

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

Absent: Prew

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

President 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. Three Boy Scouts from Troop 1029 out of Our Lady Queen of Martyrs led the audience in reciting the Pledge of Allegiance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Oen, second by Mooney, 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. Consider approval of minutes of regular Council meeting held January 18, 2011.
- b. Review and file bills recapped as of Monday, January 31, 2011.

Motion passed (6 – 0).

BUSINESS AGENDA

PRESENTATION BY JUDD HART OF JH HART REGARDING WHITE PINE WILT AND WHITE PINE NEMATODES

Wilson introduced Judd Hart as the Village's contract forester, noting that J. H. Hart Urban Forestry has been a contractor for Beverly Hills for almost 20 years. Judd Hart is well known throughout Oakland County and Southeast Michigan for his municipal forestry capabilities.

Judd Hart stated that a resident expressed concerns at a recent Council meeting about White Pine nematodes in the Village. Pine and evergreen decline is a common epidemic in the area. Hart commented on the struggle with various insects and disease affecting the evergreen, spruce and pine trees in this region.

Hart introduced Kevin F. Lary, certified pesticide applicator and plant health care manager for his company. Lary elaborated on the myriad insects and diseases responsible for causing damage to evergreen trees. He related that the pine wood nematode will usually affect an evergreen after it is in severe decline or is in a weakened state. Some of the pines such as Austrian and Scotch

pinus are not indigenous to Michigan and are more susceptible to insects and diseases. Lary talked about a few common problems inflicting damage to trees in the area. He emphasized that proper watering practices and fertilizing of evergreens will help keep trees healthy and vigorous.

Judd Hart said that he will be working with Ellen Marshall on contributing educational forestry articles to be published in the Village's quarterly newsletter. He distributed copies of the first newsletter article addressing evergreen pests.

Hart stated that the Village's current tree maintenance program focuses on removals; corrective pruning is not funded. He suggested that Council revisit the possibility of caring for forests with a more proactive approach. Hart along with public services director Tom Meszler could develop a comprehensive yearly program with direction from council.

Resident Sharon Tischler of 21415 Virmar Court asked questions about eliminating insects attacking evergreen trees, which were addressed by Kevin Lary. Judd Hart and his crew will visit the Virmar Court location to determine the extent of the problem.

PRESENTATION OF THE ANNUAL CABLE REPORT BY EXECUTIVE DIRECTOR BOB BORGON AND CABLE BOARD CHAIRPERSON ELAINE MCLAIN

Birmingham Area Cable Board chairperson Elaine McLain was present with Executive Director Bob Borgon and Board member Ken McFadden. McLain presented the BACB Annual Report for fiscal year 2009-2010. She provided background on the mission and goals of the Birmingham Area Cable Board.

The BACB member communities have the benefit of competition for cable, Internet, and phone service. Two of the four municipalities have three providers. Comcast is the incumbent provider. WideOpenWest has completed its installation in Beverly Hills and is nearly finished with its build out in Birmingham; AT&T continues to roll out its U-Verse product in the communities. McLain discussed the complaint resolution process, expansion of PEG programming, Cable Action Committee ventures, and plans for future outreach and public education.

Mooney thanked McLain and the Cable Board for making the effort to invite WOW into the community and providing additional competition. He also congratulated WOW personnel for becoming involved in the community.

REVIEW AND CONSIDER SECOND COUNCIL MEETING DATE IN APRIL

At the regular Council meeting on January 18, 2011, Council discussed instances where Village meeting dates conflict with various holidays. Action was taken to reschedule the second Council meeting in April to Monday, April 18, 2011 in recognition of Passover. Wilson said that it has come to his attention that, because Passover begins at sundown on Monday, April 18, the action taken to move the meeting up one day does not resolve the conflict of meeting on Passover.

Wilson remarked that it was difficult to avoid meeting on all religious holidays in a multi-denominational society. He believed that respect should be shown to members of Council and Boards who observe a particular religious holiday. Wilson suggested that Council try to keep its regular schedule of meetings; if members have a conflict, they could be excused.

Motion by Oen, second by Mercer, that the date of the second regular Council meeting in April be moved back to April 19, 2011.

Ayes – Briggs, Koss, Mercer, Mooney, Oen
Nays – Stearn

Motion passed (5 – 1).

REVIEW AND CONSIDER FACILITATOR FOR FEBRUARY 12 STUDY SESSION

Koss reviewed that Council scheduled a goal setting session for Saturday, February 12. At its last meeting, Council decided to engage the services of a facilitator to lead that discussion. Resident Neil Hitz, who had volunteered to facilitate the meeting, outlined how he thought Council should proceed in terms of a planning session to address long-term issues. Also at that meeting, Council extended an invitation to other qualified volunteers in the community who may be interested in facilitating the February 12 session.

Koss stated that former Council President Andy Craig has offered to facilitate the study session. Input Committee member Phil Mueller has expressed an interest in leading a strategic planning process. He has contacted Council members with his proposal for a facilitation method different from that proposed by Neil Hitz. Koss asked Mr. Mueller to present an overview of his proposed course of action.

Phil Mueller came forward and distributed an information packet to Council. He described his professional background and how it would apply to developing a strategic plan. Mueller outlined his proposed planning process steps in some detail. He emphasized the Gap Analysis aspect, which addresses three questions - where are we today, where we want to be, and how do we get there. The handout material included a page that maps out a rough framework for the process.

The strategic plan would involve research as well as input from residents and businesses. Once done, it would be a living document that should be reviewed on a regular basis. Mueller emphasized that a strategic plan and knowing where the Village wants to be five years from now helps in making decisions as issues arise.

Comments and questions from Council on the facilitation process were addressed by Mueller. It was clarified that his proposal would involve more than a Saturday morning session of Council. Mueller noted that the process could be tweaked to be more specific to the needs of Beverly Hills.

Neil Hitz came forward and distributed a written overview of what he would suggest in terms of a strategic planning process for Council to conduct at its February 12 study session. He concurred that the strategic plan route described by Mueller is a good idea. Hitz is proposing a way to truncate the process so Council can get through a strategic planning session on a Saturday to at least determine the issues. Hitz would suggest a second meeting to develop action plans. Hitz was asked if Council should be doing both plans. He responded that Council should use the services of Mueller if it decides to proceed with undertaking a strategic plan, which is a lengthy

process. He does not see a conflict with doing both. Hitz suggested that Council proceed with the one-day facilitated planning session to explore the key issues facing the Village. Council may decide to begin a six month strategic planning process that focuses on a specific problem identified at the Saturday session.

It was questioned whether Hitz and Mueller could work together on a process to address both short term and long term goals. Mueller said that the Saturday session would define where the Village is today and address some of the issues that need to be resolved going forward. If Council decides to proceed with the Saturday session, Mueller would like to be involved to capture information and see how it might feed into a longer term plan that could be developed in the near future.

Hitz was in agreement with the suggestion to work together at the February 12 meeting. He proposed that Council have a Saturday morning session that will lead to a follow up meeting to arrive at 1-3 year issues and action plans. This will assist Council with focusing on longer term issues at its regular meetings. At the same time, Council could commit to an extended series of planning meetings.

Motion by Stearn, second by Mercer, that Council engage Phil Mueller as a facilitator for the February 12, 2011 Council study session and determine how to proceed from there.

Mooney said that he supports Phil Mueller but would like to approach this on a shorter and a longer term basis. Because Mueller and Hitz are willing to collaborate on a planning session, Mooney proposed that it would be in the best interest of the Village to have both individuals assist Council. There were other members of Council who shared this view.

Stearn recommended that Council get the process started with the assistance of Mr. Mueller based on the framework he presented. If Mr. Hitz is needed at a future date, the decision can be revisited.

Roll Call Vote:

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

Motion fails (3 – 3).

Motion by Briggs, second by Mercer, that Council accept the proposals from Neil Hitz and from Phil Mueller and ask them to work together to facilitate the Saturday, February 12 Council study session to address short term issues and a longer term planning process.

Roll Call Vote:

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

Motion passed (5 – 1).

REVIEW AND CONSIDER EXTENDING THE MEDICAL MARIJUANA MORATORIUM

Motion by Mooney, second by Oen, to approve a Resolution Extending Medical Marijuana Moratorium.

Council members commented on the medical marijuana issue and the Resolution to extend the moratorium. The entire resolution is available for public review at the Village offices.

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

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 22 OF THE MUNICIPAL CODE THE ZONING MAP

The Planning Board held a public hearing on December 8, 2010 to receive comments regarding the correction of the Zoning Map for Huntley Subdivision. Council held its public hearing on January 18, 2011. Ryan reviewed that Robert Bliven had determined that the zoning map affecting Huntley Subdivision was incorrectly drawn in 1990 or 1991. The proposed zoning ordinance amendment reestablishes the map that existed in 1961. Ryan summarized the intent of each section of Ordinance No. 337. This concludes the first reading of the ordinance.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court questioned whether the Personnel Committee has met to review the Village Manager’s contract and when this item will be on the Council agenda for approval. She observed that the fire damaged home on Blossom Court is still standing and questioned why it has not been taken down. Tischler asked the outcome of recent arbitration with the Public Safety unions. She made inquiries on several invoices included on the list of bills that were approved by Council earlier in the meeting.

A question from John McGrath of 16210 Beverly Road on the recent Investment Report prepared by Finance Director Wiszowaty was addressed by Council.

Vince Borowski of 31115 W. Chelton said that he received his assessment notice, and his property value has gone down again this year by 1.83 percent. Since 2008, the assessed value of his property has decreased by 33.5 percent. It is anticipated that municipal governments will have to deal with a further decrease in assessed values in 2012. Borowski understands that some Michigan communities will be threatened with bankruptcy in the next year. Beverly Hills will not run out of money next year to the credit of this Council, the previous Council, and all the people who worked hard to pass the Charter Amendment in November. Council’s discussion on

what it should be doing next remains timely because the millage increase will not provide everything necessary to get the Village through future years.

REPORTS – MANAGER

Due to the blizzard conditions and time spent on other matters tonight, Wilson deferred his report to the next meeting. He announced that the Village offices will be closed tomorrow due to the ongoing weather conditions. The Village will declare a snow emergency at 10 p.m. tonight.

REPORTS – COUNCIL

Mercer thanked Lisa Ross for coordinating a great Winter Family Fun Day for the Parks and Recreation Board.

Oen announced that there will be a joint meeting of the Council and Planning Board on Wednesday, February 9.

Mooney commented that the Winter Family Fun Day was a successful event in Beverly Park last Sunday. Mooney will be requesting that a number of items be placed on the agenda of future Council meetings related to Beverly Park repairs and maintenance.

Stearn announced that, for personal reasons, he hereby tenders his resignation from the Village Council effective at the end of this meeting.

Briggs reported on Baldwin Public Library news and events. The Library is looking for volunteers to help in its circulation department. The 2011-12 library budget has been a topic of discussion at Library Board meetings. Their next finance committee meeting will be held on February 14. Library negotiations with Bloomfield Hills will continue at the next Library Board meeting scheduled for February 7 at 5:30 p.m. The Baldwin Library will sponsor a classical music children's concert on Saturday, February 5 at 10:30 a.m.

Koss commented that the Winter Family Fun Day was an outstanding event. She thanked the Parks and Recreation Board and Village volunteers.

Motion by Oen, second by Briggs, to adjourn the meeting at 9:29 p.m.

Motion passed (6 – 0).

Rosanne Koss
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary