

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

Absent: Stearn

Also Present: Village Manager, Wilson
Assistant Manager, Marshall
Village Attorney, Ryan

President Pro-Tem Koss 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 (6 – 0).

COMMUNITY ANNOUNCEMENTS

None

CONSENT AGENDA

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

- a. Review/consider approval of minutes of a regular Council meeting held July 20, 2010.
- b. Review and file bills recapped as of Monday, August 2, 2010.

Motion passed (6 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER ADOPTING SECOND RESOLUTION TO ESTABLISH BALLOT LANGUAGE FOR NOVEMBER 2010 ELECTION REQUESTING A CHARTER AMENDMENT FOR A 10 YEAR MILLAGE INCREASE

VILLAGE OF BEVERLY HILLS RESOLUTION

At a regular meeting of the Village Council of the Village of Beverly Hills, Oakland County, Michigan, held at the Village Office at 18500 West Thirteen Mile Road, Village of Beverly Hills, on Tuesday, August 3, 2010, at 7:30 p.m.

The following resolution was offered by Mooney and supported by Oen.

WHEREAS, the initial Resolution was offered on the 28th day of June, 2010;

WHEREAS, a Charter Amendment was proposed by the Village Council;

WHEREAS, in accordance with the statute such Resolution was published in the Observer-Eccentric, a newspaper circulated within the Village; and

WHEREAS, said Resolution has been duly laid on the table for at least thirty (30) days;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the following Charter Amendment be voted upon by the qualified electors of the Village of Beverly Hills at the State General Election to be held on Tuesday, November 2, 2010 to-wit:

1. Shall Section 9.1 of the Charter of the Village of Beverly Hills be amended to read as follows:

POWER TO TAX

The Village shall have the power to levy and collect taxes for municipal purposes. The general ad valorem tax levy shall not exceed 12.9184 mills, times the assessed value of all real and personal property, subject to taxation in the Village, exclusive of any levies authorized by general statute to be made beyond Charter tax limitations, for a period of ten (10) years 2011 to 2021 inclusive. This 12.9184 millage authorization shall include the following components specifically dedicated to the operation of the Village:

- a) 9.9 mills for public safety operations;
- b) 2.1 mills for general administrative purposes;
- c) .9184 mills for library purposes.

It is estimated that, if levied, the increase of 3.5383 mills in addition to the current Headlee reduced millage rate of 9.3801 will raise approximately \$1,683,263 when first levied in 2011. Upon expiration of this increased millage on June 30, 2021, the maximum allowed charter millage rate shall revert to 11.00 mills for municipal purposes.

Yes

No

That prior to its submission to a vote of the electors of the Village such Charter Amendment shall be presented to the Governor of this State.

That before its submission to the electors of the Village, the Clerk shall give such notice thereof as is required by law.

Roll Call Vote:

Mooney - yes
Oen - yes
Peddie - yes
Briggs - yes
Koss - yes
Mercer - yes

Resolution Declared Adopted (6 – 0).

REVIEW AND CONSIDER SUBCOMMITTEE’S RECOMMENDATION TO FILL AN ALTERNATE POSITION ON THE ZONING BOARD

Mercer reported that a subcommittee consisting of himself as chair, Mooney and Oen met earlier this evening to consider applications from three individuals to fill a vacant position for alternate member of the Zoning Board of Appeals. It was the unanimous recommendation of the subcommittee to appoint Phillip Mueller as alternate member of the Zoning Board of Appeals for a term to expire on June 30, 2012.

Motion by Mercer, second by Mooney, to appoint Phillip Mueller to the position of alternate member of the Zoning Board of Appeals for a term to expire on June 30, 2012.

Oen remarked that the applicants were well qualified; their applications will be kept on file and considered when vacancies occur. He thanked individuals who submit applications and are interested in becoming involved in the Village. Mooney added that the people who apply for board positions are dedicated to the well being of Beverly Hills. There were three great candidates for this position.

Motion passed (6 – 0).

REVIEW AND CONSIDER AMENDING RULES GOVERNING PAVILION USAGE

Mooney stated that the Parks and Recreation Board adopted a motion at its regular meeting of July 15, 2010 recommending that Beverly Hills business owners or their representatives receive resident status for park pavilion rental for business functions. The point was made by Board members that this would be appropriate because many business owners in Beverly Hills contribute regularly to Village community functions.

Motion by Mooney, second by Oen, that the Organizational Policies and Procedures Manual, specifically the page entitled Pavilion – Rules Governing Usage, be amended by adding the following paragraph: Village business owners or their representative(s) may begin making reservations the first Wednesday in March for business related functions. Proof of affiliation is required at the time of reservation.

Council members commented that this action was appropriate for the reason that business owners support Beverly Hills events and want to be involved in the community.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER AWARDING CONTRACT FOR WATER MAIN REPLACEMENT

Bids were opened on July 20 for the 2010 Watermain Replacement Program. There were 15 bids received ranging in cost from \$299,147.32 to over \$535,000. The Village allowed two options for bidding this work, open cut replacement and in-place pipe bursting replacement. The low bid was received from D&D Water Service of Canton, Michigan using the in-place pipe bursting replacement option. The bids were reviewed by Public Services Director Meszler and Hubbell, Roth & Clark and found to be in order.

Work will be done this fall in the following locations:

- 1) south of Beverly, west of Pierce;
- 2) Norchester from Riverside to Saxon;
- 3) Warwick between Norchester and Mayfair; and
- 4) Riverside between Drury and Bedford.

Wilson stated that a pre-award meeting was held with D&D Water Service representatives to discuss their bid and the scope of work. Administration is confident that D&D is a qualified contractor who can perform the work satisfactorily.

Motion by Oen, second by Mooney, that the Village of Beverly Hills Council accept the low bid of D&D Water Service in the amount of \$299,147.32 for the 2010 Watermain Replacement Program. The funds for this project are in account #402-451-811.85, which currently has a balance of \$2.1 million.

Questions from Council on the contractor and bid prices were addressed by Wilson. It is anticipated that the project will commence at the end of August and be completed in about 60 days with full restoration expected by fall.

Roll Call Vote:

Motion passed (6 – 0).

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

Motion by Mooney, second by Oen, to appoint Chris Wilson 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, 2010 at the Hyatt Regency in Dearborn, Michigan.

Motion passed (6 – 0).

PUBLIC COMMENTS

Kathleen Berwick of 31381 Kennoway Court was concerned about the length of time it takes a public safety officer who lives outside of the community to drive to Beverly Hills in order to respond to a fire. She questioned whether there was a law that requires public safety officers to live within 15 miles of the Village. Mooney responded that State Law does not allow that residency requirement.

Ronald Palmquist with the Michigan Association of Police, bargaining agent for Beverly Hills Dispatchers, referred to Council action taken on July 6, 2010 authorizing Village employees to attend the Michigan Employees' Retirement System (MERS) annual conference in Kalamazoo this September. Theresa Knoll was appointed as the employee delegate to attend this meeting. Palmquist said that the dispatcher's pension plan is covered by the MERS, and this meeting allows employees to learn about changes that occur in the Retirement System during the year.

Palmquist related that, following this Council action, Manager Chris Wilson and Public Safety Director Karl Woodard decided that Ms. Knoll could not attend the conference. Palmquist questioned whether they have the authority to overrule a motion passed by the Village Council and prevent this employee from attending the conference.

Attorney Ryan said that this matter was new to him. He respectfully suggested that it could have been handled by writing a letter or contacting the Village before tonight's meeting if Mr. Palmquist wished to receive a response.

REPORTS – MANAGER

Wilson read a report prepared by Public Safety Director Karl Woodard on the house fire in the Village that occurred during the evening of July 27.

Village Administration had a discussion with Plante Moran this week regarding their assistance with analyzing the financial impact of contracting out for public safety dispatch operations. A forthcoming proposal will be distributed to Council for review.

The Village has received notice that an arbitrator has been appointed in the Village's arbitration case with its Public Safety Command Officers. Arbitrators have now been assigned for both the PSO and Command units. Administration is working with the Village labor counsel to prepare exhibits and information for the arbitration process. Dates assigned for this arbitration are September 22, 24, 27 and 29.

The Village of Beverly Hills along with the City of Birmingham and Bloomfield Township submitted a letter to the Water Resources Commissioner stating their concerns about a decision that will be made soon regarding future operations of the Acacia Basin and diversions from the Walnut Pump Station.

Mercer questioned the schedule for the 2010 street paving project authorized by Council. Wilson responded that a request to solicit bids on street paving will be an agenda item at the next Council meeting.

Koss requested that the ballot language be posted on the Village website.

REPORTS – COUNCIL

Briggs related that SEMCOG (Southeastern Council of Governments) recently issued a database comparing cities and villages in terms of their operational efficiency number. The target at which SEMCOG considers a community to be operating efficiently on a cost-per-resident basis is \$682.00. Beverly Hills operates with about \$455/resident. Briggs said that the Village will continue to look for cost saving opportunities.

Mercer announced that the Zoning Board of Appeals will meet on Monday, August 9 at 7:30 p.m.

Peddie commented that Baldwin Library is continuing work on its master plan. The participants are thinking out of the box and exploring the future of the library.

Oen commented on the July 14 site visit to the proposed location of a Detroit Country Day School baseball field conducted by Headmaster Glenn Shilling. Members of the Planning Board, Council, Village Manager and area residents attended. The baseball field will be a topic of discussion at the Wednesday, August 25 Planning Board meeting.

Mooney asked that Council receive an answer to the question posed this evening regarding staff attendance at the MERS annual meeting. He congratulated Phil Mueller on his appointment as alternate member of the Zoning Board of Appeals.

Mooney remarked that he recently visited the Library of Congress and also the Boston Public Library. He commented on fascinating things happening at libraries recognizing that the future of libraries will be more than renting books and DVDs.

Mooney asked and received unanimous consent from Council to appoint a member to the Input Committee to replace Jim Calder, who will be leaving the group. Results of the recent resident survey will be presented and discussed with the Input Committee at an upcoming meeting.

Mooney received Council's support in directing Administration to reach out to neighborhood associations in an attempt to set up meetings with a subcommittee of Council or Administration to discuss the November millage proposal. Mooney thought that Council should consider holding meetings in various sections of the Village to explain the need for additional millage.

Mooney commented on the recent fire in the Village; he was amazed that the fire did not spread to the abutting houses and trees. The Village has an outstanding group of men and women who serve in the Public Safety Department. To suggest that these people are paid inordinately when they are called upon to fight a fire that involves utility and explosive hazards is unbelievable. Our public safety staff saves lives and property. Dedicating 9.9 mills to assure that the public safety department is at full strength is an absolute necessity. Mooney thanked the courageous men and women who fought the recent fire in the Village.

Koss remarked that she watched the fire last Tuesday evening and thought it was incredible to witness the Village public safety officers in action. They did a remarkable job, and she could not imagine how the department could operate with less staff.

Motion by Mooney, second by Oen, to adjourn the meeting at 8:10 p.m.

Motion passed (6 – 0).

Rosanne Koss
President Pro-Tem

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary