

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

Absent: None

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

President Koss called the regular Council meeting to order at 7:30 pm 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.

COMMUNITY ANNOUNCEMENTS

Janet Mooney, co-chair of the 17th Annual Halloween Hoot, announced that the Hoot will take place in Beverly Park on Sunday, October 21. She outlined the schedule of events for the day, noting that there will be 16 Trick-or-Treat stations set up along the park path. Mooney invited everyone to attend this great community event.

Briggs announced that Groves High School will be putting on the musical *Barnum* this fall on November 3, 4, 9, 10 and 11. He introduced Tim Thomas, GHS Vocal Music Director, who was present with four members of the Barnum cast: Nathan Willey, Weston Blum, Anna Daugherty and Audrey Kennedy. Tim Thomas highlighted the story of Barnum and invited everyone to attend the show. The students introduced themselves and sang the opening song from the musical, “There’s a Sucker Born Every Minute”. They received a standing ovation.

Elaine McLain, chair of the Birmingham Area Cable Board, was present to talk about an issue related to the recent League of Women Voters Candidates Forum held on October 11 in the Beverly Hills council chamber. Bloomfield Community Television (BCTV) staff was present that evening to record that live political event for future airings on the municipal cable channel. Due to an unfortunate human error, the recording was not made. McLain affirmed that a backup protocol is in the works. She remarked that there were no members of the print media present at this forum, and the League of Women Voters generally does not have people in the audience record on their personal devices.

McLain related that one of the major responsibilities of the Cable Board is to reflect what takes place in municipal government. She informed Council that BCTV has offered to record and televise a forum for the candidates who are available to attend. Leslie Helwig, General Manager from BCTV, extended her apology for the error that resulted in the event not being recorded. BCTV will do whatever it can to provide a remedy to the situation with the understanding that the original forum cannot be recreated.

Council members commented on the mishap and concurred that there were ideas and proposals voiced at the forum that should be publicly aired and brought to the attention of the community. There was a consensus that the candidates should be afforded the opportunity to meet to discuss issues with the assistance of a moderator. Koss noted that the two candidates for the Township Clerk position should be included in any upcoming candidate forum.

Council requested that Ms. Helwig provide Village administration with available dates for a candidate forum that would be recorded and televised on the municipal cable channel. Helwig responded that BCTV will be available whenever the candidates are available; she will submit dates to the Village office and send invitations to the candidates.

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 October 2, 2012.
- b. Review and file bills recapped as of Monday, October 8, 2012.

Motion passed.

BUSINESS AGENDA

PUBLIC HEARING TO RECEIVE COMMENTS ON PROGRAM YEAR 2013 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Beverly Hills has participated in the federally funded Community Development Block Grant (CDBG) program for more than 25 years. The program is administered through Oakland County's Community & Home Improvement Division. The yearly allocation is based on a formula that applies several objective measures of community needs including the extent of poverty, population, housing overcrowding, age of housing and population growth lag in relationship to other metropolitan areas.

The Village's estimated allocation for Program Year 2013 is \$15,141. Council is required to hold a public hearing before it considers allocating funds. President Koss declared the public hearing open at 7:59 pm for comments on the Beverly Hills application for participation in the 2013 CDBG program.

Renee Cortright, Director for the Birmingham Area Seniors Coordinating Council, stated that BASCC is a non-profit organization that has been serving seniors in the community since 1978. The organization has worked to identify older adult needs and to develop community resources to meet those needs. Since 1992, BASCC has administered the Village's CDBG program, which provides minor home repairs and yard services to income qualifying seniors. Cortright said that the seniors appreciate these programs and would like to see them reinstated.

Dorothy Pfeifer of 160 Charrington Court commented that she currently sits on the BASCC board of directors. As a former Council member, she is aware of how CDBG funds were administered and affirmed that funding allocated to BASCC for senior services are well used. Pfeifer would appreciate Council's consideration to approve this proposal.

Casey Dietrich representing HAVEN thanked Beverly Hills for its previous support. HAVEN is a nationally recognized non-profit organization with a mission to eliminate domestic violence, sexual assault and child abuse through treatment and prevention services across Oakland County. HAVEN provides counseling, shelter, criminal and family court advocacy, crisis intervention to victims and survivors of abuse. This year Haven is requesting an allocation of \$2,500 to continue to provide its services to the community.

No one else wished to be heard; the public hearing was closed at 8:08 pm.

REVIEW AND CONSIDER PROGRAM YEAR 2013 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Resolved by Mooney, second by Oen, to adopt the following resolution:

Whereas, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs, and;

Whereas, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan, and

Whereas, the Village of Beverly Hills has duly advertised and conducted a public hearing on October 16, 2012 for the purpose of receiving public comments regarding the proposed use of PY 2013 Community Development Block Grant (CDBG) funds in the approximate amount of \$15,141, and

Whereas, the Village of Beverly Hills found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need.

Account	Project Name	Amount
172160-731227	Minor Home Repair	\$10,599.00
172160-730137-40620	Public Services – Battered & Abused	2,271.00
172160-732170	Public Services – Yard Services	2,271.00

Therefore Be It Resolved, that the Village of Beverly Hills’ CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County’s Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Council President is hereby authorized to execute all documents, agreements, or contracts which result from this application to Oakland County.

Council members thanked representatives from BASCC and HAVEN for attending tonight and for the service they perform in the community. The importance of receiving CDBG funding in order to allocate funds to provide crucial services to residents was emphasized.

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

REVIEW AND CONSIDER SUBCOMMITTEE’S RECOMMENDATION TO FILL VACANCY ON ZONING BOARD OF APPEALS

LaFerriere reported that a subcommittee consisting of himself as chair, Burry and Briggs met prior to tonight’s Council meeting to review an application to fill a vacancy for an alternate member of the Zoning Board of Appeals. The subcommittee unanimously recommends the appointment of David Eifrid to this position.

Motion by LaFerriere, second by Briggs, that Council appoint David Eifrid as an alternate member of the Zoning Board of Appeals for a term to expire June 30, 2015.

Motion passed.

ANNOUNCEMENT OF VACANCY FOR ALTERNATE MEMBER ON THE ZONING BOARD OF APPEALS

LaFerriere announced that a vacancy exists on the Zoning Board of Appeals for an alternate member. Alternate members fill in when a full complement of the Zoning Board is not expected to be in attendance at a meeting. They are also welcome to attend ZBA meetings when their attendance is not required. This term has an expiration date of June 30, 2015. Applications are available on the Village website and at the municipal office.

PUBLIC COMMENTS

Dorothy Pfeifer of 160 Charrington Court commented on the ballot proposal to amend the Village Charter to establish that a person appointed because of a Village Council vacancy hold office until the next regular Village election. She understood that the purpose was to allow the electorate to choose an individual to fill an unexpired term of a vacated Council seat at the next election. Pfeifer thought that the wording of the ballot question could result in an unintentional consequence of the entire Council turning over at one time. She did not think it was clear that an individual would be elected for the unexpired term of the vacated seat. Pfeifer said that she could not support the Charter Amendment the way it reads.

Village Attorney Ryan addressed Mrs. Pfeifer’s concerns relative to the wording of the ballot question. He was of the opinion that the ballot language was in order. There was further discussion at the table on the ballot proposal.

Andrea Gilles Briggs, 16207 Reedmere Ave., stated that she is seeking support as the Democratic candidate for Southfield Township Clerk. She summarized her comments from the League of Women Voters forum held on October 11, 2012.

REPORTS – MANAGER

Wilson referred to an unfortunate incident in the Village on October 4 involving a high speed chase whereby the cruiser of a Beverly Hills officer was struck and he was seriously injured. Wilson visited the officer in the hospital this week. His physical prognosis looks positive although he faces a long recovery process. Wilson asked people to continue to keep this officer in their thoughts and prayers. He stated that the suspect in this case has been arraigned; a \$1 million cash bond was issued. There is an ongoing criminal investigation of this case.

It was reported that the sinkhole on Beaconsfield was addressed last weekend. Wilson discussed some of the details involved with this project.

Wilson thanked Elaine McLain and Leslie Helwig for attending tonight on behalf of BCTV and the Birmingham Area Cable Board. Steve Rota from BCTV contacted the Village this morning to explain what occurred with regard to the League of Women Voters forum. He was professional and apologetic throughout the process. Holding a forum and televising an event where candidates express their views is an important municipal event. Wilson was disappointed for the candidates and for the public who would not be able to view the forum. He hoped that the offer from BCTV to hold another forum occurs.

There were comments made at the League of Women Voters forum about the financial state of the Village. Wilson informed members of the public who may have concerns about Beverly Hills' financial situation that the Village's current audit statement speaks for itself. It is available on the Village and state websites. Residents can contact Wilson or Finance Director Wiszowaty with any questions on the Village's finances. Any comments that the Village is in a dire financial situation are not supported by the facts.

Mooney remarked that he was taken aback by what was said by Mr. Lott at the candidates forum in terms of suggesting that the Village should go into receivership when the audit affirms that Beverly Hills is in good financial shape. The Village is fully funding all of its OPEB (other post employment benefit) obligations, current as well as future. LaFerriere added that Beverly Hills would not qualify under state law to have a financial manager.

Burry questioned how public safety staffing will be handled considering that the injured officer will be off duty for a considerable amount of time. Chief Torongeau responded that the Department is close to hiring another PSO; the individual should be on board within two weeks. The candidate has 10 years of experience as a fire fighter and police officer. Wilson added that a command officer returned to duty after a period of absence due to an on-the-job injury.

REPORTS – COUNCIL

Burry announced that the Birmingham Area Cable Board will meet tomorrow morning, October 17, at 7:45 am. The Joint Senior Services Committee will be meeting on October 25 at 7 pm to continue efforts on developing focus groups to determine the needs of seniors.

Mercer commented that the Charter amendment proposal was placed on the ballot because Council thought it was prudent to allow the electorate to decide how to proceed in terms of choosing the individual to fill the unexpired term of a vacated Council seat.

Mercer commented that our public safety officers are on duty to protect and to serve. The incident that happened to one of our officers on October 4 was very serious. Mercer offered this officer his sincere hope for a speedy recovery.

Mercer asked people to support their local boy scout troop with their popcorn sales. Birmingham Youth Assistance is co-sponsoring an event with the Birmingham Bloomfield Community Coalition called Rx Drug Abuse by Teens to be held on Thursday, October 25 at 7 pm in the Seaholm High School Little Theatre.

Mercer presented his synopsis of the League of Women Voters forum for the reason that it is not being televised. He thought that the two current Council members seeking reelection did an excellent job with their presentations. He urged people to vote for John Mooney and Brian

LaFerriere. They have a knowledge of the issues at hand. For the third position, Mercer supported Jacqueline Kelly to fill the position that will be vacated by Rosanne Koss for the reason that she has a good grasp of the issues. Mercer noted that one of the candidates did not attend. Another candidate put the Village in the same category as cities that are close to receivership. Mercer stated that Beverly Hills ranked 58th nationally in the recent Coldwell Banker Realty list of the 100 best suburban communities in which to live in the United States out of 11,000 suburban communities.

Mercer thought that both candidates for Township Clerk are qualified; however, he liked the energy and ideas set forth by Andrea Gilles Briggs.

LaFerriere reported that he and Council member Burry attended the Birmingham Youth Assistance Annual meeting last week. He was impressed to hear about the work this organization is doing for neglected and juvenile delinquents in our school system. The organization deserves our support.

The League of Women Voters Oakland Area Voter Guide has been published and is available online. The guide includes a representation of the backgrounds and opinions of the candidates. The publication will be useful in the absence of the October 11 forum being televised.

Oen said that some of the comments made at the League of Women Voters Candidates Forum concerned him. A candidate's remark suggesting that the Village go into receivership to get rid of its legacy costs was distressing. This individual did not understand the Village's financial condition or how its post employment benefit costs are being addressed. Oen wished our fallen officer a speedy recovery.

Mooney joined Councilman Mercer in his endorsement of Jacqueline Kelly and Brian LaFerriere. He thought that Andrea Gilles Briggs would bring fresh perspective to the office of Southfield Township Clerk. Every candidate should be judged on their past performance. Mooney is willing to stand on his past performance over the past four years. Mooney urged everyone to attend the Halloween Hoot.

Mooney stated that resident Don Greening passed away on October 4, 2012. He was an individual who has done a tremendous amount for this Village without receiving credit. He built and carved the totem pole situated near the park pavilion which serves as the lost & found for Beverly Park. He built the bridge that goes across the wetland near the park pond. He searched and found the artesian well in the park so that the pond could be spring fed. He dug a ditch and planted a pipeline to feed the pond. He painted one of the dugouts at the baseball field before he became too ill to paint the second one. Don Greening was a principal volunteer for the Halloween Hoot, an event originated by his wife Pat Greening, and was a regular volunteer for the Memorial Day Carnival. Don Greening was a great artist who carved a 7 ft. tall statue of St. Francis of Assisi, which stands in his backyard.

Briggs reported on the Baldwin Library Board meeting of October 15. The quarterly report of the Library's dashboard is up and available on the Baldwin Library website. This year's Books & Bites event will take place in Baldwin's Grand Hall on Thursday, October 18 starting at 6 pm. Proceeds will fund an upgrade of Baldwin's teen area. Baldwin Public Library will

commemorate Elaine Morse by hosting a poetry reading with Thomas Lynch in her honor on Sunday, October 28 at 2 pm. The Fall Book Sale will be held on November 9, 10, 11 and 12.

Briggs encouraged residents to purchase tickets to see the musical Barnum at Groves High School on November 3, 4, 9, 10 and 11.

Koss stated that the next Council meeting is noted on the Village Calendar as being on November 6. That meeting has been moved to Monday, November 5. She encouraged people to come and enjoy the Halloween Hoot in Beverly Park on Sunday, October 21. Koss reminded everyone to flip over their ballot because it continues on the reserve side.

Koss stated that she has been on Council for 8½ years and has never responded to personal attacks or false allegations. She puts the facts out about herself and tries to remain confident in her ability to do the best she can do for this Village. Koss recently wrote a letter to the editor that was published in the Birmingham Observer & Eccentric newspaper whereby she endorsed Andrea Briggs for Southfield Township Clerk. She wrote nothing negative about the current Southfield Township Clerk. The letter advised people that they have choices and urged them to look at Ms. Briggs' qualifications for the position. This week, a rebuttal letter to the editor written by a Village resident was published in the Eccentric newspaper. The letter was unflattering to Koss and to Ms. Briggs. False allegations were made against Ms. Briggs.

Since the Township Clerk was not present to refute these allegations, Koss addressed the misinformation contained in the rebuttal letter. Koss elaborated on what had occurred relative to Briggs filing her petition for the position of Southfield Township Clerk. To say that the Township Clerk assisted Ms. Briggs in filing her petition was false. This incident should raise questions as to the Township Clerk's knowledge of what is and what is not acceptable in terms of filing petitions.

CONSIDER RESOLUTION TO GO INTO CLOSED SESSION TO REVIEW MANAGER'S PERFORMANCE

Motion by Mooney, second by Oen, that Council go into closed session at 9:14 pm as requested by the Village Manager to discuss his performance evaluation after a four minute recess.

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

Motion by Mooney, second by Oen, to return to open session at 9:37 pm.

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

Briggs stated that Council reviewed the Manager's goals and accomplishments over the last year and were pleased with his performance. This information will be made available for public review on the Village website.

Motion by Mooney, second by Oen, to adjourn the meeting at 9:40 pm.

Motion passed.

Rosanne Koss
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary