

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

Absent: None

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

President Stearn called the regular Council meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

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

Motion passed (7 – 0).

PUBLIC COMMENTS

State Representative Chuck Moss commented that, while the pace of the State Legislature has slowed during the summer, there has been ongoing work and meetings on budget issues. The State is facing the same decisions as Beverly Hills in terms of revenue and priority needs. Moss was asked about the status of State Shared Revenue. He responded that he has been working to protect revenue sharing, but the problem is the lack of revenue to share. Moss will do what he can to protect or at least keep revenue sharing from going away.

Bob Walsh of 20655 Smallwood Court questioned the particular statute that requires a public safety department to have four officers available at all times for fire fighting purposes. Stearn advised Mr. Walsh to contact Director Woodard for the specific citation.

Walsh referred to information communicated about the Village's future financial forecast at the August 11 Special Council meeting and thought that there were some discrepancies in the presentation. His question on a bill before Council for approval was answered by Council.

Sharon Tischler of 21415 Virmar Court inquired about an invoice; Council will look into the item and get back with her.

John McGrath of 16210 Beverly Road commented on the August 11 special meeting of Council. He sensed that the only solution to the Village's financial problems may be to propose a millage increase in November of 2010. McGrath suggested that there may have been a number of factors that went into the defeat of the millage proposal in 2008 in addition to the influence from an anti-tax group. Other reasons may have been the economic environment, the financial crisis of the stock market and the overall capital and credit markets in October of 2008. People lost their jobs or were afraid of being unemployed in the future. A lot of people felt the effects from General Motors filing for bankruptcy. McGrath expressed the concern that Council make provisions for

operating the Village in the event that the voters decide not to approve a tax increase in November of 2010 for reasons concerning their own economic and financial situations.

Stearn stated that two budgets would have to be prepared next year if Council decides to wait until 2010 to go out for a millage. The budget is approved in May. One budget would be based on approval of the millage and another budget to reflect the situation if a millage proposal did not pass. Stearn remarked that failure of a millage proposal would result in reducing the number of police officers and termination of the library contract.

John Mooney commented that he did not blame the failure of the 2008 millage proposal solely on a couple of individuals who led the anti-tax group. He said that there were elected officials and former elected officials who supported that particular group. Mooney emphasized that the cost would be \$1/per day to save the library and retain public safety officers to protect this community. There will be no alternatives to these measures after the next budget year.

Kathleen Berwick of 31381 Kennoway Court commented on the current staffing in the Village.

Township Clerk Sharon Tischler took offense at comments made by Mooney regarding elected officials in the audience and said that he had no idea how she voted in the last election.

CONSENT AGENDA

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

- a. Review/consider approval of minutes of regular Council meeting held August 4, 2009.
- b. Review and file bills recapped as of Monday, August 17, 2009.
- c. Review and consider 2010 Council meeting dates.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER SUBCOMMITTEE'S RECOMMENDATION TO FILL ONE VACANCY ON THE ZONING BOARD OF APPEALS

Berndt stated that a subcommittee met earlier this evening to consider an application to fill a vacancy for the position of alternate member of the Zoning Board of Appeals. It was the recommendation of the subcommittee to appoint Edna Freier to an alternate position on the Zoning Board for a term to expire on June 30, 2012.

Motion by Berndt, second by Koss, to appoint Edna Freier as an alternate member of the Zoning Board of Appeals for a term to expire on June 30, 2012.

Motion passed (7 – 0).

ANNOUNCEMENT OF ONE VACANCY ON THE ZONING BOARD OF APPEALS FOR AN ALTERNATE MEMBER

Berndt announced one vacancy on the Zoning Board of Appeals for a term to expire on June 30, 2012. Applications are available at the Village office and on the Village website. A subcommittee consisting of Ron Berndt as chairperson, John Mooney and Jon Oen will meet on Tuesday, September 1, 2009 at 7:15 p.m. to review applications for this position and make a recommendation to Council.

Stearn commented on the function of the Zoning Board of Appeals and urged interested residents to apply for a position as an alternate member of the Board.

REVIEW AND CONSIDER PROPOSALS FOR PRINTING 2010 VILLAGE CALENDAR

Bids were solicited for the 2010 calendar project. The low bid was from Johnston Lithograph, Inc. at \$6,999.00. This company has printed the Village calendar for the last two years; this price is below the costs for 2007 and 2008. There is up to \$9,000 budgeted in 2009/10 for this project. Postage is paid from another account. After review of the bids, it was the recommendation of Clerk Marshall and Manager Wilson that Council award the contract to Johnston Lithograph.

Motion by Koss, second by Oen, that the Village of Beverly Hills Council award the contract for design and printing of the Village of Beverly Hills 2010 Calendar Project to Johnson Lithograph, Inc, in the amount of \$6,999.00. Funds for this project are available in account #101-747-881.

Stearn asked if the Village will solicit advertising from local businesses again this year to help defray the cost of printing the calendar.

Marshall indicated that advertising revenue offset the cost of the calendar last year by about \$1,000. She has sent a notification to local businesses this year and received one response to date. Marshall is also working on an ad concept with a representative of Ace Hardware.

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

REVIEW AND CONSIDER APPOINTING REPRESENTATIVE AND ALTERNATE TO THE MICHIGAN MUNICIPAL LEAGUE ANNUAL BUSINESS MEETING

Motion by Berndt, second by Oen, to appoint Walter Briggs as the official representative of the Village of Beverly Hills and Rosanne Koss as the alternative representative to attend the Michigan Municipal League Annual Business Meeting to be held September 22, 2009 at the Radisson Plaza Hotel in Kalamazoo, Michigan.

Ayes: Berndt, Briggs, Koss, Oen, Peddie, Stearn
Nays: Mooney

Motion passed (6 – 1).

REVIEW AND CONSIDER TRANSFERRING LIQUOR LICENSE AT BEVERLY HILLS CLUB

The Beverly Hills Club is currently in possession of a Liquor License through the Michigan Liquor Control Commission (LCC). The Club is undergoing an administrative/civil stock transfer process that requires the LCC to update the ownership file with their agency. A Resolution is required from the local governing body as well as an investigation by the local police department. The Beverly Hills Department of Public Safety concluded its investigation and found no information that would prohibit this application from going forward. Village Manager Wilson reviewed the request and the Public Safety Department report and recommended approval of the Resolution provided by the Liquor Control Commission.

Motion by Oen, second by Koss, that the Village of Beverly Hills Council approve the Resolution from the Michigan Liquor Control Commission indicating consent of the request from the Beverly Hills Club for transfer of an on-premises liquor license.

Attorney Ryan stated that the Public Safety Department has had no problems at the Beverly Hills Club. This request for transfer is an internal issue relative to the corporate entity and change of ownership.

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

PUBLIC COMMENTS

Hildreth Buterbaugh on Dunblaine questioned the Village's policy with regard to a police officer demanding to enter a residence without a warrant. He noted that this has been a recent national news topic.

Attorney Ryan stated that law of the United States says that a warrant is needed to enter someone's home. There are narrow exceptions when a search warrant is not required under exigent circumstances. It must be a situation where people are in imminent danger to life or serious damage to property, or to forestall the imminent escape of a suspect or destruction of evidence. Beverly Hills Public Safety Officers are well aware of the Constitutional Laws. There has not been an issue in Beverly Hills relative to illegal entries into residences.

Bob Walsh of Smallwood Court commented that Council has mentioned in recent months that 65% of the Village population voted against the 2008 millage override. The millage proposal was not defeated because a group of individuals circulated flyers. Beverly Hills is an educated community where people watch Council meetings, read, and discuss issues. Walsh thought that some positive things would have to happen before people vote for a millage increase.

REPORTS – MANAGER

Wilson reported that work has begun on repaving of 13 Mile Road between Lahser and the west Village limits. It is anticipated that all the paving work will be completed by tomorrow. Traffic will be flowing in that area well before school commences.

Administration continues to work on preparing for enforcement of the recently adopted rental housing ordinance. A list of known rental properties has been compiled this summer and Wilson is preparing a notification letter to owners of rental properties. He intends to present Council with a proposal regarding the fee for inspection service at the September 1, 2009 Council meeting.

Wilson reviewed that there have been previous discussions regarding the Village's participation in the Oakland Narcotics Enforcement Team (NET). Beverly Hills has a contract with the Sheriff's department through Oakland County for participation in this unit; that contract has a 30-day rescind notice. Wilson recalled that he talked to Council previously about continuing this program through September 30, at which point the Village would receive a full allotment of its participation in the program through a percentage of the total forfeiture funds recovered by NET.

Wilson now recommends that Council give serious consideration to opting out of the contract at this time based on decreased staffing levels in the Public Safety Department. The Department is down to a staff of 23 with one person participating in the NET program and another restricted to light duty due to a job related injury. This situation has created staffing problems and has increased overtime costs.

Stearn asked that the Village's participation in the Oakland Narcotics Enforcement Team be an agenda item for the September 1 Council meeting.

Wilson commented that the Nixle program has been working well in terms of providing timely information and news updates to residents who have signed up on for notifications on the Nixle web site. The Village of Beverly Hills office is also using this venue to communicate with residents. Director Woodard outlined the operation of the Nixle service (www.nixle.com).

REPORTS – COUNCIL

Briggs stated that the Birmingham Area Cable Board will meet tomorrow morning, August 19 at 7:45 a.m. in the Council chamber. The regular Parks and Recreation Board meeting will be held on Thursday, August 20 at 7:30 p.m. in Beverly Park.

Mooney commented that he is not pleased that the Village has lost two public safety officers and that Council gave notice to the Baldwin Public Library that it may have to withdraw its contract for library service. He is concerned that the community could lose fire protection from officers who are employed by Beverly Hills. These are realities that have been communicated to the public. People who think the Village should contract with the Oakland County Sheriff's Department to patrol our streets and outsource fire protection are placing this community at serious public safety risk. Mooney affirmed his stance in favor of setting the tax rate sufficiently so that the community is protected. The Village needs \$1/day per household to make sure that Beverly Hills has a fully manned public safety department and to retain the services of Baldwin Public Library.

Peddie reported on a meeting of the Baldwin Library Board held on August 17. She indicated that the Library Board staff is willing to put on a presentation at a Beverly Hills Council meeting.

Peddie related that Library Director Marty Custer announced that she will be leaving her position effective November 30, 2009.

Berndt commented that the people have the right to reject a millage proposal and opt for a community with less police and fire protection. It will be up to the members of the community to determine the future of Beverly Hills.

Oen did not think it was asking too much to restore the millage rate to a level approved by the electorate in 1995. Beverly Hills operates efficiently and frugally and has undergone recent staff reductions. If the Village cannot find a way to fund its operation, it is possible that Beverly Hills could go into receivership. The community needs to come together to maintain the public safety department and keep the library.

Koss remarked that Council is trying to tell the public that the character of the Village will change if residents do not recognize what is going on. Council is doing the best that it can in view of existing revenue and expenses. Contracts are being negotiated diligently. Koss hopes that a majority of the community will stand up and fight for what is ours. This is our home.

Stearn commented on the positive nature of the August 11 Council study session. It was well attended by people who wanted to know what was happening in the community. He thought that it was important to have an open and honest dialog about the financial future of the Village. Stearn proposed that Council consider holding a special meeting every other month at venues located in various sections of the community to make its presentation to neighborhoods and receive input. He asked that members of Council think about the idea of holding town hall meetings.

Motion by Mooney, second by Koss, to adjourn the meeting at 8:31 p.m.

Motion passed (7 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary