

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

Absent: None

Also Present: Village Manager, Wilson  
Assistant Manager, Marshall  
Finance Director, Wiszowaty  
Village Attorney, Ryan  
Public Safety Director, Woodard

President Stearn 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 Briggs, to approve the agenda as published.

Motion passed (7– 0).

#### **COMMUNITY ANNOUNCEMENTS**

Candee Repa of 22868 Shagbark Road reminded everyone about the Friends of Baldwin Library book sale this weekend. She asked people to support the Baldwin Library and also to support the November millage proposal.

Bill Kondak of 31269 Churchill Drive, chairperson of the Parks and Recreation Board, announced that the Parks and Recreation Board will be sponsoring the annual Memorial Day Parade and Carnival on Monday, May 31<sup>st</sup>. The theme this year is “Honoring Our Heroes”; the Grand Marshal will be Stan Pasieka, a Marine Corp veteran. The festivities begin with the parade at 11:30 a.m. followed by the Carnival in Beverly Park from noon to 3 p.m. There will be activities, games, entertainment, food, and a ceremony honoring our veterans.

Kondak reminded residents that the Annual Park Clean Up will be held in Beverly Park this Saturday, May 8 from 10 a.m. until noon. Members of the community are encouraged to come and help get the park in shape for the spring and summer season.

#### **CONSENT AGENDA**

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

- a. Review/consider approval of minutes of a special Council meeting held April 13, 2010.
- b. Review/consider approval of minutes of a regular Council meeting held April 20, 2010.
- b. Review and file bills recapped as of Monday, April 26, 2010.

Motion passed (7 – 0).

**BUSINESS AGENDA**

**REVIEW/CONSIDER REQUEST FROM THE BEVERLY HILLS LIONS CLUB FOR USE OF VILLAGE STREETS ON MONDAY, MAY 31, 2010 FOR 28<sup>th</sup> ANNUAL RUN/WALK**

The Beverly Hills Lions Club has requested to use Village streets on Monday, May 31 for their Annual Memorial Day Fun Run/Walk. The four-mile run will start at 9:30 a.m. at Beverly Elementary School; a two-mile walk will begin at 9:35 a.m. Public Safety will be assisting the participants along the way. The Lions Club has provided the Village with a map of the proposed route and a Certificate of Insurance naming the Village as additional insured.

Motion by Mooney, second by Peddie, that the Village Council approve the request of the Beverly Hills Lions Club to use Village streets and sidewalks for its 28<sup>th</sup> Annual Fun Run/Walk to be held on Monday, May 31, 2010.

Motion passed (7 – 0).

**REVIEW AND CONSIDER WIDE OPEN WEST MICHIGAN, LLC AGREEMENT FOR APPROVAL**

Manager Wilson stated that the Village has been in communication with WideOpenWest LLC regarding a request to procure a franchise agreement with the Village of Beverly Hills in order to provide cable services within the community. WideOpenWest (WOW) submitted a franchise agreement to the Village for approval on April 21, 2010. Wilson and Village Attorney Tom Ryan have reviewed the document and found it to be in order. Before Council for consideration is a Resolution approving the Uniform Video Service Local Franchise Agreement and Attachment 1-Uniform Video Service Local Franchise Agreement.

Kathy Kiste and Mark Dineen from WideOpenWest were in attendance to deliver a presentation on the services provided by the company. Mark Dineen, Sr. Vice President and General Manager, provided an introduction to the company. WideOpenWest is a privately held company based in Madison Heights, Michigan; it employs about 450 employees and contractors that support 42 communities and serve about 570,000 customers. As a company, WOW services about 1.6 million homes in Michigan, Illinois, Indiana and Ohio.

Dineen talked about why WOW is different from other companies and its position in the marketplace competing with large cable providers. WOW focuses on the relationship with the customer. Who a consumer decides to pay for similar cable services is often decided by how the company interacts with its customers. Core values of WOW are integrity, respect, accountability and service.

Dineen said that WideOpenWest has received thousands of calls from people asking when the company would come to their municipalities. He explained that the company had business objectives to fulfill. It reached those business objectives last year and is now in a position where it has available capital and is ready to expand into new areas. Beverly Hills was chosen because of its size and location.

WideOpenWest will deliver a comprehensive product – Internet, cable and phone services. The system will be a state-of-the-art hybrid fiber coaxial network that will deliver all three services. Dineen stated that the product is different in that it includes a lot of choices. He spoke about products available to meet individual needs.

If the agreement is approved tonight, the company will probably begin construction early in the summer. The construction will involve about 52 miles of aerial cable installed on existing Detroit Edison poles and about nine miles of underground work along the same path where underground utilities exist. WOW will install its pedestal next to the ones that exist for cable and phone providers in the community. Dineen affirmed that it will be a relatively seamless installation that will be essentially unobtrusive to residents. It will take about four to five months to complete the installation depending on permitting issues and weather. Upon completion of construction, WOW representatives will contact customers directly. People will be able to order service in person, over the phone or online.

Dineen summarized that WideOpenWest has built a strong reputation in the marketplace predicated on how the company is operated and its relationship with customers. The company is well positioned to execute this new strategy because WOW has the capital, the product, and the talent and dedication of its employees. Dineen introduced Kathy Kiste, who is in charge of Government and Customer Relations.

Dineen responded to questions from Council about the rollout of its product. The company will build in the community on a node by node basis from east to west. There will be 33 nodes in Beverly Hills serving about 160 customers. As each node is activated, WOW will contact customers and offer the opportunity to order service. This will occur in a four to five month period. The company will notify area residents before the nodes are built by direct mail or a tag on the door.

Questions on specifics of the construction process were addressed by Dineen. He could not indicate the name of the companies who will do the construction because contracts have not been signed and are predicated on franchise approval. Dineen related that the application states that WOW will service all of the residential market in Beverly Hills, and it has designed the commercial market. The exception would be when there is a private easement. He affirmed that WOW usually resolves installation problems immediately.

It was questioned whether WideOpenWest would assign a representative to attend monthly Cable Board meetings. Dineen said that WOW would generally attend monthly meetings initially; but it might not be necessary two to three years from now. He commented on the position taken by WOW following adoption of the Uniform Franchising Act. The company still provides free cable to schools and municipalities. Its relationship with the community will be a partnership.

Attorney Ryan was asked to explain why this matter has come before the Council, specifically the implications of the Uniform Video Service Local Franchising Act of 2006. Ryan related that the public policy in the State of Michigan changed in 2006 with this Act. The intent was to increase the availability of providers for telecommunication systems and eliminate barriers to competition in response to an outcry from the municipalities for competition. Ryan remarked that the Uniform

Video Service Local Franchising Act passed by the State took away some of the rights the Village had under its franchise agreement with Comcast.

The Local Franchising Act of 2006 requires the local franchising entity, upon receipt of the franchise agreement under the Act, to either approve or disapprove the Agreement submitted by the video service provider within 30 days of receipt of the Agreement. WideOpenWest Michigan, LLC filed its submission with the Village of Beverly Hills on April 21, 2010. Upon review, the submittal has been determined to be complete pursuant to the technical standards of the Act. Ryan stated that WOW has agreed to provide a 5% franchise fee to the Village and a 3% PEG fee to support the cost of PEG access facilities and services. These are the same fees paid by Comcast and AT&T.

Ryan stated that the Birmingham Area Cable Board represents the communities of Birmingham, Beverly Hills, Bingham Farms and Franklin. The consortium communities have acted as a group in the past in terms of approving franchise agreements. At this time, only Beverly Hills has been approached with a franchise agreement with WideOpenWest. Ryan indicated that the Cable Board and member communities have no problem with this. WOW has met the Village's current franchise agreement language and criteria. Hopefully, the Village will have a quality provider along with more availability and competition.

Mooney understood that a community has a right to say yes or no to the provider within a 30 day period. Stearn asked what would happen if the community did not approve the franchise agreement. Dineen responded that WOW views its investment in Beverly Hills as a partnership, and he doubted whether the company would force the issue from a legal perspective. It would probably approach another community.

Elaine McLain, Birmingham Area Cable Board chairperson, said that the Board works on behalf of its four member communities to advocate for consumers. She urged the Council to consider approval of the franchise agreement based on evidence affirming the quality of the product and service delivered by WideOpenWest. McLain noted that the recent Community Resident Survey conducted by the Cable Board has confirmed that residents desire more competition.

Hildreth Buterbaugh on Dunblaine expressed unease about approving a franchise agreement with WOW because of a concern about the effect on the existing cable consortium if Beverly Hills accepted the franchise agreement. He questioned whether having multiple providers would result in dividing business opportunities to the point where none of the companies will make enough money to thrive.

Briggs, Council liaison to the Cable Board, said that he has had conversations with members of the Board and has been assured that they have no problem with the WOW franchise being exclusive to Beverly Hills at this time. The Board will be involved in monitoring the performance of WideOpenWest service in Beverly Hills as they do with other providers. The Cable Board views this as a positive action.

Motion by Briggs, second by Peddie, to adopt the following resolution.

**A RESOLUTION OF THE VILLAGE OF BEVERLY HILLS  
REGARDING THE UNIFORM VIDEO SERVICE LOCAL FRANCHISE  
AGREEMENT WITH WIDOPENWEST MICHIGAN**

**WHEREAS**, Effective January 1, 2007, the Uniform Video Service Local Franchise Act, Act. No. 480 of the Public Acts of 2006 (“Act”) went into effect; and

**WHEREAS**, Section 3 of the Act requires a Video Service Provider (Provider) to submit a complete franchise agreement with the local unit of government, prior to offering video services within the boundaries of a local unit of government (Franchising Entity); and

**WHEREAS**, Section 3(2) of the Act requires a Franchising Entity to notify the Provider as to whether the submitted franchise agreement is complete as required by the Act within 15 business days after the date that the franchise agreement was filed. If the Agreement is not complete, the Franchising Entity shall state in its notice the reasons the franchise agreement is incomplete; and

**WHEREAS**, Section 3(3) of the Act requires a Franchising Entity to approve a “complete franchise” within 30 days of the submission of a complete franchise agreement; and

**WHEREAS**, Section 2 of the Act sets forth all of the provisions and information that a Provider must submit to a Franchising Entity in order to deem the Provider’s proposed franchise agreement “complete”; and

**WHEREAS**, On April 21, 2010, WideOpenWest Michigan, LLC, a Delaware limited liability company doing business as WOW! Internet Cable Phone (WOW), filed its Uniform Video Service Local Franchise Agreement (Agreement) with the Village of Beverly Hills (Franchise Entity); and

**WHEREAS**, the Agreement submitted by WOW satisfies the requirements of the Act, and the Agreement meets the technical requirements of the Act, and therefore, the Village undertakes to adopt this Resolution approving the Agreement, as required by the Act; and

**WHEREAS**, notice of completeness of the Agreement was provided by the Village of Beverly Hills to WOW on April 28, 2010, the 5<sup>th</sup> business day after receiving the above referenced Agreement and Attachment, in compliance with Section 3(2) of the Act; and

**WHEREAS**, based on the filing date and the thirty day deadline, the Village must take action on and notify WOW as to whether the Village has approved the Agreement on or before Friday, May 21, 2010.

**NOW, THEREFORE, BE IT RESOLVED**, that the Village finds that the Agreement meets the technical requirements of the Act, and solely for that reason, the Village hereby approves the Agreement with WOW on the 13<sup>th</sup> day after receiving the above referenced Agreement and Attachment, in compliance with Section 3(3) of the Act.

Stearn understood that the Village has limited rights in this regard due to specific requirements set forth by State Law. His questions on the franchise agreement have been addressed. The Cable Board has no issues with the request from WOW for a franchise agreement in Beverly Hills. The percentage of PEG access and video service provider fees to the franchising entity are the same as paid by the other providers.

Mooney said that he had an issue with the way that the cable franchise agreement was presented to Council. He would have liked information on the experience of other communities relative to the WideOpenWest construction process and a memo addressing the position of the Cable Board on this franchise. Mooney said he would support the resolution in order to provide competition to the residents.

Berndt related that he was pleased with the opportunity to have an alternate cable service provider in the Village. Peddie added that she has heard good things about WideOpenWest and was happy that the company has made a commitment to come into the Village.

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

**PUBLIC HEARING TO RECEIVE COMMENTS REGARDING THE PROPOSED REZONING FOR THE AREA WEST OF SOUTHFIELD ROAD AND NORTH OF BEVERLY ROAD**

Planning consultant Brian Borden from LSL Planning addressed the proposed single family residential rezoning for the area west of Southfield Road and north of Beverly Road. The rezoning proposal is a result of a recent nonconforming study conducted by the Village Planning Board. This was the second such study undertaken in the past four years. The previous study focused on single family neighborhoods east of Southfield Road, while the current study concentrated on single family neighborhoods west of Southfield Road.

The current study area was chosen for review because it had the highest concentration of nonconforming parcels of all of the neighborhoods west of Southfield Road. The specific study area is bounded by Beverly Road to the south, Saxon to the north, Southfield Road to the east, and the curve of Riverside Drive to the west. The study area contains 499 parcels, 433 of which are currently nonconforming under the Village Zoning Ordinance; 87% of the parcels in the study area are nonconforming due to lot width, lot area, side yard setbacks or a combination of these factors.

Once the board identified the study area, it evaluated alternative zoning designations to identify the best fit in terms of single family districts in relation to the existing dimensional conditions of the particular neighborhood. Ultimately, the R2-B zoning district was deemed most appropriate. The application of R2-B to the study area reduces the nonconforming parcels from 433 to 157, or 31% nonconformity for the study area.

The Planning Board also looked at whether a potential rezoning would allow an owner to split their property as a result of the rezoning. When the minimum lot size for a parcel is reduced, it could open up the door to create new parcels and increase density. It was determined that there are only 14 parcels of 499 in the study area that have sufficient width and area to be split based on minimum zoning standards under the R2-B designation. Only two of those 14 parcels would meet the minimum average area requirements and could potentially be split. In addition, those two parcels are currently developed. In summary, it was the Planning Board's intent to find the best current zoning designation to match the existing conditions of the neighborhood.

Oen related that homes were built in this area prior to Beverly Hills incorporating as a Village in 1958. Soon afterwards, the Village Zoning Ordinance was adopted defining lot sizes and front, side and rear yard setbacks for new construction. Existing homes were not evaluated or considered at that time, creating a unique situation where zoning was established after development had occurred. This resulted in many homes and properties that do not meet certain size and dimensional requirements set forth in the Village Ordinance. Those lots are referred to as nonconforming, meaning that they do not match the requirements and the regulations established in 1958. These dimensional obstacles can make it difficult for a homeowner to construct an addition or rebuild their home if necessary.

The public hearing was declared open at 8:40 p.m.

Hildreth Buterbaugh on Dunblaine stated that his home is located on one of the nonconforming properties in the study area. It is a large house built on a small lot. His concern is that he would have to rebuild a smaller house if something should happen to his home. Buterbaugh objected to the zoning change and viewed the rezoning as the Village taking his property away from him in the future.

Chuck Mentzer of 18843 Medford stated that he owns a nonconforming parcel. His home was built in 1951 prior to enactment of the Village Zoning Ordinance. Mentzer was concerned about what would happen if he tries to sell his house.

Glen Albertson of 18400 Bedford questioned the floor space allowed under the proposed rezoning. Wilson related that Mr. Albertson's property is slightly under the 16,000 sq. ft. minimum lot size requirement for the current zoning district, which makes his lot nonconforming. The minimum lot size requirement for the R2-B district would be 9,000 sq. ft., which would render his property conforming.

Albertson questioned the minimum floor space of a dwelling under the R2-B zoning district. Borden responded that the minimum floor area per dwelling in the R2-B district would be 1200 sq. ft. for a one story building and 1600 sq. ft for a 1.5 or 2-story residence. Albertson was assured that condominiums would not be allowed in this district.

No one else wished to be heard; the public hearing was closed at 8:48 p.m.

**REVIEW AND CONSIDER RESOLUTION RECOGNIZING THE 98 AAA BELLE TIRE TEAM AS A NONPROFIT ORGANIZATION**

Resident Matthew Vogel has formed a hockey organization that has been incorporated in the Village of Beverly Hills. He would like to do fund raising for the 98 AAA Belle Tire Team and is seeking a gaming license from the State of Michigan. As part of the application process, Vogel must present a Resolution approved by the Beverly Hills Council recognizing the non-profit status of his organization. Administration and legal counsel has reviewed the paperwork submitted and found it to be in order.

Vogel requested that Council pass a resolution recognizing his organization as a charity so he can apply for a charity gaming license. It will be an opportunity to raise money to offset the expenses involved with a hockey team.

Motion by Mooney, second by Oen, that the 98 AAA Belle Tire Team of Beverly Hills, County of Oakland, be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses.

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

**SET PUBLIC HEARING DATE OF JUNE 1, 2010 TO RECEIVE COMMENTS ON A REQUEST FROM DETROIT COUNTRY DAY SCHOOL FOR SITE PLAN APPROVAL AND SPECIAL LAND USE APPROVAL FOR CONSTRUCTION**

Council set a public hearing date of June 1, 2010 to receive comments on a request from Detroit Country Day School for site plan approval and special land use approval for construction of a field house, 13 Mile Road campus gym, and north entrance corridor.

**FIRST READING OF AN ORDINANCE AMENDING CHAPTER 22 ZONING ORDINANCE – REZONING R1 AND R2 DISTRICTS WEST OF SOUTHFIELD ROAD AND NORTH OF BEVERLY ROAD TO R2B**

Attorney Ryan conducted a first reading of Ordinance No. 336, an ordinance to amend Chapter 22 of the Municipal Code of the Village of Beverly Hills. The Village of Beverly Hills ordains in Section 1.01 that Zoning Ordinance No. 216, as amended, Chapter 22 of the Municipal Code, Section 22.06.030, Zoning Map, is hereby amended specifically as shown on an attached map. There will be a Schedule of Regulations attached as well.

Ryan summarized sections contained in the ordinance: Repealer, Severability, Savings Clause, Penalty, and Effective Date. A copy of proposed Ordinance No. 336 and Zoning Map are available for public review at the Village office. The second reading and possible adoption will be held at the next regular Council meeting on May 18, 2010.

**ACCEPT COUNCIL MEMBER RON BERNDT'S RESIGNATION**

Ron Berndt read a statement announcing his resignation from the Village Council due to a move from his long-time family home on Rutland. Berndt stated that he will miss living in a community with one of the finest public safety operations anywhere, one with a decades long tradition of professionalism and a service-oriented mindset.

Motion by Berndt, second by Oen, that the Council for the Village of Beverly Hills hereby resolves that the resignation from the Council of Ron Berndt be accepted effective upon the conclusion of the current meeting and that, in accordance with section 5.7(b) of the Village Charter, a member of the community be sought for appointment to serve a special term running until the conclusion of the vacated term at the election in November.

Members voiced their appreciation to Ron Berndt for his years of dedicated service to the Village, first as a member of the Zoning Board of Appeals and then as a Council member. Ron was described as a hard working member of Council with a wealth of knowledge and a solid set of facts on relevant issues. He actively supported the public safety department and worked to keep the streets of the community safe. Ron exhibited a rare insight into problems of the Village particularly with respect to zoning and building issues. Council will miss his fresh opinions and assistance in guiding the community. He has worked to make sure that the Village will remain what we have all come to expect.

Stearn presented Ron Berndt with a plaque in grateful appreciation for dedicated service as Council member from November 14, 2006 to May 4, 2010 and Zoning Board of Appeals member from June 2, 2003 to November 14, 2006.

Ayes – Berndt, Briggs, Mooney, Oen, Peddie and Stearn

Nays – Koss

Motion passed (6 – 1).

#### **FIRST ANNOUNCEMENT OF A VACANCY ON THE VILLAGE COUNCIL**

Stearn made the first announcement of a vacancy on the Village Council to fill the unexpired term of Ron Berndt. His term on Council expires on November 9, 2010. The second announcement will be made on Tuesday, May 18, 2010. The deadline for receiving applications is May 21, 2010 at 4:30 p.m. Applications from interested persons will be delivered to Council members the week of May 24. Council will select a new member of Council at its June 1, 2010 meeting.

#### **REVIEW AND CONSIDER APPROVAL OF RESOLUTION APPOINTING TAXPAYER FOR THE RECOVERY OF LITIGATION COSTS FOR HEADLEE CLAIM AGAINST THE STATE OF MICHIGAN AND MDNRE**

Wilson stated the City of Riverview has filed suit against the Michigan Department of Natural Resources and Environment (previously known as Michigan Department of Environmental Quality) relating to a storm sewer permitting process implemented by the State of Michigan. The Village of Beverly Hills and various other municipalities throughout the State were also challenging the permitting process through administrative law process. With the city of Riverview filing a separate suit, it became apparent that the Village needed to get involved in that suit in some way for the reason that the issue will be decided in court and will have a large impact on Beverly Hills.

The City of Riverview has filed a suit claiming that the requirements of the National Pollution Discharge Elimination Systems (NPDES) Phase II Stormwater Permits are a violation of the Headlee Amendment, which prohibits unfunded mandates. Communities of Novi, Farmington, Walled Lake, Auburn Hills, Beverly Hills, Bingham Farms and Orchard Lake Village have been excluded from the class with the City of Riverview and will proceed in the case with their own arguments, filings, and presentation of evidence.

Secrest Wardle has agreed to represent all of these communities to limit the cost of litigation. Further, the Michigan Constitution allows for the recovery of costs by taxpayers who are successful in unfunded mandate claims against the State. The communities involved in the Circuit

Court litigation have all filed a Motion to Amend Complaint to add a taxpayer for each community for the purpose of seeking recovery of costs and attorney fees with respect to the “unfunded mandate” portion of the claim. Wilson stated that Village resident and Public Safety Director Karl Woodard has agreed to serve on the record as this taxpayer. He will be completely indemnified and there will be no cost to him.

Council is being asked to approve a resolution recognizing Karl Woodard as a taxpayer to seek reimbursement from the State of Michigan for the Headlee claim. A second resolution retains Secrest Wardle to institute suit against the State of Michigan. Questions from Council and the public were addressed by Ryan and Wilson.

Motion by Mooney, second by Oen.

Be it resolved that the Village hereby indemnifies and otherwise agrees with Karl Woodard, a taxpayer of this Village, to assume and pay the apportioned costs of the suit to be brought against the State of Michigan and its subordinate agencies and departments for the failure to fund activities and services required by the State to be provided by this Village, pursuant to Article 9, Section 29 of the Michigan Constitution, in consideration of Karl Woodard, a taxpayer of this Village, assigning to this Village any financial recovery which may result from said suit, including any recovery for costs to which said taxpayer may be entitled pursuant to Article 9, Section 32 of the Michigan Constitution.

Further be it resolved, that this Village participate in said suit as a named party seeking relief for the State’s failure to meet its funding responsibilities under the Michigan Constitution and that Secrest Wardle be authorized to serve as the Village attorney in said suit.

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

The Resolution in its entirety is available for public review at the Village office.

**REVIEW AND CONSIDER APPROVAL OF AGREEMENT FOR PAYMENT OF FEES AND COSTS AND ASSIGNMENT OF RECOVERED COSTS RELATING TO MDNRE LITIGATION**

Motion by Mooney, second by Oen, to allow Karl Woodard to enter into a Retainer Agreement to engage Secrest Wardle to institute suit against the State of Michigan and to agree that the Village of Beverly Hills will pay for professional services and expenses incurred in such litigation.

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

The Resolution in its entirety is available for public review at the Village office.

**DISCUSS THE 2010-11 BUDGET**

Council held a budget study session on April 13, 2010. Administration made a presentation at that meeting followed by a detailed review of the budget by Council and comments from the public. Administration has presented modifications to the budget based on Council direction at that meeting.

Wilson related that the most significant change in the budget was to utilize \$175,000 from the existing dedicated infrastructure millage fund for local road improvements. The original budget prepared by Administration did not include any money for local road fund construction.

Council questioned the telephone billing rates, which resulted in a review of the expense figure budgeted. Administration determined that the expense number was overestimated by 30% over what the Village was spending for telephone service, and an adjustment was made.

There will be a public hearing on the proposed 2010-11 fiscal year budget on May 18, 2010 followed by adoption of the budget.

**PUBLIC COMMENTS**

Sharon Tischler of 21415 Virmar Court expressed concern about specific questions regarding Southfield Township being asked as part of the Citizen Input Survey. Stearn stated that he will follow up on this.

**REPORTS – MANAGER**

Wilson stated that there will be a public hearing and adoption of the 2010/11 fiscal year budget at the Council meeting of May 18, 2010. He asked that Council contact him or Wiszowaty with any further questions regarding the budget before that date.

Wilson said that there has been some discussion relative to whether Council wanted to move forward with the Volunteer Appreciation Dinner. There was \$3,500 set aside in the 2009/10 budget for this function. The Village has historically held a volunteer appreciation dinner every other year for those who volunteer to serve on various boards and committees.

Council members voiced appreciation of volunteers who serve on Village Boards and their intent to let them know that their time and effort is appreciated. There was agreement that it is important to recognize those who volunteer, but it is more important at this time to send the message that Council will go to any length to make certain that our community continues. Due to severe budgetary constraints, it was the sense of Council to postpone the appreciation dinner this year.

Wilson joined Council in expressing his appreciation to Mr. Berndt for his service to the Village and conveyed that he has enjoyed working with Ron. Wilson congratulated Village Administrative Assistant Erin Saur, who was married over the weekend and is honeymooning in Ireland.

Stearn asked Wilson for an update on labor union negotiations. Wilson related that the Village has been working toward mediation with both the Public Safety Officers union and Command union. Administration has not been able to procure mediation dates. Village Labor Attorney Dennis DuBay has filed for Act 312 Arbitration with the PSO and Command unions.

**REPORTS - COUNCIL**

Briggs reported that the Parks and Recreation Board is entertaining a proposal from a resident group for a Beverly Hills Community Garden in Beverly Park. The Annual Park Clean Up will be held on Saturday, May 8 at 10 a.m.

Peddie announced that there will be a Book Sale at the Baldwin Public Library this weekend.

Oen received news that long-time resident Bob Davis passed away last week. He was the husband of Parks and Recreation Board member Irene Davis. There is a memorial service on Saturday, May 8.

Oen mentioned that the Parks and Recreation Board approved a request from the Groves Envirothon Team to install one rain barrel in Beverly Park with the intent of informing the public about the benefits of rain barrels and water conservation in general. Informative flyers will be provided at the barrel location in a plastic box.

Koss related that she truly appreciates all the volunteers in this Village. While she would like to thank the volunteers with a dinner, she asked that people be mindful to thank these volunteers for what they do for the community when they see them every day. Koss thanked Berndt for his service and said that he will be missed.

Mooney mentioned that the Park Clean Up will begin at 10:00 a.m. on Saturday morning, May 8. Participants should bring gloves, rakes, and clippers. He thanked the Beverly Hills Lions Club, who will provide coffee and donuts for volunteers.

Mooney shared his memories of Bob Davis, who passed away last week. He was the husband of community volunteer Irene Davis. Bob Davis will be missed. Mooney recognized former Council President Andy Craig in the audience.

Mooney recalled that a member of the audience said that government cannot always be believed. This is not the case with Beverly Hills. Beverly Hills councils used the infrastructure dedicated millage to improve sewers and roads. A dedicated millage to improve Beverly Park was used to make it one of the nicest parks in Oakland County. In 1995, Council asked for an 11 mill cap and said they would make it last until at least 2001. Council has retained the same millage cap from that time until 2010.

Council and administration will ask the people in November to pass a millage to bridge the gap from the hard times the Village is experiencing now to the time when the community will be stronger. This community attracts good people, and it will improve into the future. Mooney thinks citizens should look back at what this government has done for residents in Beverly Hills.

Berndt wished his mother a happy birthday today. Berndt offered to continue to assist residents with their questions about zoning reform until his replacement is sworn into office. Berndt said that it has been an honor, a privilege, and quite a bit of fun to serve on this Council. He has enjoyed working with everyone on Council, and he will miss it.

Motion by Mooney, second by Berndt, to adjourn the meeting at 9:51 p.m.

Motion passed (7 – 0).

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

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

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