

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

Absent: None

Also Present: 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. 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 (7 – 0).

COMMUNITY ANNOUNCEMENTS

Oakland County Commissioner Marcia Gershenson reported that she had been selected to receive the Taubman Fellowship and has just returned from attending a program for Senior Executives in State and Local Government at the Kennedy School of Government at Harvard University. She completed three weeks in a class of 60 people from all over the world consisting of city managers, elected officials, school board members and police and fire representatives. Gershenson had an opportunity to broaden her awareness of effective approaches to public sector problems, and it was a reaffirmation of the public work that we all do. Gershenson commended Council members for their commitment and encouraged them to think about taking a continuing education course.

CONSENT AGENDA

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

- a. Consider approval of minutes of a regular Council meeting held July 19, 2011.
- b. Review and file bills recapped as of Monday, August 1, 2011.

Motion passed (7 – 0).

BUSINESS AGENDA

SECOND READING AND POSSIBLE ADOPTION OF ORDINANCE #338 AMENDING CHAPTER 41 MOTOR CARRIER SAFETY OF THE MUNICIPAL CODE

Village Attorney Tom Ryan described two minor changes to the proposed ordinance reviewed at the first reading in Section 41:07.784, Adoption by Reference, and Section 4.01 Repealer. Public Safety Director Woodard pointed out that Section 41:07.787 Penalties, paragraph 1, should be corrected to indicate a fine of not more than \$500 for each violation.

Ryan stated that he and Director Woodard met with the Court Administrator of the 46th District Court last week. Beverly Hills is the first community that will adopt this Act; some communities enforce State Law. Court officials have a copy of proposed Ordinance No. 338 and have no problem with it.

Ryan conducted the second reading of Ordinance No. 338, An Ordinance to Amend the Village Municipal Code, Chapter 41.07, currently entitled Motor Carrier Safety Regulation, to be retitled: Motor Carrier Safety. Ryan highlighted each section of the ordinance. The purpose of this ordinance is to assure safe trucks and safe operators on the roads. The ordinance in its entirety is available for public review at the Village office.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council adopt Ordinance No. 338, An Ordinance to Amend the Village Municipal Code, Chapter 41.07, Currently Entitled Motor Carrier Safety Regulation, to be Retitled: Motor Carrier Safety.

Questions from Council were addressed by the Village Attorney. Ryan noted that the Village's adoption of this ordinance will enable fines and penalties to be directed to Beverly Hills and not the State.

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

REVIEW AND CONSIDER APPOINTING GREG BURRY AS THE VILLAGE REPRESENTATIVE TO THE BIRMINGHAM AREA SENIORS COORDINATING COUNCIL

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council appoint Greg Burry as the Beverly Hills representative to the Birmingham Area Seniors Coordinating Council.

Motion passed (7 – 0).

SECOND ANNOUNCEMENT OF ZONING BOARD VACANCY

LaFerriere made the second announcement of a vacancy on the Zoning Board of Appeals due to the resignation of Maureen Francis, whose term of office will expire on June 30, 2013. The deadline for submitting applications for this position will be Friday, August 5, 2011 at 4:30 p.m. A subcommittee of LaFerriere as chair, Mooney, and Oen will meet on Tuesday, August 16 at 7:15 p.m. to review applications and recommend a candidate to fill the vacant seat.

REVIEW AND CONSIDER RECOMMENDATION FROM PARKS & RECREATION BOARD TO AUTHORIZE VILLAGE ADMINISTRATION TO SEEK BIDS TO REPLACE BENCHES IN BEVERLY PARK

Mooney reported that the Parks and Recreation Board and Administration along with a team from the Village's liability insurance carrier that conducted a safety inspection of Beverly Park are recommending replacement of approximately six benches in the park. Some of the benches are old, worn and in need of replacement. It was noted that vandalism is not a factor in this proposal.

Mooney indicated that, if any of the benches designated to be replaced were donated in past years, it was the intention of the Village to reattach the commemorative placard to the new bench.

Motion by Mooney, second by Oen, that the Beverly Hills Village Council authorize Administration to seek bid proposals to replace approximately six benches in Beverly Park that are in poor condition in the interest of the safety and welfare of the community.

It was anticipated that the replacement benches would be of a similar material to other new benches in the park that are constructed of a coated metal. At the suggestion of Council member Burry, there was agreement to consider benches constructed of recycled plastic.

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

PUBLIC COMMENTS

None

REPORTS – MANAGER

Assistant Manager Marshall presented the manager's report in Chris Wilson's absence. Marshall related that the Village was represented in 46th District Court on July 28, 2011 to defend a claim brought forward by Amarjit Chawney, previous developer of Turnberry Subdivision. She reviewed that Mr. Chawney came before Council at its July 5 meeting stating that he was due a refund of bonds for the construction of two homes in the Turnberry subdivision. Judge Johnson ruled in favor of the Village, holding that the revocation of the bonds was proper and that Mr. Chawney is not due any amount of refund.

A prehearing conference on the PSO Command Arbitration is scheduled for tomorrow morning, Wednesday, August 3 at 9:00 a.m. at the Village Hall. Chris Wilson will be present along with the Village's labor attorney.

At its July 27 meeting, the Planning Board discussed the Michigan Medical Marijuana Act and the Village's 90-day extension of a moratorium on the establishment of any medical marijuana dispensary within Beverly Hills. The Board considered a proposed ordinance to Chapter 22 of the Zoning Ordinance stating that "Any use that would constitute a violation of Federal, State or local law or regulation shall be prohibited". A public hearing will be held at the August 24, 2011 Planning Board meeting on a proposed ordinance amendment entitled: 22.01.060 Conflicting Regulations.

The Parks and Recreation Board will be hosting a "Movie in the Park" night on Wednesday, August 24 at Beverly Park. There is no charge for this family-friendly event where the movie "Surf's Up" will be shown. People are encouraged to come early and bring a picnic dinner. Kids can enjoy a bounce house provided by the Oakland County Recreation Department from 6-8 p.m. The movie is scheduled to start at 9 p.m. The rain date is Thursday, August 25.

The Village switched over its phone system to a new provider WideOpenWest last Thursday, July 28. There were some difficulties experienced during the changeover process. Administration apologized for any inconvenience this may have caused.

Marshall congratulated administrative assistant Erin Wilks and her husband Dan on the birth of their first child, James Daniel, on Saturday, July 30.

REPORTS – COUNCIL

Oen mentioned that the Planning Board will hold a public hearing to amend Chapter 22 of the Zoning Ordinance to add a one-sentence Section 22.01.060, Conflicting Regulations on Wednesday, August 24, 2011.

Mooney reported on the passing of two Village citizens. He expressed condolences on behalf of Council and the Village to the family of Tom Sheehan, who served the Village in a great manner as a representative to the Parks and Recreation Board in the 1980s. Mooney offered sympathy to the family of Jody O'Brien on her passing. She was the wife of former Council member Judge John O'Brien. Jody and John O'Brien have been prominent citizens of the community always giving their support to Beverly Hills and other organizations.

Mooney stated that he was troubled by the current and future state of the Village's commercial district. There are vacant buildings on Southfield Road in Beverly Hills and in Southfield Township where The Corners shopping center is located. He would like to take immediate action to address this situation. Mooney proposed that the Village Manager, Planning Board chairperson, President of Council, and the Council liaison to the Planning Board schedule a meeting with the property and business owners along Southfield Road. Others to invite to this meeting would be the Township Supervisor and the chairperson of the Township Planning Board. It would make sense at some point to get the County and the School District involved in a coalition of government officials.

This meeting would be held in an attempt to reach out to property and business owners and discuss options and strategies to improve the commercial district and to encourage businesses to remain and locate in this area. Mooney felt strongly that Council should be doing something immediately to reach out to existing businesses for information and problem solving. All members of Council voiced their input and support of this initiative. There was a unanimous consent of Council to direct Administration to implement this plan for a meeting of those individuals designated.

Mercer reminded everyone of an event being held in Beverly Park on Saturday, August 20th when a group including Beverly Elementary School families will attempt to enter the Guinness World Records by creating and operating the Longest Lemonade Stand ever assembled. Lemonade stands are still available for purchase; the event will raise money for local schools. There will be a lot of fun activity in the park on that day. Information is available at <http://longestlemonadestand.com>.

Burry attended his first Birmingham Area Cable Board meeting in July and was impressed with the professionalism and expertise of the members. He looked forward to representing the Village

on the Cable Board. The Board approved a grant to the Beverly Hills Public Safety Department at that meeting for WOW Internet service. They also approved a grant request from the Village to purchase a multimedia projector and a digital camera.

Briggs related that the Baldwin Library Board met recently and commended Library Director Doug Koschik on doing an outstanding job of steering the library during tough times. Koschik was thanked for his service to Birmingham, Beverly Hills and Bingham Farms.

Briggs reported receiving emails from residents on the topic of transparency in government, which may have been generated by ongoing discussions on the federal level. He commented on a recent SEMCOG workshop addressing requirements imposed by the Legislature and Governor for municipalities to produce a citizens' guide to finances.

After almost of year of serving as Council President, Koss took the opportunity to thank each Council member and Administration for their input and assistance, declaring that she would not be able to do the job that she does without the support of each of those individuals.

Motion by Mooney, second by Oen, to adjourn the meeting at 8:17 p.m.

Motion passed (7 - 0).

Rosanne Koss
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary