

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

Absent: None

Also Present: Village 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 Oen, second by Peddie, to approve the agenda as published.

Motion passed (7 – 0).

COMMUNITY ANNOUNCEMENTS

None

CONSENT AGENDA

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

- a. Review/consider approval of minutes of regular Council meeting held Nov. 3, 2009.
- b. Review and file bills recapped as of Monday, November 9, 2009.

Motion passed (7 – 0).

BUSINESS AGENDA

SECOND READING AND POSSIBLE ADOPTION OF ORDINANCE #333 AMENDING CHAPTER 11 RETIREE HEALTH CARE BENEFITS PLAN AND TRUSTS, SECTION 3, SUBSECTION “E” TRUSTEE

Attorney Tom Ryan stated that proposed Ordinance No. 333 will amend Chapter 11, Section 3 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. The Village Treasurer is currently the trustee of that fund. Ryan summarized each section of the proposed ordinance.

Motion by Berndt, second by Oen, that the Village of Beverly Hills Council adopt Ordinance No. 333, an Ordinance to Amend Chapter 11, Section 3 of the Village of Beverly Hills Municipal Code – Retiree Health Care Benefits Plan and Trusts.

Roll Call Vote:

Motion passed (7 – 0).

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 5 (STREETS) OF THE MUNICIPAL CODE TO ADD A SECTION REGARDING SNOW EMERGENCY

Manager Wilson stated that he has been working with Director Woodard and Public Services Director Meszler to prepare a snow emergency ordinance. There have been times in past winters when plowing the roads has been difficult due to vehicles parked on the street, particularly on the east side of the Village. It is proposed that the Public Safety Director be authorized to declare a snow emergency when the snowfall is such that it is deemed necessary. This will require that vehicles be removed from the street right-of-way for a specified period of time in order to allow the roads to be plowed. It will result in a more timely and thorough removal of snow from all Village streets.

Attorney Ryan conducted a first reading of Proposed Ordinance No. 334, An Ordinance to Amend Chapter 5 by adding Section 5.07 of the Village of Beverly Hills Municipal Code relating to Declaration of Snow Emergency. The purpose of this policy is to provide a procedure requiring vehicles to be removed from Village streets in the event of a snow storm as declared by the Village Public Safety Director or his/her designee. The Ordinance further states: “No person shall park or allow to remain parked any vehicle on any portion of any roadway within the Village of Beverly Hills during a snow emergency, or park or allow to remain parked any vehicle in violation of any parking restriction instituted as part of a declared snow emergency as provided in this section. The registered owner of any such vehicle shall be responsible for the cost of removal.”

Ryan summarized each of the sections contained in the ordinance: Definitions, Procedure for declaration of, Notice, Record, Enforcement, Stalled Vehicle, Termination, Exemptions, Relationship to other laws, and Penalty. There is a Savings Clause, Repealer, Penalties Clause and Effective Date paragraph.

Berndt remarked that this ordinance is needed so that the streets can be cleared after a severe storm. In previous years, snow plows came out repeated times to clear the snow when there were vehicles parked on narrow streets. The Village does not have the funds to plow multiple times.

Oen suggested that the Nixle community information service be used to notify residents when a snow emergency is declared. Director Woodard said that a snow emergency would be communicated through Nixle and other means. Many communities inform local news stations, which then display the information on a crawler dedicated to presenting snow emergencies and school closings.

Stearn expressed concern about the adequacy of the notice provided to residents and whether residents would have enough time to move their vehicle off the street.

Ryan stated that many communities have a snow emergency ordinance. Beverly Hills citizens could be informed through the Villager newsletter, website, and local news media that they should move their cars off the street when there is more than four inches of snowfall. There will be a second reading of this proposed ordinance at the next meeting.

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 1 GENERAL PROVISIONS OF THE MUNICIPAL CODE TO ADD A SECTION REGARDING COST RECOVERY

The Department of Public Safety is a member of the Oakland County Mutual Aid Association. This organization exists for the purpose of assisting all participating firefighting organizations in the county to maximize personnel and equipment resources. The organization has drafted a model Cost Recovery Ordinance for consideration and adoption of each member agency.

Director Woodard explained that the purpose of the ordinance is to standardize the invoicing of any third party entity that contributes to an emergency response and that expends a great deal of public safety resources in terms of fire or EMS. A billed third party might be a public utility company or a specific commercial property owner or transportation owner/operator. Woodard referred to recent restrictions related to hazardous material court documents and decisions, noting that this ordinance would help to regain some of the cost for mitigation in the event of a significant hazardous material incident in the Village. The ordinance would not apply to residents or visitors to the Village who require routine emergency or firefighting services.

The draft ordinance included committee input from several Oakland County CVT legal counsels. Village Attorney Ryan has reviewed the ordinance language for its application to the Public Safety Department and the Village.

Ryan conducted the first reading of proposed Ordinance No. 335, An Ordinance to Amend the Village of Beverly Hills Municipal Code to Add Section 1.06.2 to Provide for the Collection of Fees for Emergency Medical and Fire Services, Pursuant to MCL 41.806a. The Ordinance shall be known as the “Emergency Service Cost Recovery Ordinance”. The Ordinance is created to ensure that the Village of Beverly Hills shall, to the extent permitted by law, recover the costs of an emergency response from the responsible party. Ryan summarized each section and subsection of the proposed ordinance. He remarked that more courts are acknowledging the recouping of these costs if the municipality has enabling legislation to show a basis for recovering such costs.

Questions from Council were addressed by Ryan. There will be a second reading of this proposed ordinance at the next regular Council meeting.

REVIEW AND CONSIDER REQUEST TO SEEK BIDS FOR 2009 LOCAL SEWER IMPROVEMENTS AND REHABILITATION PROGRAM

Wilson stated that the consulting engineering firm of Hubbell, Roth & Clark identified and prioritized local sewer system repairs and improvements to be undertaken as part of the sewer infrastructure work that included replacement of large relief sewers with dedicated millage funds. Plans and specifications are complete to take bids for local sewer improvements and rehabilitation at the following locations: Arlington, Amherst, 14 Mile Road, Locherbie, Pierce, Beverly, Riverside, Devonshire, Beaconsfield, Medford and Old Stage.

This project will be funded by the dedicated millage for infrastructure which has a current balance of \$2,457,532. The engineers estimate the total cost of this work at \$735,000.

Motion by Briggs, second by Mooney, that the Village of Beverly Hills Council authorize administration to take bids for the 2009 Local Sewer Improvements and Rehabilitation Program.

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

PUBLIC COMMENTS

None

REPORTS – MANAGER

Wilson stated that he and Finance Director Wiszowaty will be working on the FY 2010/11 budget in the coming weeks. Budget preparation will begin earlier than usual given the significant challenges facing the Village.

The Village's recycling bin blitz will continue throughout the month of November. Recycling bins will be available to purchase for \$6 in lieu of the regular \$11.19 cost. Wilson reminded residents that recycling has a significant economic impact on the Village. Beverly Hills' recycling efforts are second only to the City of Huntington Woods.

Oakland County Executive Brooks Patterson announced that he will hold a summit in December to discuss the impact of the massive decline in residential property values in the County and the even more precipitous decline in commercial and industrial property. Wilson will advise Council when a date is set for this summit.

REPORTS – COUNCIL

Briggs responded to a letter published in Sunday's Eccentric Newspaper from a Beverly Hills resident who is also a member of a Village Board. Briggs addressed and clarified a number of misstatements made by this individual relative to the presentation given at last week's Council study session. Council is making an effort to educate the community on the financial conditions facing Beverly Hills. It is asking for help and input to continue to maintain the current level of services. Members of Council are committed to the success and wellbeing of this community and would appreciate constructive comments and suggestions from the public.

Other Council members voiced their frustration with the lack of understanding and the misconceptions contained in the letter published in the Eccentric. President Stearn proposed that the Village Manager and Finance Director deliver their PowerPoint presentation to all Village Boards so that their members would have an understanding of what is going on in the community. Stearn extended the invitation to Southfield Township to have Village administration deliver the presentation at a Township Board meeting for the reason that Beverly Hills represents a large portion of the Township.

Mooney announced that resident Ben Goddard, Scout in Troop 1024, will be awarded the rank of Eagle Scout on Friday, November 19 at Beverly School. Mooney congratulated Ben Goddard on his award and commended him for his contributions to the community.

Oen announced that the regularly scheduled Planning Board meeting for November has been canceled. The Planning Board will meet next on Wednesday, December 9 to discuss the proposed rezoning for property on the west side of Southfield Road.

Stearn congratulated the newly elected Birmingham Council members and Baldwin Library Board members.

Motion by Mooney, second by Koss, to go into closed session at 8:33 p.m. to discuss pending litigation.

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

Motion by Mooney, second by Oen, to return to open session at 8:46 p.m.
Motion passed (7 – 0).

Briggs informed the community that Birmingham Public Schools has arranged a meeting with local legislators to discuss the financial problems they are facing on Monday, November 21 at 7 p.m. at Groves High School auditorium. This will be an opportunity to talk to our legislators about the challenges the community is facing and what Lansing is doing about it.

Motion by Oen, second by Mooney, to adjourn the meeting at 8:48 p.m.

Motion passed (6 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary