

Present: President Koss; President Pro-Tem Briggs; Members: Burry, LaFerriere, Mooney and Oen

Absent: Mercer

Also Present: Village Manager, Wilson  
Director of Public Safety, Woodard

President Koss called the regular Council meeting to order at 7:31 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 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 a joint Council/Parks & Recreation Board meeting held on June 16, 2011.
- b. Consider approval of minutes of a regular Council meeting held June 21, 2011.
- c. Review and file bills recapped as of Tuesday, July 5, 2011.

Motion passed (6 – 0).

#### **BUSINESS AGENDA**

##### **REVIEW AND CONSIDER ANNUAL FUNDING REQUEST AND CONTRACT FROM BIRMINGHAM YOUTH ASSISTANCE COMMITTEE FOR FY 2011/12**

Birmingham Youth Assistance has contacted the Village with a funding request for \$5,434 for the 2011/12 fiscal year. BYA provides services and support to families and youth in the Village and the Birmingham School District focusing on preventing and reducing juvenile delinquency, child neglect and abuse through citizen, school, court and municipal involvement. Birmingham Youth Assistance acts as a community service function to provide programs that Beverly Hills does not staff on its own.

Liz Csizmadia, caseworker with Birmingham Youth Assistance, stated that the organization's Board of Directors implements and develops programming based on issues affecting kids and families locally. It is with the support of local communities that BYA is able to put those programs in place. Csizmadia thanked Beverly Hills for its support last year and requested to maintain the same funding this year in the amount of \$5,434 in order to move forward into the next program year. She noted that the organization has fund raising ideas and programs in place for the next year.

Motion by Briggs, second by Mooney, that the Council for the Village of Beverly Hills approve the funding request of Birmingham Youth Assistance Committee in the amount of \$5,434 for the provision of youth and family services; further, that Administration be directed to sign the contract document providing for this continuing community service.

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

Briggs commended Birmingham Youth Assistance for the service it provides to the youth of Beverly Hills.

### **REVIEW AND CONSIDER CONTRACT FOR SERVICES WITH BIRMINGHAM AREA CABLE BOARD**

Before Council for consideration is a Village of Beverly Hills Contracted Services Agreement with the Birmingham Area Cable Board (BACB). The contract has been reviewed by Village Attorney Ryan. Mooney explained that this written agreement sets forth services provided by the Village to the Birmingham Area Cable Board. In exchange for the Village furnishing these services, the BACB agrees to reimburse the Village through an Administrative Cross Charge, which shall be set annually by the Village as part of its budget setting process and agreed to by the BACB.

The Administrative Cross Charge is an allocation of cost of the total fully accounted for personnel expense of employees assigned to provide services to the BACB. Services provided through the Administrative Cross Charge shall include: recording secretary services, annual audit costs, financial record keeping and bank account management, accounts payable and accounts receivable services, and third party information whereby the Village provides 1099 Forms and all necessary information to the BACB's independent contractors. The Village shall be reimbursed by the BACB in the amount of \$200 per month for financial services. The term of the Agreement shall be one year from July 1, 2011 to June 30, 2012 and shall continue on one year renewable terms.

The Contract includes provisions for Confidential/Proprietary Information, Governance in accordance with the laws of the State of Michigan, Unenforceability of provisions that are not valid or illegal with all other provisions in effect, and for Binding the Agreement upon the successors and assigns of the parties. The Contract includes an indemnification clause whereby the BACB shall be liable for its own actions and those of its contractors and employees. A copy of the Agreement is available for public review at the Village office.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council instruct the Village Manager and Village President to enter the Village of Beverly Hills Contracted Services Agreement with the Birmingham Area Cable Board and to execute the Agreement.

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

**FIRST READING OF AN ORDINANCE AMENDING CHAPTER 41 MOTOR CARRIER SAFETY OF THE MUNICIPAL CODE**

Oen proposed postponing consideration of this item pending further discussion between Director of Public Safety Karl Woodard and Village Attorney Tom Ryan.

Motion by Oen, second by Mooney, to table the first reading of an Ordinance Amending Chapter 41 Motor Carrier Safety of the Municipal Code.

Motion passed (6 – 0).

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

Motion by Mooney, second by Oen, 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 the Village of Beverly Hills proclaims July as Recreation and Parks Month and encourages 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 TRAFFIC CONTROL ORDER 242-NP-11 REGULATING PARKING TIMES AT RIVERSIDE PARK**

Mooney related that there have been difficulties experienced at Riverside Park in terms of congregating and vehicular traffic at night in the winter months. It has been suggested by the Parks and Recreation Board and Village Administration that Council approve a Traffic Control Order regulating parking times at Riverside Park.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council adopt Traffic Control Order 242-NP-11 in accordance with Ordinance 41.01 based on an investigation of traffic conditions and hereby prohibit parking on the south side of Riverside east of Evergreen Road at the parking lot for Riverside Park as follows: November 1<sup>st</sup> through March 31 from 6 pm through 6 am; April 1 through October 31 from 10 pm through 6 am, when signs giving notice of same are erected.

Motion passed (6 – 0).

**FOURTH ANNOUNCEMENT OF FINANCE AD-HOC COMMITTEE VACANCY**

Briggs made the fourth announcement of a vacancy on the Finance Ad-Hoc Committee due to the resignation of Brian LaFerriere following his appointment to Council. His term was set to expire on June 30, 2013. The deadline for accepting applications for this position has been extended to July 8, 2011 at 4:30 p.m.

**PUBLIC COMMENTS**

Amar Chawney of 32850 Longbow Court, Beverly Hills resident and developer of Woods of Turnberry Subdivision, related background on the construction of seven homes in the subdivision starting in 2000. Chawney asserted that he is due the bond money from the last two homes he built and questioned why those bonds have not been refunded by the Village.

Sharon Tischler of 21415 Virmar Court, Southfield Township Clerk, had a question about an American Express expense in the list of bills for the last month.

Kathleen Berwick of 31381 Kennoway Court commented that she was recently part of a team planting native plants at Riverside Park. She observed that the park was a party spot that should be policed by the Public Safety Department.

**REPORTS – MANAGER**

Wilson stated that the Village is in the process of doing a sidewalk survey at Council's request; employees are in the community marking certain sections of sidewalk. The Village will be communicating with all impacted homeowners soon.

Wilson informed Council that the Michigan Legislature has recently passed a PA 312 reform bill that was sponsored by the Michigan Municipal League. HB 4522 will be going to Governor Snyder's desk and is expected to be signed. The bill makes several changes to PA 312 including defining the ability to pay and making it the top factor for an arbitrator to consider. It also speeds up timelines and moves up the last best offer. Wilson thanked the MML for its efforts on this reasonable and fair reform bill.

**REPORTS – COUNCIL**

LaFerriere reported on a recent meeting between people from Westwood Estates Subdivision and DTE representatives regarding power outages experienced in that area. DTE set forth action steps being taken to improve the situation. It was indicated that residents are expected to contact DTE when they lose power; that information is used to indicate which sections of the circuit are without power.

LaFerriere volunteered to begin discussion on the capital expenditure budget, which was identified as one of Council's short-term priorities.

Mooney and Oen congratulated the City of Birmingham for an outstanding fireworks display at Lincoln Hills this year. Briggs encouraged residents to make use of area parks during July, which was named National Recreation and Parks Month.

Motion by Oen, second by Mooney, to adjourn the meeting at 8:05 p.m.

Motion passed (6 – 0)

**Rosanne Koss**  
**Council President**

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

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