

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

Absent: Mercer

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

President Stearn called the regular Council meeting to order at 6:33 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

Motion by Mooney, second by Oen, to adjourn to closed session to discuss attorney-client communication.

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

Motion by Mooney, second by Oen, to adjourn the closed session at 7:15 p.m. and call for a 15 minute recess.

Motion passed (6 – 0).

President Stearn reconvened the regular Council meeting at 7:30 p.m. Boy Scout Scott Cusmano from Troop 1029 led the audience in the Pledge of Allegiance.

ADDITIONS TO AGENDA/APPROVE AGENDA

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

Motion passed (6– 0).

COMMUNITY ANNOUNCEMENTS

Kathy Kiste, government and customer relations manager for Wide Open West, updated Council on the construction of cable, Internet and phone networks in Beverly Hills. Fiber is currently being constructed from their main distribution center in Troy going into the Village. Doors are being tagged in areas where WOW is working, and the underground crew is placing flags in yards to mark utilities. Kiste asked residents to leave the flags in place; they will be removed by the crew when their work is completed.

Beverly Hills residents received letters on June 23 informing them that WOW service is coming to their neighborhoods. It will take three to four months to install the network throughout the Village. The network will be activated and sold on a street-by-street basis from east to west. Residents will be contacted via mail or by a door-to-door representative when service is available to them. People can access the WOW website to learn more about the company and services offered (www.wowway.com/comingsoon).

Bill Kondak of 31269 Churchill, chair of the Parks and Recreation Board, reminded residents of an upcoming event in Beverly Park called “Picnic in the Park” to be held on Wednesday, July 21 from 5:30-10:00 p.m. This will be a free event where families can come to the park pavilion with their picnic dinners and socialize with their neighbors. Oakland County Parks and Recreation will provide its Mobile Recreation Unit called, “Old School Playground Program” from 6:00-7:30 p.m.

CONSENT AGENDA

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

- a. Review/consider approval of regular Council meeting minutes held June 15, 2010.
- b. Review/consider approval of joint Council/Parks & Recreation Board meeting minutes held June 17, 2010.
- c. Review/consider approval of special Council meeting minutes held June 21, 2010.
- d. Review/consider approval of special Council meeting minutes held June 28, 2010.
- e. Review and file bills recapped as of Monday, June 21, 2010.
- f. Review and file bills recapped as of Tuesday, July 6, 2010.

Motion passed (6 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER SITE PLAN APPROVAL ON A REQUEST FROM DETROIT COUNTRY DAY SCHOOL FOR CONSTRUCTION OF A FIELD HOUSE, 13 MILE ROAD CAMPUS GYM AND NORTH ENTRANCE CORRIDOR

Stearn reviewed that the proposal from Detroit Country Day School was discussed at the June 15, 2010 Council meeting. A Council motion on the request for site plan approval failed for lack of a second. It was recommended by the Village Attorney that Council place this item on the agenda for a vote. Stearn did not ask for public comments.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council approve the site plan request from Detroit Country Day School for construction of a Field House, 13 Mile Road Campus Gym and North Entrance Corridor.

Stearn commented that he will vote against this motion for the reasons stated on the record of the June 15, 2010 Council meeting.

Roll Call Vote:

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

Motion passed (5 – 1).

REVIEW AND CONSIDER SPECIAL LAND USE APPROVAL ON A REQUEST FROM DETROIT COUNTRY DAY SCHOOL FOR CONSTRUCTION OF A FIELD HOUSE, 13 MILE ROAD CAMPUS GYM AND NORTH ENTRANCE CORRIDOR

This item was on the published agenda of the June 15, 2010 Council meeting. Action was not taken at that meeting.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council approve the Special Land Use request from Detroit Country Day School for construction of a Field House, 13 Mile Road Campus Gym and North Entrance Corridor with the following requirements:

- 1) Detroit Country Day School will be invoiced for any Beverly Hills Public Safety Department traffic control if requested by the School or necessitated because of Detroit Country Day activities;
- 2) The Field House as represented by Detroit Country Day School will remain as a practice facility only;
- 3) Detroit Country Day School will make further efforts to use the Lahser Road exit from School property and will submit evidence of its efforts to use that exit to Council or Administration.

Stearn stated that he will not support this motion for reasons stated on the record of the June 15, 2010 Council meeting. He hoped that Detroit Country Day School would make a more magnanimous effort at being a good neighbor to Beverly Hills.

Roll Call Vote:

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

Motion passed (5 – 1).

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

Oen reported that a subcommittee consisting of himself, Peddie and Stearn met at 7:15 p.m. this evening to review three applications for a seat on the Zoning Board of Appeals in order to fill a vacancy created by the appointment of Tim Mercer to the Village Council. All candidates were very qualified. Oen thanked the individuals for seeking a position on a Village Board. The subcommittee recommended the appointment of Amru Meah to the Zoning Board for a term to expire on June 30, 2012.

Motion by Oen, second by Peddie, that the Village of Beverly Hills Council appoint Amru Meah to the Zoning Board of Appeals for a term to expire on June 30, 2012.

Ayes: Briggs, Koss, Mooney, Oen, Peddie

Nays: Stearn

Motion passed (5 – 1).

REVIEW AND CONSIDER RESOLUTION PROCLAIMING JULY AS NATIONAL RECREATION AND PARKS MONTH

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

**Village of Beverly Hills Resolution
National Recreation and Parks Month**

Whereas, Parks, recreation activities, and leisure experiences provide opportunities for young people to live, grow, and develop into contributing members of society, and

Whereas, parks and recreation creates lifelines and continued life experiences for Older members of our community, and

Whereas, generating opportunities for people to come together and experience a sense of community through fun recreational pursuits, and

Whereas, park and recreation agencies provide outlets for physical activities, socializations, and stress reducing experiences, and

Whereas, parks, playgrounds, nature trails, open spaces, community and cultural centers, and historic sites make communities attractive and desirable places to live, work, play, and visit, in a manner that contributes to our ongoing economic vitality, and

Whereas, parks, Greenways, and open spaces provide a welcome respite from our fast paced, high-tech lifestyles while simultaneously protecting and preserving our natural environment and,

Whereas, parks and recreation agencies touch the lives of individuals, families, groups, and the entire community, which positively impacts upon the social, economic, health and environmental quality of our community,

Now, Therefore, Be It Resolved, that we proclaim July as Recreation and Parks Month, and encourage all citizens to celebrate healthy, active lifestyles by participating in their choice of recreation and park activities.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER RESOLUTION APPOINTING DELEGATES TO THE MICHIGAN EMPLOYEES' RETIREMENT SYSTEM ANNUAL MEETING

Motion by Briggs, second by Oen, that the Village of Beverly Hills Council appoint Robert Wiszowaty as the officer delegate and Ellen Marshall as the officer alternate representing Beverly Hills and Theresa Knoll as the employee delegate with Kathryn Rollins as the alternate employee delegate to attend the Annual Meeting of the Michigan Employees' Retirement System to be held September 15-17, 2010 in Kalamazoo.

Roll Call Vote:

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

Motion passed (5 – 1).

FOURTH ANNOUNCEMENT OF A VACANCY ON THE FINANCE AD-HOC COMMITTEE

Paul Kleppert's term on the Finance Ad-Hoc Committee expired on June 30, 2010 resulting in a vacancy on that committee. Stearn made the fourth announcement of a vacancy on the Finance Committee. The Finance Committee is a group of resident volunteers who will be called upon periodically to investigate and provide recommendations regarding community finances at the direction of the Village Council. Interested individuals with financial expertise were invited to submit an application for this position. Applications may be obtained at the Village office or online at www.villagebeverlyhills.com.

FIRST ANNOUNCEMENT OF VACANCY FOR ALTERNATE POSITION ON THE ZONING BOARD OF APPEALS

The appointment of Bill Donnelly to serve as a full member of the Zoning Board created a vacancy for one alternate position on that Board. The Village has two alternate Zoning Board member positions. An alternate member may be called to serve as a member of the Zoning Board of Appeals in the absence of a regular member. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the regular member has abstained due to a conflict of interest. The alternate member appointed shall serve on the case until a final decision is made. An alternate member has the same voting rights as a regular member while serving on the Zoning Board of Appeals.

Wilson made a first announcement of the alternate position on the Zoning Board of Appeals for a term to expire on June 30, 2012. The deadline for receiving applications is Wednesday, July 28, 2010 at 4:30 p.m. A second announcement of the vacancy will be made at the July 20 Council meeting. A Zoning Board subcommittee will meet on Tuesday, August 3, 2010 at 7:15 p.m. to review applications and make a recommendation to Council on the appointment.

PUBLIC COMMENTS

None

REPORTS – MANAGER

Wilson stated that he provided Council with a report on PA 312 Reform, which provides for binding arbitration for police and fire personnel. He gave special thanks to Senator Bruce Patterson, Representative Doug Geiss from Taylor, Representative Tom McMillan from Rochester Hills, and Representative Timothy Bledsoe from Grosse Pointe for their support of reform for PA 312. Wilson hopes that there will be more success on this reform in the future with the Michigan Municipal League working diligently on behalf of local communities to include amendments to this legislation that would make local ability to pay a consideration in the issuance of PA 312 arbitration awards.

Wilson gave special commendation and recognition to Public Safety Officer Mike Miles for his extraordinary action during an incident last week that was handled with extreme professionalism and care. He expressed pride in Officer Miles' efforts in addressing a situation that very few people would be able to handle with such courage and distinction. Wilson was happy to have PSO Miles serving this community.

Director Woodard described the incident in question involving an individual who was making threats to family members with a knife. Officer Miles was charged with the knife in a threatening manner but was able to engage the individual with a taser stun gun while the knife passed within inches of him. This case was presented to the Oakland County Prosecutor and a warrant was issued for assault with great bodily harm and two counts of felonious assault against an individual.

At Brigg's request, Wilson commented on the Village's hope for support from the Legislature on needed amendments to reform PA 312. Public Act 312 provides binding arbitration to public safety personnel in exchange for these units forgoing the right to strike, a reasonable compromise. However, PA 312 does not force state appointed arbitrators to consider the fiscal health of a local community and ability to pay when making an arbitration award. Lansing had indicated that they understood the problems facing local communities and were going to act to reform the system, which did not happen.

Stearn called a brief recess at 7:58 p.m. There were no objections from Council. The meeting reconvened at 8:00 p.m.

Briggs raised questions related to the monthly financial statement received by Council in an effort to address and clarify concerns expressed by the public, including Council's knowledge of the Village's current financial position. Wilson addressed inquiries regarding specific items mentioned by Briggs in the Village financial statements.

REPORTS – COUNCIL

Briggs expressed disappointment that the State Legislature was not able to secure the votes to pass amendments to legislation that would have made local ability to pay a consideration in the

issuance of PA 312 arbitration awards. Beverly Hills is not the only community that is in a bind because of PA 312.

Peddie reported on her continuing participation in the Baldwin Public Library strategic planning sessions. Progress is being made; she will report on any significant developments.

Mooney referred to the recent incident involving PSO Miles, noting that residents should not forget that their public safety officers face life threatening situations. Beverly Hills public safety officers do an outstanding job. People should bear that in mind when considering officers' compensation.

Mooney requested that Manager Wilson communicate the results of the recent survey conducted by the Village to the Citizen Input Subcommittee. The survey results regarding the millage proposal could then be presented to Council. Members of Council were in agreement.

Mooney suggested that, even with the upcoming millage proposal, the Village should continue to look for good ideas on how to change its operation to be more fiscally responsible. He proposed ideas that could be explored or revisited.

The Village has had previous discussions about outsourcing dispatch service. Mooney asked that consideration be given to setting up a system similar to SOCRRA, whereby a number of communities would join in a consortium that provides equal input into a dispatch program for their communities. He asked that the creation of a dispatch authority be an agenda item for the first Council meeting in August. Direction could be given to administration to investigate this type of consortium and open discussion with surrounding communities.

Mooney thought that consideration could also be given to establishing a consortium whereby communities could share specialized and expensive equipment such as fire apparatus required for fighting fires in building over three stories high. This would result in a cost savings for the participating municipalities. Mooney asked Council to consider these long-term ideas.

Motion by Mooney, second by Oen, to adjourn the meeting at 8:12 p.m.

Motion passed (6 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary