

Present: President Stearn; Members: Berndt, Briggs, Mooney, Oen and Peddie

Absent: Koss

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

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 Berndt, second by Oen, to amend the agenda by adding item Ba, “Comments from Cable Board Representatives”.

Motion passed (6 – 0).

CONSENT AGENDA

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

- a. Review/consider approval of minutes of regular Council meeting held Oct. 20, 2009.
- b. Review and file bills recapped as of Monday, October 26, 2009.

Motion passed (6 – 0).

BUSINESS AGENDA

COMMENTS FROM CABLE BOARD REPRESENTATIVES

Bob Borgon, Executive Director of the Birmingham Area Cable Board, stated that Council has been provided with the Cable Board Annual Report for fiscal year 2008/2009. He and chairperson Elaine McLain were present to answer questions from Council on the document.

McLain addressed complications experienced by a Bloomfield Community Television staff member at the October 20, 2009 Beverly Hills Council meeting, which resulted in a 25-minute delay in web streaming the meeting. McLain affirmed that the live meeting was aired in its entirety and was rebroadcast on municipal channel 15 at the scheduled times. BCTV has apologized for the error and has purchased a software program that will assure a seamless web streaming process.

McLain spoke about competition from television service providers. She referred to a link on the Cable Board website with information on cable deregulation and the effect of Public Act 480 of 2006 on the communities and on competition.

PUBLIC HEARING FOR PROGRAM YEAR 2010 COMMUNITY DEVELOPMENT BLOCK GRANT

Wilson stated that Beverly Hills has participated in the federally funded Community Development Block Grant (CDBG) program for over 25 years. The program is administered through Oakland County’s Community & Home Improvement Division. The yearly allocation is

based on a formula that applies several objective measures of community needs including the extent of poverty, population, housing overcrowding, age of housing and population growth lag in relationship to other metropolitan areas.

The Village's estimated allocation for Program Year 2010 is \$17,514. Council is being asked to consider allocating these funds for minor home repair services for use by low to moderate income senior citizens, yard services for senior citizens, planning consultant services related to village-wide planning activities, and for battered and abused spouse shelter and counseling. The Village contracts with the Birmingham Area Senior Coordinating Council (BASCC) to administer funds set aside for the minor home repair and yard services programs.

President Stearn opened the public hearing at 7:40 p.m. for comments on the Village's application for participation in the 2010 Community Development Block Grant program. No one wished to be heard; the public hearing was closed at 7:41 p.m.

REVIEW AND CONSIDER PROGRAM YEAR 2010 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Motion by Mooney, second by Oen, to adopt the following resolution:

Whereas, the Village of Beverly Hills has duly advertised a public hearing for the purpose of receiving public comments regarding the proposed use of PY 2010 Community Development Block Grant funds (CDBG) in the approximate amount of \$17,514 and;

Whereas, a public hearing to receive public comments regarding the proposed use of PY 2010 Community Development Block Grant was held on Tuesday, November 3, 2009;

Now, Therefore Be It Resolved, that at a regular meeting of the Village of Beverly Hills Council held on November 3, 2009 at the Village municipal offices, 18500 W. 13 Mile Road, Beverly Hills, MI 48025, the Council approved the PY 2010 Community Development Block Grant Application in the approximate amount of \$17,514 and authorized the Council President to sign and submit the application as follows:

Account	Project Name	Amount
172160-730137	Public Services (Battered & Abused)	\$2,500.00
172160-732170	Public Services (Yard Services)	2,754.00
172170-731227	Minor Home Repair	8,757.00
172150-731360	Planning Services	3,503.00

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

REVIEW AND CONSIDER REQUEST FROM THE AMERICAN CANCER SOCIETY TO HOLD A 24 HOUR EVENT AT BEVERLY PARK JUNE 12-13, 2010

The American Cancer Society has contacted the Village regarding the use of Beverly Park next summer as a location for its third Annual Relay for Life. They propose using the northeastern portion of the park including the path through the woods to host the 24-hour event. Participants would arrive at the park on Saturday, June 12 to walk continuously in honor of cancer patients,

survivors and loved ones until Sunday, June 13. The American Cancer Society will provide the necessary facilities for the event as well as cleanup, rubbish removal and required insurance.

JoAnn Buesser, community representative for the American Cancer Society, brought handouts describing the event.

Motion by Briggs, second by Oen, that the Beverly Hills Village Council authorize Village Administration to coordinate with the American Cancer Society to hold its third Annual Relay for Life at Beverly Park on Saturday and Sunday, June 12-13, 2010. Park hours will be waived for this event for the reason that some participants will camp overnight at the park. The American Cancer Society will provide tents, porta-potties, entertainment, insurance, clean-up and removal of all rubbish.

Hildreth Buterbaugh on Dunblaine encouraged community support of this event.

Roll call vote
Motion passed (6 – 0).

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 11 RETIREE HEALTH CARE BENEFITS PLAN AND TRUSTS SECTION 3, SUBSECTION “e” TRUSTEE

Tom Ryan reviewed the proposed ordinance amending Chapter 11 of the Municipal Code whereby the Board of Trustees of the Village of Beverly Hills Public Safety Retirement System will be designated as the trustees of the Retiree Health Care Fund. Currently, the ordinance states that the Village Treasurer is the trustee. There will be a second reading of this proposed ordinance amendment at the next Council meeting.

REVIEW AND CONSIDER AWARDED CONTRACT FOR HEATING, VENTILATION AND AIR CONDITIONING (HVAC) SYSTEM FOR PUBLIC SAFETY BUILDING

The General Fund budget allows for the Department to expend money to maintain the Public Safety building. One of the associated costs has involved a contract for the maintenance of the building heating, ventilation, and air conditioning (HVAC). The last set of original bids and award was processed in 2007. Commercial Climate Controls Corporation (CCCC) of Royal Oak holds the current contract after extending for a second year with no increase for 2008/09. Commercial Climate Controls has proposed a third year extension of the current contract based on their knowledge of the building's equipment; the contract for the 2009/10 season reflects a cost reduction of \$270, from \$3,330 to \$3,060. The preventative maintenance schedule specified includes quarterly inspections with filter replacements, an annual condenser coil cleaning, and boiler certification for the State of Michigan.

Resolved by Mooney, second by Peddie, that the Village of Beverly Hills Council award the contract for HVAC maintenance services to Commercial Climate Controls Corporation of Royal Oak in the amount of \$3,060. Funds are available for this contract in Account #101-345-934; R&M Building and Grounds.

Questions from Council were addressed by Director Woodard.

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

PUBLIC COMMENTS

Hildreth Buterbaugh on Dunblaine commented on the Planning Board meeting held at Beverly School on Wednesday, October 28, 2009. The purpose of the meeting was to conduct a public hearing to discuss proposed rezoning of property west of Southfield Road. Referring to the presentation made by the planning consultant, Buterbaugh related his views on the zoning changes and how they would effect his property.

Patricia Greening on Riverside thanked everyone who helped with the Halloween Hoot last Sunday, particularly the 69 students and scouts that assisted with the event. Eleven neighborhood associations provided kiosks along the trail in the park. Everyone had a good time.

Oakland County Commissioner Marcia Gershenson provided an update on the H1N1 vaccine. There will be a clinic on Thursday, November 5 at the Palace of Auburn Hills from 2 pm to 8 pm. Pre-registration is available online at www.oakgov.com/health. Walk-ins are welcome. Gershenson reminded everyone that the target population to receive the vaccine is pregnant women, children and young adults 6 months to 24 years old, caregivers for children under 6 months, adults 25-64 with underlying medical conditions, health care and EMS providers.

The next distribution point will be school districts that have over 10,000 students. The Birmingham School District meets that criteria. Vaccines will be given after school and on Saturdays. There will also be one clinic in each quadrant of the County, with the closest location to Beverly Hills being Royal Oak or Novi. Gershenson reminded residents that the vaccine is free. The Oakland County website provides up-to-date information.

Gershenson informed residents of a program called MICHild, a health insurance program for uninsured children whose parents are both working. Flyers with information on this program will be available at the Clerk's office.

Kathleen Berwick of Kennoway Court proposed that any Village requests for grant money should be written for restoration of the Erity Dam. Her concern is not only with Erity Dam but about preserving Riverside Park, Hidden Rivers, and Douglas Evans nature preserve.

Bob Walsh on Smallwood inquired about two bills approved earlier in the meeting. Wilson offered to review the bills in question with Mr. Walsh following the Council meeting. Walsh questioned an invoice from a law firm, noting that he could not locate a record of Council approving the bill.

Wilson responded that Tomkiw Dalton is a Royal Oak law firm not only representing Beverly Hills but other communities within the Evergreen Farmington district in regard to issues with intended implementation of sewer based billing in the Evergreen Farmington system. That bill represented an agreement between three communities within the district to retain legal service. Council approved the expense in a closed session to discuss pending litigation.

REPORTS – MANAGER

Wilson commented on the Planning Board public hearing of Wednesday, October 28. He invited Mr. Buterbaugh or any other residents with concerns to contact him to receive an explanation of the intent and impact of the proposed rezoning on the west side of Southfield Road. The Planning Board will meet again to discuss the rezoning proposal on Wednesday, December 9 at the municipal building. This date was established because the next two regularly scheduled Board meetings fell on the day before Thanksgiving and the day before Christmas Eve.

Members of the Public Safety Department and Village Administration participated in a one-day workshop earlier this week to allow Public Safety Officers to provide their professional input on how to best provide services in the face of declining revenues. Wilson thanked the individuals who participated in this positive meeting; it initiated a good line of communication.

Wilson announced that the Village office is having another recycling bin blitz during the month of November at which time recycling bins regularly priced at \$11.19 will sell for \$6. This program is an attempt to encourage recycling in the community; recycling has a significant economic impact on the Village.

In answer to inquiries from Mooney, Wilson affirmed that the Village did not submit an application for a grant to replace, repair, or remove the Erity Dam. He mentioned that this issue has brought about an awareness that the dam will need repairs at some point. Wilson expressed hope that Village administration will be able to engage residents who have concerns in a positive manner in the future.

At Stearn's request, Wilson provided a brief update on negotiations of Public Safety union contracts ending on December 31, 2009. The Public Safety Department is represented by three unions - command officers, public safety officers, and dispatchers. Two of the unions decided to pursue a change in representation. This process involves filing a petition with the Michigan Employment Relations Commission and participating in scheduled elections. There will be a benefit in all three of the negotiating bodies being represented by one union. The downside is that the negotiations will not be completed by December 31 due to holding and certifying the elections. Wilson said that the change in representation would be positive for the Village in the long term with respect to labor negotiations.

REPORTS – COUNCIL

Briggs informed Council that the Birmingham Area Cable Board will engage in a long-term strategic planning session tomorrow, November 4, at Intellitrends Market Research in Clarkston. Information on this session is posted on the Cable Board's website.

Peddie reported on a Caregiver Fair sponsored by the Area Agency on Aging on October 24 at the Rock Showplace in Novi. The event provided a great resource for caregivers or anyone with special needs.

Oen regretfully announced the loss of one of his neighbors, Larry Webber. Oen remarked that Larry and his family truly appreciated the service provided by the Public Safety Department during his illness.

Oen mentioned the Planning Board public hearing held on October 28. Oen reiterated that he and Chris Wilson are available to discuss the rezoning proposal with any residents who have questions and concerns. The intent of the zoning change is to reduce the number of nonconforming lots in the area west of Southfield Road so that existing homes and property will more closely meet the ordinance requirements. The Planning Board will meet again on December 9.

Mooney asserted that Pat Greening has done an outstanding job of organizing the Halloween Hoot for many years. This year's event was extraordinary. It was a well done, well supported and well attended event that brought our community together. Mooney gave special thanks to Rosanne Koss, Pat Greening and Janet Mooney for the hard work they performed planning and executing the Halloween Hoot along with the many other people involved in supporting this event.

Council will hold a study session on Tuesday, November 10 to discuss Village finances. Mooney would like to talk about how Council can reach out and communicate with people in the community.

Berndt commented on the success of the well attended Halloween Hoot. He thanked Public Safety Officers Danielson and VanHorn and their volunteers for putting on a Public Safety display at the event.

Berndt talked about the incomplete information circulated recently relative to the Erity Dam issue. He also addressed the need for residents to understand the intent of the proposed rezoning of property on the west side of Southfield Road.

Stearn thanked everyone involved in the Halloween Hoot this year; it was a fantastic event. He thanked Director Woodard for his report to Council. Finance Director Wiszowaty and Administration were thanked for preparing budget details requested by Council. Stearn reminded everyone of the Council study session scheduled for Tuesday, November 10 at 6:30 p.m. in the Council chamber.

Motion by Mooney, second by Oen, to go into closed session at 8:42 p.m. to discuss pending litigation.

Motion passed (6 – 0).

Motion by Mooney, second by Oen, to return to open session.

Motion passed (6 – 0).

Motion by Mooney, second by Peddie, to adjourn the meeting at 9:08 p.m.

Motion passed (6 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary