

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

Absent: None

Also Present: Manager, Wilson
Assistant Manager, Marshall
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

Sharon Tischler of 21415 Virmar Court questioned an item on the list of bills before Council for approval at the August 18 meeting and was subsequently advised that a \$936.00 invoice from Keaton Publications Group paid for a community profile advertisement in the 2009 Birmingham Bloomfield Lifestyle magazine. She understood that the Manager has the authority to spend up to \$1,000 without Council approval but thought that members failed to do due diligence on Village expenditures. Tischler criticized Council for whining about going broke when it was her opinion that it did not act responsibly in spending its resources. She suggested that Council could have spent that money on agencies that provide service to residents or on community activities. A question from Tischler regarding an item on the current list of bills was addressed by Council member Koss.

Greg Thrasher of Birmingham said that he was disturbed by verbiage used by Council at the last couple of meetings. He thought he detected the use of coded language and a sense of disconnect with surrounding communities including Detroit, Southfield, and Birmingham. Thrasher hoped that the tenor of the conversation would be more progressive because we are all in this together.

Pamela Rijnovean of 32420 Evergreen stated that Council approved a 12-hour shift schedule as a permanent staffing level for the Public Safety Department in 2007. Each officer works an additional 104 hours per year, which adds to the annual paid hours and cost to the Village. Council then voted to hire an officer to participate in the County Narcotics Enforcement Team. The recent elimination of two public safety officer positions brings the public safety staffing level back to what it was in November of 2006 when this Council was seated. Rijnovean thought that this was information that the residents should know.

Stearn clarified that the 12-hour shift is not a permanent staffing decision; it can be revisited. He also noted that the Department was not fully staffed in 2006.

Kathleen Berwick of 31381 Kennoway Court said that there was no need for Council members to belittle homeowners who come to the podium to speak. Everyone is entitled to their own political views.

CONSENT AGENDA

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

- a. Consider approval of minutes of a special Council meeting held August 11, 2009.
- b. Consider approval of minutes of a regular Council meeting held August 18, 2009.
- c. Review and file bills recapped as of Monday, August 31, 2009.
- d. Accept \$300 donation from Detroit Country Day School.
- e. Accept \$100 donation from Birmingham-Beverly Hills Church Softball League for ball field maintenance at Beverly Park.
- f. Review and consider rental inspection fee schedule.
- g. Review and consider contract with MiDeal for 2009/10 annual road salt needs.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER PARTICIPATION IN OAKLAND COUNTY NARCOTICS ENFORCEMENT TEAM (NET)

Before Council for consideration is the Village's continued participation in the Oakland County Narcotics Enforcement Team (NET). The Village has had a Public Safety Officer assigned to the Team for a little over a year. There has been discussion regarding the Village's ability to continue participation in NET because of the strain it is placing on staffing levels. It is Manager Wilson's recommendation at this time that Beverly Hills submit its notice to the Oakland County Sheriff's Department to terminate the Village's participation in the program in 30 days.

Wilson has asked Public Safety Director Woodard to prepare a memo on this matter. Director Woodard advocated a slightly different approach that would have the Village remain in the program through December of this year. Wilson would still recommend that Council utilize its option to opt out of the program and cancel the Agreement upon 30 days notice as provided in the contract.

Motion by Koss, second by Briggs, that the Village of Beverly Hills Council notify the Oakland County Sheriff's Department of its intent to cease participation in the Narcotics Enforcement Team and to authorize the Village Manager to execute such notification pursuant to the Agreement between Oakland County and the Village of Beverly Hills.

It was affirmed that the Department will receive the full allotment for the current county fiscal year if the officer remains in the program through September 30. Disbursements for the full year are based on Oakland County's fiscal year that ends September 30; the disbursement will be made in December of 2009. It was understood that opting out of the program would result in eliminating a function. The officer would return to road patrol assignment with the Department.

Berndt was opposed to reassigning the officer who participates in NET on the basis that it would significantly reduce the level of drug enforcement in the Village. He emphasized that the task force assignment was key in addressing narcotics activity in Beverly Hills and surrounding communities. Berndt discussed the success of the team this past year in terms of addressing drug issues in the community and expressed concern about pulling out of this program.

Koss clarified that the Oakland County Narcotics Enforcement Team serves all Oakland County communities. Enforcement will not cease in Beverly Hills if our officer is withdrawn from the program. Koss related that the Village hired an additional officer for road patrol when an officer was assigned to NET. That position was recently eliminated due to budget constraints. Koss thought that NET was an excellent program that warranted the Village's participation if Beverly Hills had the funds to remain involved. The Village is facing severe revenue shortfalls. Two positions were eliminated from the public safety department, and there is an officer out on disability. Participation in this program is not a luxury that Beverly Hills can afford.

Peddie added that the officer who served with NET last year will bring a wealth of information to the Department. She agreed that it was a great program, but the Village cannot continue its participation at this time.

Mooney said that he was troubled by the concept of pulling out of a consortium that was working to protect the community from narcotics. Sometimes the consolidation of services is important because it provides an invaluable service such as the investigation of narcotics in Oakland County. Mooney mentioned that surrounding cities have lost police officers due to the economy. He commented on the importance of retaining a school liaison officer and a detective position. Mooney agreed with Berndt's comments regarding the importance of participating in NET, but he also believed that Council needs to bring back the officer to patrol the streets.

Greg Thrasher of Birmingham concurred that this was a difficult decision. He expressed the view that the best defense against drugs is the community; there must be a caring and involved community that will report incidents; people must know what is going on with their kids. A community is enhanced when it comes together and recognizes that there are problems with narcotics.

Pam Rijnovean of 32420 Evergreen thought that NET was an excellent program and suggested that the Village may be able to move back into it at some future date. She noted that there are 62 communities in Oakland county; approximately 14 communities have an officer participating in NET.

John McGrath of 16210 Beverly Road referred to the remark made by an individual who said that it was primarily the responsibility of the community to be vigilant against drugs and crime. McGrath questioned whether the Nixle program would be an appropriate means of informing residents as to what they can do to defend against drug problems in the Village.

Stearn stated that it was pointed out that there are 62 communities in Oakland County and only 14 are part of the Narcotics Enforcement Team. Consideration should be given to the 48 communities that are not involved in NET in terms of how many detectives they employ and

how many of their detectives are dedicated to drug enforcement or participate in other task forces. Beverly Hills has only one detective in its bureau to handle all investigations. The Village's participation in NET represented money that was well spent. That is no longer financially feasible. Beverly Hills is facing budgetary constraints because property values keep dropping along with State shared revenue. Stearn would like to retain the Department's participation in NET to fight crime outside of Beverly Hills so it never makes it into the community. However, he will support the motion based on the economic realities.

It was the consensus of the majority of Council members that the assignment of an officer to NET was important and beneficial to the community but that the Village could not afford to remain in the program. Oen commented on the need for residents to keep an eye out for their neighbors and report incidents to the public safety department. Briggs emphasized the need for parents to be vigilant with respect to the activities of their children and their neighbors.

Roll Call Vote:

Stearn	- yes
Berndt	- no
Briggs	- yes
Koss	- yes
Mooney	- yes
Oen	- yes
Peddie	- yes

Motion passed (6 – 1).

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

Berndt reported that a subcommittee of Council met earlier this evening to consider applications 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 William J. Donnelly to an alternate position on the Zoning Board for a term to expire on June 30, 2012.

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

Motion passed (7 – 0).

REVIEW AND CONSIDER AGREEMENT WITH VILLAGE OF BINGHAM FARMS FOR CODE ENFORCEMENT SERVICES

Wilson stated that he was contacted by Kathy Hagaman of Bingham Farms regarding their need for code enforcement services on a limited basis. The Village's code enforcement officer Dan Gosselin has agreed to provide code enforcement service in Bingham Farms on a contractual basis. Both communities approved the rate of \$23.00 per hour, which would cover the Village's fee plus a slight administrative fee.

Council is in receipt of the proposed contract for its review. The agreement would be subject to the approval of the Bingham Farms Village Council. Village Attorney Tom Ryan has reviewed the proposed contract and was in agreement with the form of law.

Wilson addressed questions from Council. It was noted that the contract provides that either municipality may terminate the agreement upon 30 days written notice. Berndt asked if any competitive benchmarking was done before determining the rate for code enforcement services; Wilson responded that there was not.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council approve the Agreement between the Village of Beverly Hills and Bingham Farms for Code Enforcement Services as submitted and authorize the Village Manager to execute said agreement on behalf of the Village of Beverly Hills subject to the approval of the Bingham Farms Village Council.

Roll Call Vote:

Berndt	- no
Briggs	- yes
Koss	- yes
Mooney	- yes
Oen	- yes
Peddie	- yes
Stearn	- yes

Motion passed (6 – 1).

PUBLIC COMMENTS

Kathleen Berwick stated that she is not opposed to the school liaison officer position. She did not agree with the funding of that position, which should be the responsibility of the Birmingham Public Schools. She contends that Beverly Hills residents are paying an unfair amount.

REPORTS – MANAGER

Wilson reported on the status of the Village’s annual audit by Plante Moran. It is anticipated that the 2008/2009 audit report will be presented to Council at its October 20, 2009 meeting.

Wilson related data on the Village’s recycling efforts from the Southeast Oakland County Resource Recovery Authority (SOCRRA) annual report. The Village received \$60,877 from SOCRRA for its recycling materials, or \$15.14 per household. The per household amount is the second highest among all participating municipalities. Beverly Hills has been successful in its efforts to increase participation in its recycling program; residents are to be commended. There will be another recycling bin sale in November to promote and increase the recycling effort.

The Planning Board will conduct a public hearing on October 28th regarding proposed rezoning for a portion of the Village west of Southfield Road. The Planning Board will set the public hearing date at its September meeting and hold the hearing in October at Beverly Elementary School.

Wilson referred to a comment made earlier in the meeting that he authorized a bill of over \$900 for a full-page advertisement in the Birmingham-Bloomfield Lifestyle publication. The ad was written at no charge to the Village by an intern working for the Village, Daniel Mooney. Wilson wanted to support the Chamber as is done by other communities in the area. He believed that this advertisement was a positive development.

Mooney remarked that the article was well written by the editor of the Groves High School Scriptor. He noted that business people who live in Oakland County often read the Birmingham-Bloomfield Lifestyle, which is a premier source of area information. The advertisement is designed to show off the Village and send a message to people who might want to relocate in our community. Mooney read the article.

Koss stated that resident Bob Walsh came forward during the public comment portion of the August 18 Council meeting with a question regarding information communicated to the public at the Special Council meeting of August 11. Mr. Walsh subsequently spoke with the Village Finance Director about his concerns. Koss asked that Wilson comment on the issues raised by Mr. Walsh.

Wilson explained that he was discussing general fund operations and the Village's fiscal difficulties. The information he presented to people about their tax bills dealt not only with their general fund tax rate but also with funding for dedicated millages that were voter approved. Some of that dedicated millage will be ending and will have a dramatic impact on their tax bill. Wilson said that it was a matter of taking complex data and breaking it down to one graph for display purposes. That particular graph dealt with the overall tax bill to show homeowners the effect of that millage dropping off at the end of next year. The amount they will be paying to the Village will be declining.

Briggs said that he had requested that Council receive monthly revenue and expense reports. He asked several questions on specific items addressed in the financial statements, which were addressed by the Manager. Wilson indicated that he would check with Wiszowaty on a couple of the items raised by Briggs.

Stearn proposed that Wilson make the suggestion at the next SOCRRA meeting that they initiate a community-wide competition to determine which municipality can do the most recycling over a period of time.

Stearn commented on the Village's advertisement in the Birmingham-Bloomfield Chamber's Membership Directory. Beverly Hills has a budget of over \$13 million. There may be an expenditure that someone does not agree with, but it comes down to placing priorities. Former Council President Elaine Kennedy used to say that Beverly Hills competes with other communities in the area. It is Council's job to attract young, affluent families to the community to buy our homes, attend our schools, and keep our property values high. Council hears comparisons with other communities from the audience regularly. Of the four largest communities in the Birmingham-Bloomfield area, three of four took out ads in the Chamber magazine. It is a way for Beverly Hills to stay competitive in the area. He applauded Mr. Wilson for placing this article in the Chamber publication.

REPORTS – COUNCIL

Briggs reported on the August Parks and Recreation Board meeting. Bill Kondak was elected as chairperson and Jim O'Reilly was elected as vice-chairperson. Briggs thanked Detroit Country Day School and the Birmingham-Beverly Hills Church Softball League for their donations to the park.

Briggs attended the August Birmingham Area Cable Board meeting. He mentioned that there were a large number of subscriber complaints in the last month related to confusion about Comcast's digital enhancement program. Briggs urged subscribers to contact the Cable Board if they are not satisfied with customer service or the resolution of their particular problem by their television provider. Residents can file a complaint on the Board's website (www.birminghamareacableboard.org) or by calling the Board's Executive Director at (248) 336-9445.

Peddie stated that representatives of the Baldwin Library Board will make a presentation to Council at its September 15 meeting.

Oen stated that the Planning Board will meet on Wednesday, September 23 and set a public hearing date of October 28, 2009 on the west side rezoning proposal. He urged residents to watch over the community and report questionable activity to the public safety department. Oen was encouraged by the recycling efforts of the community.

Mooney expressed his appreciation of the leadership of Todd Stearn. He commented that he is proud of Dan Mooney, who wrote a heartfelt and eloquent statement about why he likes this town. Dan is a 17 year-old student at Groves High School, who has volunteered as an unpaid intern for the Village.

Mooney remarked that it was suggested at this meeting that Council was whining about not having enough money for public safety operations. Mooney responded that he is not whining about the fact that the Village cut two public safety officers and will reduce staffing further if a millage is not passed. He mentioned other reductions in personnel that have occurred. Mooney said that he was sounding the alarm and trying to suggest that there are solutions to the financial problems that face Beverly Hills and every other community. Council is trying to protect the community.

Berndt thanked the Manager for publishing the article about Beverly Hills in the Birmingham-Bloomfield Chamber's publication. Berndt remarked that voters have the opportunity to decide whether they agree with Council members at every election. If a large number of people elect Council members to represent them, they probably agree with their judgment. However, Berndt did not wish to discourage anyone from voicing their opinion or disagreeing with Council.

Koss thanked Daniel Mooney for writing the article about Beverly Hills for the Chamber publication. She appreciated the fact that he volunteered his time to the community this summer.

Koss commented that it is the residents of Beverly Hills who make the decisions as to what happens in the community by the way that they vote. The voters decide who to elect to sit on

Council and how much money they are willing to spend. It is Council's job to inform the public about decreasing revenue and increasing costs. Council must work within its means and make the best decisions possible on behalf of the community to provide the level of services they expect. This Council is doing the best job that it can to provide services and retain the character of our community.

Stearn thanked Dan Mooney on doing a good job on the article about Beverly Hills.

Motion by Mooney, second by Berndt, to adjourn the meeting at 9:13 p.m.

Motion passed (7 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary