

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

Absent: None

Also Present: Manager, Wilson
Assistant Manager/Clerk, Marshall
Village Attorney, Ryan
Director of Public Safety, 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

Mooney asked that Consent Agenda item ‘a’ to consider approval of regular Council meeting minutes held August 17, 2010 be moved to Business Agenda item ‘e’.

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

Motion passed (7 – 0).

COMMUNITY ANNOUNCEMENTS

County Commissioner Marcia Gershenson announced that the group organizing a Beverly Hills Community Garden is planning its first Garden Harvest Party on Saturday, September 11 at the Beverly Hills United Methodist Church on 13 Mile Road. She commended the Beverly Hills Methodist Church for donating the space for an organic fruit and vegetable garden. The participants will be preparing the soil for a spring planting. The Community Garden will also incorporate an educational outreach program and a community outreach to local food banks. Those interested in helping can contact Lori Dolan or Matt Roman.

On Saturday, September 11 from 10 a.m. until 2 p.m., the Healthy Oakland Partnership in collaboration with Oakland Intermediate Schools, doctors, hospitals, nutritionists and dietitians will be sponsoring a second Family Market Day at the Pontiac Farmers Market on Pontiac Lake Road. A \$10 coupon will be given to seniors over 65 as an incentive to get people familiar with local produce. People on food stamps or with a Bridge card also qualify for a \$10 coupon.

Gershenson reminded parents that there are new school immunization requirements. All children starting Kindergarten or changing schools must have two doses of the chicken pox vaccine; all children from 11-18 years who are changing school districts must have one dose of the Tdap vaccine, which protects against diphtheria, tetanus, and whooping cough.

CONSENT AGENDA

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

- a. Review/consider approving minutes of special Council meeting held August 21, 2010.
- b. Review and file bills recapped as of Monday, August 30, 2010.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER 2010 HALLOWEEN HOOT FUNDING

Event organizer Patricia Greening was present requesting financial assistance from the Village to hold the 15th Annual Halloween Hoot in Beverly Park on Sunday, October 24, 2010. She mentioned that they are also looking for people to help construct the kiosks along the hoot trail. Greening described the activities that will take place throughout the day from carving pumpkins in the morning until the time when children trick or treat along the kiosks set up on the park trail. There will be cider and donuts and story telling in the pavilion area.

Motion by Koss, second by Oen, that the Village of Beverly Hills Council approve an expenditure not to exceed \$2,500 for the 15th Annual Halloween Hoot that will take place in Beverly Park on Sunday, October 24, 2010. Funds for this expenditure are available in account #101-747-896, Community Action: Halloween Hoot Expenses.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER PERMANENT NO PARKING SIGNS ON 13 MILE ROAD EAST OF OLD STAGE AND WEST OF LINCOLNSHIRE

Wilson stated that Traffic Control Order 239-NP-10 prohibits parking along the shoulders east and west of the intersection of 13 Mile, Old Stage and Lincolnshire. This will ensure that drivers have clear sight distance at the intersection. Wilson explained that this TCO was precipitated by overflow parking at the Swim Club. The temporary “no parking” signs erected in that area have been successful. Village Council approval is required to make the Traffic Control Order permanent.

Motion by Briggs, second by Oen, that the Village of Beverly Hills Council approve Traffic Control Order 239-NP-10 prohibiting parking east and west of the intersection of 13 Mile Road, Old Stage and Lincolnshire.

Motion passed (7 – 0).

REVIEW AND CONSIDER REQUEST FROM OUR LADY QUEEN OF MARTYRS TO INSTALL BANNER IN NORTHWEST CORNER OF DUNBLAINE AND SOUTHFIELD

Our Lady Queen of Martyrs Church has requested permission to install a banner at the northwest corner of Dunblaine and Southfield Roads to direct people to their haunted castle. This will be done under the Village’s annual permit with the Road Commission. As part of the permit, Council must pass a resolution approving the language on the banner. Installation of the banner will take place on September 17.

The banner will be black with red and white text and a graphic of a skull. It will read:

A Family Friendly Haunted Castle
The Haunted Castle ⇨ 3 Blocks

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council approve the installation of a banner in the northwest corner of Dunblaine and Southfield Roads by Our Lady Queen of Martyrs Church from September 17 to October 24, 2010.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER AWARDING A CONTRACT FOR 2010 ROAD PAVING PROJECT

Wilson stated that there was a bid opening on Thursday, September 2 for the 2010 Bituminous Resurfacing Program. Eight companies submitted bids ranging from \$315,000 to \$390,000; Council is in receipt of the bid tabulation. The low bid of \$315,000 was received from ABC Paving Company. Public Services Director Tom Meszler has recommended that Council accept the low bid of \$315,000 for this project. Asphalt resurfacing will include the following:

Major Road: Evergreen from Beverly Road to 14 Mile Road.

Local Streets: Wentworth from Riverside to Saxon
Madoline from E Rutland to Pierce
Locherbie from Southfield to Pierce
Norchester from Beverly to Riverside

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council approve the low bid of \$315,000 from ABC Paving Company for the 2010 Bituminous Resurfacing Program to be completed as set forth in the bid requirements.

Stearn pointed out that the low bid came in \$75,000 lower than the highest bid. Funds for this project are coming from the Dedicated Infrastructure Millage and not from the General Operating Fund.

Questions from Council members were addressed by Wilson. It was noted that the project will be completed during this construction season.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A REGULAR COUNCIL MEETING HELD AUGUST 17, 2010

Mooney asked that the following statement made by Kathleen Berwick at the August 17, 2010 Council meeting be added to her comments on page 3, paragraph 5: “Kathleen Berwick stated that the Troy volunteer fire fighters arrived at the scene of the Blossom Court Fire more promptly than some called back public safety officers.”

Motion by Mooney, second by Koss, that the minutes of the August 17, 2010 Council meeting be amended to reflect the following statement made by resident Kathleen Berwick: “Kathleen Berwick stated that the Troy volunteer fire fighters arrived at the scene of the Blossom Court Fire more promptly than some called back public safety officers.”

Motion passed (7 – 0).

Motion by Mooney, second by Koss, that the minutes of a regular Council meeting held on August 17, 2010 be approved as amended.

Motion passed (7 – 0).

DISCUSSION ITEM – MILLAGE PROPOSAL

Manager Wilson updated Council on preparations being made to disseminate information about the proposed Village Charter Amendment on the November ballot. He has prepared a calendar with dates of neighborhood millage informational meetings and gatherings scheduled with homeowner association groups. Administration will be adding to the schedule in the coming weeks.

Three community meetings have been established as follows: October 7 at Greenfield School; October 14 at Groves High School; October 21 at Berkshire Middle School. Area residents will be notified of those meetings on the weekend preceding each meeting in the form of door hangers. Administration has been in contact with Sheila Brice, Community Service Organizer at Groves, about enlisting volunteers to distribute door hangers in the neighborhoods in advance of the community meetings.

Meetings have also been arranged with neighborhood associations starting with a Nottingham Forest Homeowners Association meeting on September 15; Georgetown North Homeowners Association on October 12; Greenfield Beverly Homeowners Association on October 20; Ronsdale Homeowners Association on either September 28 or 30. Administration is still in contact with homeowner associations and will continue to schedule meetings as requested. The calendar will be distributed to Council members and updated weekly.

Wilson informed everyone of the League of Women Voters Candidates Forum on Wednesday, October 13 at 7:00 p.m. in the Council chamber.

While the ballot proposal is a question about raising the millage for 10 years, Koss made the point that the ballot will read ‘Village of Beverly Hills Charter Amendment’.

Mooney remarked that Council and administration will be attempting to educate the community about the Charter Amendment. He suggested that the meetings be attended by two or three members of Council and a couple members of administration, who will give a presentation. Other tools that the Village will be using to get information out to the public will be the Beverly Hills website and the Villager Newsletter. The next newsletter will be mailed to each residence in October. Mooney confirmed that the informational forums organized to educate the community will be neutral in nature.

John McGrath of 16210 Beverly Road said that he reviewed recent Council meeting minutes and observed that the Council President voted ‘no’ on a motion to approve a ballot language change that was supported by the rest of the Council. He asked why Stearn voted against the motion. Stearn responded that he would rather have that conversation off the record and invited McGrath to contact him. Stearn affirmed that he was wholeheartedly in support of the Charter Amendment.

Kevin Byrnes of 18007 Kirkshire commented that he and his wife regularly use the services available to residents at the Baldwin Public Library. He did research that indicated that, over an 11-month period from April 2009 to March 2010, 656 new Beverly Hills residents registered for library cards at Baldwin Library. Close to 60% of Beverly Hills households contain at least one Baldwin Library cardholder. Village residents checked out over 150,000 items from the library from April 2009 to March 2010, or an average of 14.6% items per resident. This is a 67% increase from the

same 11-month survey period of four years ago. If the Charter Amendment fails in November, Beverly Hills residents cannot buy a library card or check out material at Baldwin Library, even if their children attend Birmingham Public Schools.

Byrnes believed the Beverly Hills councils and Village leadership understood the importance of a library in this community. Saying ‘yes’ to the Charter Amendment in November will provide Village residents with the opportunity to continue to educate themselves and their kids.

Patricia Greening requested that people do not use the Halloween Hoot as a forum for upcoming election issues; it is a children’s event.

PUBLIC COMMENTS

State Representative Chuck Moss updated everyone on recent activity in Lansing. Budget meetings have been ongoing between the House and Senate during the summer, and a deal is close to being worked out. He broadly reported that money is tight and the financial situation is not going to be getting any better. Big ticket reforms will not occur until the new administration is elected in November. Moss said that he has tried to keep revenue sharing from being reduced further.

Brian LaFerriere of 29501 Wilshire stated that he is a candidate for the upcoming Council election, and he is 100% behind the Charter Amendment. He has done his homework and knows that, if the millage proposal is passed, it will effectively be tax neutral for most of the residents in the community for the next couple of years.

LaFerriere suggested that the Village could save money on printing and postage by asking people if they want to opt out of having the Village calendar and newsletter mailed to their residence and instead receive those documents electronically.

Bob Walsh of Smallwood Court distributed a handout to Council regarding a collective bargaining agreement between the Village and Police Officers Association of Michigan. He referred to a paragraph relative to residency in both of the public safety collective bargaining agreements stating that, effective January 1, 1985, all employees hired on or after this date shall be required to reside and continue to reside within a 20 mile radius of the nearest Village boundary.

Walsh commented further on public safety contracts. He argued that the existing contract is the only document that determines salary and fringe benefits. Walsh related the amount of pension benefits received by two recent retirees. He described the DROP program available to employees in the most recent contract that has expired. Walsh was interested in what the upcoming contracts would look like following the arbitration process.

Stewart Mandell of 22601 Highbank Drive is involved in opposing the construction of a baseball field at Detroit Country Day School in the flood plain area behind his home. He and some of his neighbors have the Rouge River running through their lots. Mandell said that he and others who are impacted directly and deeply by the proposed location of the ball field also care about the community and love living in the Village. Mandell invited members of Council to walk their property when the leaves fall from the trees in order to see their view of the proposed ball field site when there is no foliage.

REPORTS – MANAGER

Wilson reported that materials were dropped off on site to begin work on the sewer relining project. Work should commence soon and be completed in this construction season.

At its August 25 meeting, the Planning Board held a public hearing on the Detroit Country Day School proposal for the construction of a baseball field on the school campus. The meeting was well attended by residents living in the affected neighborhoods. At this point, the Village is awaiting the results of staking and survey work to be done by a firm retained by Detroit Country Day in order to determine how the proposed construction project interrelates with the flood plain in that area. Village staff is holding off further review until the survey work is completed and plans are submitted to the Village.

Koss questioned the status of the signalization at 13 Mile and Southfield Roads. Wilson responded that he received information today from the traffic engineer at the Road Commission for Oakland County that their position is that the intersection will remain as it is now signed. Their report back to the Village was based on the number of accidents reported at that intersection. The County is not going to remove the ‘no turn on red’ sign on 13 Mile Road east bound and west bound. They did provide right turn arrows on northbound and southbound Southfield Road. The Village’s request to remove the ‘no turn on red’ sign on 13 Mile Road was denied.

Mooney asked Public Safety Director Woodard a question about the fire that occurred on Blossom Court at the end of July. At the August 17, 2010 Council meeting, resident Kathleen Berwick made the statement that Troy volunteer fire fighters arrived at the scene of the Blossom Court fire more promptly than some called back Beverly Hills public safety officers. Mooney questioned whether this was true.

Director Woodard responded that this was not a true statement. The initial alarm on that fire came in at approximately 7:30 p.m. at which time off-duty officers were called back in addition to the four officers working. Those call-backs were completed with seven off-duty officers returning to the Village within 40 minutes of that alarm. All called back officers were on the scene or performing duties in the Village by 9 p.m. The call to the Troy Fire Department was not made until after 10 p.m. The purpose of the call was to have Troy respond with its air trailer in order to replenish our officers’ air tanks on the scene. The bulk of the fire was knocked down at that time, but officers were engaged in extinguishing the burning gas meter on the side of the house. After the air tanks were replenished, the Troy officers did assist with the overhaul of the structure.

Mooney questioned the length of time it took Beverly Hills public safety officers to initially respond to the fire call. Woodard replied that the response time was less than five minutes. Mooney recalled that the fire started in a wood structure. A gas meter fire resulted in downed electrical lines. In addition, ammunition stored in the homeowner’s attic began going off while there were officers on the scene.

REPORTS – COUNCIL

Briggs congratulated the new officers of the Birmingham Area Cable Board – Chairperson Elaine McLain, Vice-Chair Ken McFadden, Treasurer Mike Urcan, and Secretary Alan Heyman. Briggs commented on the value that the Cable Board provides to our consortium communities as advocates of its residents and subscribers.

Briggs related highlights of the August 24, 2010 Retirement Board meeting and commented on the status of the Beverly Hills Public Safety Officers Retirement System. He noted that this will be another challenging year for the portfolio.

Briggs referred to the discussion on the 20-mile radius requirement for public safety officers. He related that there is one officer who does not fall within the guidelines of the contract, and he lives in the City of Birmingham.

Peddie commented that the Baldwin Public Library group is continuing its meetings with the purpose of developing a new master plan. She informed Council and administration that Library Board members would like to assist the Village in supporting the Charter Amendment on an informational or educational basis. Peddie thought that it would be beneficial to utilize their services at some point.

Oen stated that he attended the August Planning Board meeting at which time there was a public hearing on the Detroit Country Day School's proposed ball field. He thought that the residents who spoke at the meeting were extremely articulate. They expressed their concerns in a polite manner, asking Detroit Country Day School representatives to preserve the 300 trees and wildlife in that location.

Oen commended the Beverly Hills Public Safety Department for the great work that it does in the community. They are paid to be police officers, fire fighters, and first responders. Oen asked residents to approve the Charter Amendment and help close the gap from revenue lost due to declining property values and loss of State revenue sharing.

Mercer announced that the Zoning Board of Appeals will meet on Monday, September 13 at 7:30 in the council chamber. He thanked Pat Greening for her efforts in organizing the Halloween Hoot over the years. It is a community event anticipated by residents young and old. Mercer encouraged homeowner associations to get involved by setting up a kiosk along the hoot trail and handing out candy. He invited people to come out and have a great time.

Mooney said that people bought their houses in Beverly Hills because this is a fantastic community in which to live. Part of the reason is the kind of people who contribute to the sense of community, and Pat Greening is one of those individuals. The Halloween Hoot is a wonderful event that will continue and be remembered always as Pat Greening's Halloween Hoot.

Mooney stated that the Birmingham School System contributes to the character of the community in Beverly Hills. Groves was again named as one of the top high schools in the country. The quality of the school system attracts young families and brings people into the community. The Baldwin Public Library also adds to the quality of the Village. It is an epicenter of the community.

Beverly Hills has had a safe community for over 50 years. The Village needs to maintain or increase its efforts at protecting residents in this difficult economic time. Mooney addressed a comment made by a resident about public safety contracts. He related that this Council has told the Public Safety Department that they have heard the people and that they would take a number of issues to arbitration including retirement benefits, medical benefits, overtime pay, and the DROP program.

Mooney urged administration to plan into the future because the Charter Amendment may not provide everything necessary to get the Village through the next few years. Mooney encouraged residents to attend the scheduled informational meetings to learn the facts about the tax proposal that will be on the ballot.

Mooney maintained that this Council has been courageous to bring to the people a Charter Amendment that is necessary to maintain our community as it has been in the past and as it will be in the future. These Council members have done everything necessary to cut deep into the muscle of this community to make things work into the future. Mooney said that he supports them and wishes them well in the election.

Koss said that she was buying into her future when she moved here with her family 10 years ago. The thought of the character of this community changing is frightening. She wants to maintain a safe community and continue to be able to take advantage of library services. Residents have the power to vote for a Charter Amendment that is a responsible and reasonable request.

Stearn referred to the most recent three-year contract with the public safety unions. He explained that these contracts have been enhanced over 25-30 years. The Village made promises to retirees 30 years ago, 25 years ago, and 20 years ago. Retirees receive the benefits they were promised. Village actuaries have told councils that the Village should address legacy costs because they are approximately \$15 million over 30 years. This Council has been brave enough to tackle revenue shortfalls due to the drop in property values and decreased state shared revenue. Council is attempting to address legacy costs as well with this Charter Amendment.

Motion by Briggs, second by Peddie, to adjourn the meeting at 8:51 p.m.

Motion passed (7 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary