

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 7:40 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 Peddie, second by Mooney, to add item 'c' to the Business Agenda, "Review and consider rescinding Baldwin Library contract termination letter".

Motion passed (7 – 0).

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

Motion passed (7 – 0).

#### **COMMUNITY ANNOUNCEMENTS**

None

#### **CONSENT AGENDA**

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

- a. Consider approval of minutes of regular Council meeting held October 19, 2010.
- b. Review and file bills recapped as of Monday, October 25, 2010.

Motion passed (7 – 0).

#### **BUSINESS AGENDA**

##### **REVIEW AND CONSIDER METRO ACT UNILATERAL PERMIT BETWEEN PAETEC AND THE VILLAGE**

Before Council for consideration is a METRO Act Permit Extension Application filed on behalf of PAETEC Business Services. The METRO Act regulates the use of rights-of-way for cities, villages and townships in the State of Michigan to facilitate telecommunications expansion. This provider currently has lines and equipment in the Village of Beverly Hills and requests to renew its permit for a period not to exceed five years.

Ryan has reviewed the METRO Act Permit Extension Application and recommends that it be approved and signed on behalf of the Village of Beverly Hills. The Village receives statutory remuneration every six months from the State of Michigan for the use of its rights-of-way.

Motion by Briggs, second by Mooney, that the Village of Beverly Hills Council approve the METRO Act Permit Extension Application filed by PAETEC Business Services pursuant to the memo dated October 29, 2010 from Village Attorney Tom Ryan; Council authorizes the Village Manager to sign the permit.

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

### **REVIEW AND CONSIDER TRAFFIC SIGNAL AGREEMENTS WITH THE ROAD COMMISSION FOR OAKLAND COUNTY**

The Road Commission for Oakland County has submitted an Agreement to the Village of Beverly Hills for Traffic Signal Maintenance. Currently, the Road Commission does all the signal maintenance and bills the Village for labor and materials. The County is requesting to formalize this arrangement through a contract for upcoming maintenance work at the intersections of 14 Mile/Southfield Road and Beverly/Southfield Road. The Village will be responsible for 50% of the cost of signal maintenance at Beverly/Southfield Road and 12.5% of the cost of signal maintenance at 14 Mile/Southfield. Public Services Director Meszler has reviewed this proposal and recommends approval.

Motion by Mooney, second by Oen, that the Beverly Hills Village Council approve the agreements with the Road Commission for Oakland County for maintenance of traffic signals at 14 Mile/Southfield Road and Beverly/Southfield Road and authorize the Village Manager and/or Village President to sign the agreement. The Village will be responsible for 12.5% of the cost of signal maintenance at 14 Mile/Southfield Road and 50% of the cost at Beverly/Southfield Road.

Hildreth Buterbaugh on Dunblaine stated that the traffic signal at Dunblaine does not always work properly and suggested that it be added to the maintenance contract with the Road Commission. Koss responded that the Dunblaine signal will be included under an additional contract with the County.

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

### **REVIEW AND CONSIDER RESCINDING BALDWIN LIBRARY CONTRACT TERMINATION LETTER**

Beverly Hills voters approved a Charter Amendment on November 2, 2010 pending certification by Oakland County. Part of that Charter Amendment dedicated 0.9184 mills to fund library service through the Village's contract with Baldwin Public Library for the next ten years. Wilson reviewed that, on May 22, 2009, the Village submitted notice to the Baldwin Library Board reserving its right to terminate the library services agreement as of June 30, 2011. The Baldwin

Library Board agreed to allow the Village to rescind that notice at any time before December 31, 2010.

Motion by Peddie, second by Oen, that the Village Council rescind the notice of May 22, 2009 reserving the right of the Village of Beverly Hills to terminate its contract with the Baldwin Public Library effective June 30, 2011.

Mooney commended Lee Peddie and Todd Stearn for negotiating a postponement to the cancellation of the library contract with the Baldwin Library Board.

Buterbaugh suggested that the letter to the library be contingent on certification of the election.

Koss thanked the members of the Library Board for working with the Village and allowing the notice of cancellation to be rescinded pending passage of the Charter Amendment. She is looking forward to the next ten years with the Baldwin Library.

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

#### **PUBLIC COMMENTS**

Vince Borowski of West Chelton thanked Lee Peddie for her service on Council and particularly for her efforts as liaison to the Baldwin Library Board. Borowski recognized and thanked Bob Deneweth and others who participated in the Save Our Services organization that provided citizens with information on Village finances and the ballot proposal. He appreciated their involvement in the community. Borowski recognized the good work done by this Council to come up with a reasonable Charter Amendment and doing the best they could to present the facts to residents.

Doug Koschik, Director of the Baldwin Public Library, related that the library staff is pleased with the prospect of serving the citizens and businesses of Beverly Hills for the next ten years and beyond. He thanked Council for all it has done to make this possible. Koschik thanked Lee Peddie for her years of service as Council liaison to the Baldwin Public Library Board.

Ann Conigliaro, President of the Baldwin Library Board, added her heartfelt thank you to Lee Peddie for her dedication to the mission of retaining library service in Beverly Hills. The staff at Baldwin Library looks forward to continuing their relationship with the Village of Beverly Hills.

Hildreth Buterbaugh on Dunblaine was pleased with the way the election turned out and was glad that the Village will continue to have the use of Baldwin Library. He was sorry that Lee Peddie will be leaving the Council and suggested that she remain the Village's liaison to the Baldwin Library Board. Buterbaugh wished Council good luck in the future.

Candee Repa at 22868 Shagbark thanked Lee Peddie for her work with the Baldwin Library Board and thanked Council members for their efforts in promoting the Charter Amendment. She thanked the community for passing a Charter Amendment that will retain the quality of life in Beverly Hills.

**REPORTS – MANAGER**

Wilson commented on the Village financial statement through September 30, 2010 prepared by Finance Director Bob Wiszowaty. Based on Administration's review, Wilson did not recommend any budget amendments at this time.

The Planning Board has rescheduled its November and December regular meeting dates due to the holidays. The Planning Board will meet on November 10 to discuss the Southfield Road Corridor Plan and medical marijuana. There will be a meeting on December 8 in lieu of the December 22 meeting. Agenda items will include a public hearing on a correction to the zoning map for a portion of the Huntley Subdivision as well as further discussion of the Southfield Road Corridor and medical marijuana.

Wilson related that he and Clerk Marshall recently attended a meeting hosted by State Senator Gilda Jacobs at which time Gary Olson, Director of the Senate Fiscal Agency, gave a presentation on the state of the economy in Michigan. Olson provided insights into issues facing the legislature and the governor in attempting to develop a budget for the next year. Wilson provided Council members with the State Budget Update for their review.

Wilson announced that there will be an organizational meeting of Council on Tuesday, November 9 at 7:30 p.m. New Council members will be sworn in and officers will be elected.

**REPORTS – COUNCIL**

Peddie expressed disappointment with leaving the Beverly Hills Council but was ecstatic that the Charter Amendment passed. She wished the best to Doug Prew. Peddie appreciated the efforts of the Save Our Services grass roots movement. She said that it has been her pleasure and privilege to serve on this Council.

Stearn affirmed that this Council has worked hard over these past years, and Lee Peddie was a huge part of that. Peddie received applause from those in attendance.

Briggs thanked the voters of Beverly Hills for their participation in the last election. He hoped that citizens remain engaged during the challenging times ahead. Briggs congratulated newly elected Council members Tim Mercer, Jon Oen, and Doug Prew. Briggs thanked the other candidates Rukni Abboud, Brian LaFerriere, and Robert Thorsen for their participation. He personally thanked Lee Peddie for her years of service with the Village.

Oen thanked the Save Our Services organization for its efforts in the election and thanked the community for passing the Charter Amendment. Council has worked hard for the last 18 months on the ballot proposal. Oen did not think the Village would be in a position to retain library services without the efforts of Lee Peddie and her relationship with the Library Board.

Mercer commented on the large turnout and community involvement at this year's Halloween Hoot. He thanked Pat Greening for organizing the event in Beverly Park last Sunday. Mercer thanked Lee Peddie for her commitment to the library and for her service to the community.

Mercer announced that the Zoning Board of Appeals will meet on Monday, November 8 at 7:30 p.m. in the Council chamber.

Mooney commented that leadership sometimes takes the form of quiet, determined hard work and dedication to the community, which summarizes the leadership of Lee Peddie. He expressed high respect for Ms. Peddie and regretted that she lost her seat on Council. Lee Peddie was a key person in the endeavor to save the Baldwin Library. She will be missed by this Council and the community. Mooney strongly urged Peddie to stay involved in some manner.

Mooney congratulated Walter Briggs, Tim Mercer and Jon Oen on their reelection and for supporting a cause that was the right direction for our community. Mooney welcomed Doug Prew to the Village Council. Mooney asserted that Brian LaFerriere was an outstanding candidate and encouraged him to remain involved in the community. Despite the election rhetoric, Mooney believed that most people who live in the Village support and respect the public safety department and public safety officers.

Mooney commented on the passage of the Charter Amendment during this difficult economic time. The people of Beverly Hills took a careful look at what this community needs and what this Council plans to do. The citizens have chosen to maintain the services that they have had in Beverly Hills including the use of the Baldwin Library. Mooney expressed pride to be living in the Village of Beverly Hills.

Mooney thanked a number of people including the members of the Input Committee consisting of Dick Maxwell, Neil Hitz, Phil Mueller, Jim Calder and Norman Rubin. Council made a huge effort to reach out to everyone in Beverly Hills to step forward and help them. Meetings were held at the direction of President Stearn on a regular basis to bring together as many ideas as possible in order to decide how the Village should solve the financial crisis that is being experienced by every community in southeast Michigan. The efforts by the members of Council were of heroic proportion. Mooney thanked the members of administration for their efforts in advising people on their own time to come to informational meetings and for attending meetings to explain finances of the Village and the Charter Amendment.

Mooney acknowledged the large number of people involved in meetings to provide input and ideas on how to approach financial problems. He thanked the Save Our Services organization for making sure that Beverly Hills retained a fully staffed public safety department and a library. Mooney named some of the members of that group. He also recognized the Voice of the Village, which has done a great job of communicating to voters that a 'yes' vote was important. The people of Beverly Hills voted overwhelmingly to approve this Charter Amendment; it won in every precinct by a 60%-40% vote. This was intended as a bridge loan to the future; Council is going to continue to work hard for the community.

Mooney concluded that no one has worked as hard or given more of themselves to insure the future of this town than Rosanne Koss. She has attended multiple meetings and led the charge. This Charter Amendment would not have passed without her hand. Mooney thanked Ms. Koss for her work.

Koss thanked the community of Beverly Hills for giving Council an opportunity to move forward with the future of the Village. She welcomed Tim Mercer, Walter Briggs and Jon Oen back to council as well as Doug Prew. Koss remarked that the loss of Lee Peddie was difficult for her because Lee is a neighbor and friend. Koss believed that it is easy to govern when times are easy. Lee Peddie made a huge difference for this community over the last four years. There are not a lot of people who could have accomplished what she did, and Koss has the utmost respect for Lee Peddie. Koss said that she looked forward to the next two years on Council and looked forward to our future.

Motion by Mooney, second by Peddie, to adjourn the meeting at 8:35 p.m.

Motion passed (7 – 0).

**Todd Stearn**  
**Council President**

**Ellen E. Marshall**  
**Village Clerk**

**Susan Bernard**  
**Recording Secretary**