month, the Villages loses its opportunity to notify the Library Board for a year.

Motion by Mooney, second by Peddie, to table Council consideration of giving notice to the Baldwin Library Board.

Roll Call Vote:
Briggs - no
Koss - yes
Mooney - yes
Oen - no
Peddie - yes
Stearn - no
Berndt - no

Motion failed (4 – 3).

Ryan stated that Council needs to decide as a policy matter whether to exercise its legal option to provide 24-month notice to the Baldwin Library Board to opt out of the contract. A cover letter that addresses other relevant factors can be included with the formal notification.

Stearn thought that the language in the letter drafted by the Manager met the substance of what Council has to do. He suggested that there was a balancing act with respect to advising the Library Board that the Village is opting out of the contract unless something happens in the intervening two years.

Motion by Berndt, second by Oen, to instruct the Village Attorney to draft a letter notifying the Baldwin Public Library Board that the Village of Beverly Hills is opting out of the Library Contract unless it arrives at another solution in the intervening two-year period.

Koss said that this is a big decision on the part of the Village, and Council should go about this in the right way. There are no assurances that Baldwin Public Library will continue with the current contract if the Village comes up with funding after it gives notice to opt out. The Village's five-year forecast includes money budgeted for the library, but there will be a budget deficit unless changes to the current operation are made. The bottom line is that the Village cannot afford to finance library service from the General Fund. Koss questioned whether the Village could afford half of the library cost from the General Fund if the people would be willing to pay for the other half. She suggested placing this proposal before the voters as soon as possible.

Oen agreed with the idea of going to the people to ask for public support of the library on the basis that the Village would pay half of the cost through the General Fund. He remarked that Council will have to wait another year to exercise its option to opt out of the library contract if it does not take action by June 30. He questioned whether the formal notice cancels the contract.

Ryan responded that there is an option agreement whereby the contract will expire at the end of two years if nothing else happens. The Village may have to renegotiate a contract depending on the position of the Library Board.

Berndt suggested that Council should focus its efforts on preserving the library, but that it would be irresponsible not to protect the Village by giving this notice. It is in the best interest of the Village and the Baldwin Library Board to work together to arrive at a solution.

Mooney stated that notifying the Baldwin Library Board that the Village of Beverly Hills has exercised its option under the contract to cease library services two years from July 1, 2009 would commit the Village to ending its current relationship with Baldwin Library. There could be a future relationship if the Library Board could come to an agreement with the Village to enter into a different contract.

Mooney related that Beverly Hills pays less per household for library service than the City of Birmingham. The communities of Bingham Farms, Bloomfield Township, Southfield, Troy, and Royal Oak pay more per household for their library service than the Village pays. He urged against opting out of the contract with Baldwin Library when the Village may be able to maintain this good deal a year from now. The Village needs other sources of revenue to continue its library services, but it would be fiscally irresponsible to cancel this contract now.

Peddie commented that she is a strong supporter of the library and thought that it was essential that the Village maintain this arrangement with Baldwin Public Library. It will require support

from Council and the community, and Peddie said that she will work to make this happen. She proposed holding off for a year before giving notice and jeopardizing the current contract.

Briggs understood that it would not be possible to rescind the letter to the Baldwin Library Board and continue under the current contract. The Village could end up with a more costly contract.

Motion by Stearn, second by Mooney, to reconsider the decision to table this agenda item.

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

Motion by Mooney, second by Koss, to table Council consideration of giving notice to the Baldwin Library Board to the next scheduled Council meeting.

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

Motion by Mooney, second by Briggs, to authorize Todd Stearn and Lee Peddie to meet with representatives of the Baldwin Library Board within the next two weeks to discuss the library contract.

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

Stearn asked Manager Wilson to schedule a meeting with representatives of the Library Board.

REVIEW AND CONSIDER FLAG DAY PROCLAMATION

Motion by Briggs, second by Koss, to adopt the following Proclamation:

Village of Beverly Hills 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 Sunday, June 14, 2009.

Motion passed (7 – 0).

DISCUSSION ITEM – FIVE YEAR FORECAST

Council members have received copies of a five year financial forecast of the Village for the purpose of analyzing the long-term implications of budget items. Stearn suggested that Council accept the General Fund Five Year Projected Revenues & Expenditures report and schedule a special meeting for a comprehensive review of the document.

Members thought that the five year forecast would be a good tool for targeting areas of the budget that require scrutiny. Administration was requested to provide Council with a few additional items needed for review and discussion on the financial forecast. Copies of this report will be provided to Finance Committee members.

Wilson stated that it is incumbent on administration to provide options as to where the Village will be five years from now if it keeps doing things the way they are being done now and options for a scenario where things are done differently. Administration will need some time to provide a holistic and realistic scenario of what the Village might look like at the end of five years. It is clear that there will be some major items on the table for consideration because the current operation is not sustainable. Wilson requested that members of Council advise him of any options or ideas they would like considered.

Mooney questioned whether the Michigan Municipal League or SEMCOG (Southeastern Council of Governments) has taken a futuristic look at what is going to happen in southeast Michigan and the State. Wilson responded that he will explore the tools at his disposal from these organizations along with information from the ICMA.

PUBLIC COMMENTS

Candy Repa of 22868 Shagbark offered her assistance on anything to do with retaining library service in the Village. She believed that Beverly Hills will come together to support the community.

Sharon Tischler of 21415 Virmar Court commented that the Library Board has the opportunity to give the Village a two-year notice as well. She urged Council to have as much information about the library and its usage as possible when considering this topic. Tischler commented on the opportunities available to Council to put a question on the ballot when costs can be shared.

REPORTS – MANAGER

The Village-wide Garage Sale was held on May 29-31. Over 200 residents registered their yard sales with the Village and purchased signs. It was a successful event and, hopefully, something that can be continued in the future.

Included in Council's packet was information items from the Code Enforcement Officer and Public Safety Director along with financial statements and a quarterly report on Oakland County NET. Council questions should be directed to Wilson, Director Woodard or Dan Gosselin.

Wilson reported that the Village allocated \$5,000 of General Fund money to be spent on the 50th Anniversary Celebration last year. There is just under \$4,000 of that money remaining in a reserve fund. Clerk Marshall has presented two ideas for spending that money, a flag pole for the municipal offices and an updated “Know Your Town” book. The option also remains to return the money to the General Fund. Wilson affirmed that all of the money that the Village received through donations from outside parties was utilized for the 50th anniversary celebration. Wilson proposed resolving this matter by June 30.

Council agreed to make changes in staffing levels within the building department that will result in fundamental structural changes in the way plans are reviewed, permits are issued, and inspections are handled. The shift in building inspector status to a part-time contractual position will necessitate changes in how staff handles work coming in and administrative representation at the Zoning Board of Appeals and the Planning Board. Administration is working on arrangements to provide those services and insure no interruption in the service provided in the past.

The Village labor attorney has been requested to draft material with respect to contractual information relative to employment changes for Dave Byrwa, Sgt. Ted Wink, and involuntary layoffs. Wilson is attempting to expedite these documents.

Wilson reported that Bob Borgon, Executive Director of the Cable Board, provided notice to the Village that it would be reimbursed in the amount of approximately \$51,000 by the Birmingham Area Cable Board. This is due to excess revenue collected from cable franchise fees since 2002. Other consortium communities will be receiving reimbursements from the Board.

Wilson provided Council with copies of a news article regarding a lawsuit between SOCRRA and the City of Rochester Hills. In answer to an inquiry, Wilson reported that the Village has not received an opinion from the Circuit Court Judge as yet regarding the Detroit Country Day School sidewalk issue that was heard on May 20. Ryan stated that he will forward the information to the Village as soon as he receives a written opinion.

Stearn asked Wilson to provide Council with a breakdown of cost savings related to building department changes.

REPORTS - COUNCIL

Mooney said that he was disheartened by comments from former Council member Rijnovean misrepresenting the proposal from the City of Birmingham to provide building and planning department services to Beverly Hills. Mooney asked that President Stearn and Council member Peddie think about the cost-benefit analysis of providing library service to residents and to consider what is in the best interest of the Village. Mooney urged interested parties to apply for openings on Village boards and committees.

Mooney informed members of Council and the public that tomorrow evening at 7:20 p.m. in Beverly park there will be an Eagle Court of Honor for Troop 1024. The rank of Eagle Scout will be bestowed on Brennan Burke, Christopher Craig, and Michael Beyer.

Briggs thanked the individuals who helped out at the Annual Park Clean Up on May 9. He commended the Parks and Recreation Board and Jim O'Reilly for doing a fabulous job of organizing the Memorial Day Parade and Carnival.

Berndt commented on the fantastic Memorial Day parade and carnival, noting that it was good to see the Village come together for this event. Peddie thanked the Parks and Recreation Board for its efforts to keep the parade and carnival going in Beverly Hills. She mentioned that the State of Michigan proclaimed next week as Water Week.

Oen reported on action taken at last week's Planning Board meeting. He reminded people to display their American flags. Oen commented in favor of retaining the Baldwin Library services, adding that the Village will have to make some difficult decisions.

Koss remarked that she could not say enough about the Parks and Recreation Board's efforts to continue the Memorial Day parade and carnival in Beverly Hills. There were many volunteers, which shows what a great community this is. Koss stated that Mike Palmer, owner of Premier Pet Supply, will be holding a customer appreciation day on Saturday, July 18.

Stearn announced that there will be a town hall meeting tomorrow night at 7:00 at the Birmingham Community House for the purpose of saving the Birmingham Bloomfield Eccentric newspaper. There is a community and citizen-drive grass roots effort to keep the Eccentric newspaper in operation.

Stearn thanked the Parks and Recreation Board, Jim O'Reilly and Pat Westerlund for putting on the Memorial Day Parade and Carnival. He thanked the Lions Club for sponsoring the Fun Run. He congratulated Ellen Marshall on organizing the Village-Wide garage sale.

Motion by Briggs, second by Mooney, to adjourn the meeting at 9:31 p.m.

Motion passed (7 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary