

Present: Council President Downey; President Pro-Tem Woodrow; Members: Domzal, McCleary, Mooney, Pfeifer, and Schmitt

Absent: None

Also Present: Village Manager, Murphy
Public Services Director, Spallasso
Assistant to the Manager, Pasieka
Director of Public Safety, Woodard
Village Attorney, Ryan

ADDITIONS TO AGENDA – APPROVE AGENDA

Motion by Pfeifer, seconded by Mooney, to approve the agenda as published.

Motion passed (7 – 0).

PUBLIC COMMENTS

Cynthia Nagle of 15823 Kirkshire, Parks and Recreation Board member, reminded everyone that the Parks and Recreation Board has lined up three great bands to perform in Beverly Park this summer on Wednesday nights. The first concert on July 16 from 7-9 p.m. will feature the Sun Messengers. The John D. Lamb Band will perform on July 23, and Bobby Lewis & the Cracker Jack Band will highlight the July 30 concert. The concerts are free of charge. Families, friends and neighbors are invited to enjoy Wednesday night music in the park.

Ray Lacroix of 20285 Coryell commented that he is pleased with the paving and drainage work recently completed in Coryell Estates Subdivision. The new hard surface is an improvement to the neighborhood. He thanked the Village for doing a fine job on the project.

PUBLIC HEARING ON REQUEST FROM JAHN CONSTRUCTION REGARDING PRELIMINARY SITE PLAN APPROVAL AND PRIVATE ROAD APPROVAL

Downey opened the public hearing at 7:34 p.m. on a request from Jahn Construction for preliminary site plan approval of a six-unit cluster housing development at 32549 Lahser Road.

No one wished to be heard; therefore, the public hearing was closed at 7:34 p.m.

CONSENT AGENDA

Motion by Pfeifer, seconded by Schmitt, to approve the Consent Agenda as follows:

- a. Review and consider minutes of a regular Council meeting held on June 16, 2003 (with amendments noted in Council handout).
- b. Review and file bills recapped as of Monday, June 30, 2003.

Motion passed (7 – 0).

BUSINESS AGENDA

PROCLAMATION RECOGNIZING PUBLIC SAFETY OFFICER DAN GOSSELIN

Mooney read the following public statement recognizing the dedicated service of retiring Public Safety Officer Dan Gosselin and presented him with a framed and signed proclamation. Gosselin thanked Council for the recognition stating that he has had a wonderful career with the Beverly Hills Public Safety Department. He introduced his wife of almost 30 years, Toby, and remarked that the wives of police officers and fire fighters should receive an award for their support.

PROCLAMATION

WHEREAS, Daniel Gosselin was appointed to the position of Public Safety Officer on December 24, 1977 and completed programs in both police and fire academy training; and

WHEREAS, Daniel Gosselin was assigned as School Liaison Officer and acted in tandem with school officials and staff of the Birmingham School District in the Village for the academic years of 1982-1988; and

WHEREAS, Daniel Gosselin received training and was certified as a fire inspector in 1996, and thereafter performed fire inspections and maintained building files for commercial properties in the Village of Beverly Hills; and

WHEREAS, Daniel Gosselin has received two Life Saving Awards, five Individual Commendations and five Unit Commendations in recognition of specific exemplary performance; and

WHEREAS, Daniel Gosselin has announced his retirement from the Department of Public Safety effective July 4, 2003 and will assume a part time position with the Village of Beverly Hills;

NOW, THEREFORE, BE IT RESOLVED that the Beverly Hills Village Council hereby recognizes the outstanding achievements of Daniel Gosselin during his 25 ½ years of service to the Village of Beverly Hills; and

BE IT FURTHER PROCLAIMED that the Beverly Hills Village council, on behalf of the residents and staff of the Village, express a heart-felt “thank you” for the dedication that Daniel Gosselin has shown during his career with the Village of Beverly Hills.

REVIEW AND CONSIDER JAHN CONSTRUCTION REQUEST FOR PRELIMINARY SITE PLAN APPROVAL AND PRIVATE ROAD APPROVAL AT 32549 LAHSER ROAD

Domzal stated that Jim Merritt of Jahn Construction is proposing a six-unit cluster home development on the west side of Lahser Road south of 14 Mile Road. Council previously held a public hearing and approved a request for cluster development at 32549 Lahser Road based on a concept plan submitted and approved by the Planning Board. Domzal explained that cluster development provides that the number of homes that would be permitted under conventional

subdivision development cannot be increased by the use of the cluster option of the Ordinance. Cluster development allows the homes to be grouped together to take advantage of the natural features of a site.

Before Council this evening is a request for approval of the preliminary site plan, which was reviewed and recommended for approval by the Planning Board. Planning consultants Langworthy Strader LeBlanc & Associates (LSL) provided the Village with a review letter outlining issues raised with respect to this proposal. All outstanding items have been addressed.

Domzal expressed the view that the proposal for Orchard Villas is a good plan and represents high quality development that will add tax revenue to the community. The next step in the process is final site plan and private road approval.

Motion by Domzal, seconded by Woodrow.

Resolved to approve the preliminary site plan dated June 27, 2003 from Jahn Construction for a six-unit cluster home development at 32549 Lahser Road.

Pfeifer questioned the necessity for a developer to come before the Planning Board and Council for six public hearings on a cluster development. Attorney Ryan responded that the public hearings are required by ordinance. Domzal added that the planning consultant has suggested revisiting this requirement to streamline the process as part of the Planning Board program to incorporate site development guidelines into the zoning ordinance.

Roll Call Vote:

Motion passed (7 – 0).

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 11 OF THE MUNICIPAL CODE REGARDING RETIREE HEALTH CARE

Before Council for consideration is an amendment to the Village Ordinance to establish a Retiree Health Care Benefits Plan and Trust under Section 501(c) (9) of the Internal Revenue Code of 1986, as amended, for eligible public safety dispatchers, officers, sergeants, lieutenants and building and finance clerks.

Pfeifer related that the proposed ordinance is a result of the Village's most recent contract negotiations with the Beverly Hills Public Safety Officers. Creating this trust will provide more flexibility in terms of investing funds and will constitute a "voluntary employees' beneficiary association" under the Internal Revenue Code. The ordinance will bring the retiree health care plan in compliance with existing federal law.

Questions from Council were addressed by Murphy. The proposed ordinance is available for public review at the Village offices.

REVIEW AND CONSIDER PROPOSAL TO COMPLETE DECORATIVE ENTRY SIGNS

The Village Council approved the installation of 13 new entry signs in 2002. It was intended to install seven signs in fiscal year 2002/03 and the remaining six signs in 2003/04. Casey Sign

Company constructed and installed seven Village entry signs in May of 2003 at a cost of \$11,499.00. McCleary proposed that the remaining six signs be installed in the 2003/04 fiscal year.

Motion by McCleary, seconded by Mooney.

Resolved to approve six Village entry signs to include the cost of the sign, frame, and installation by Casey Sign Company for an amount not to exceed \$8,502.00 with funds budgeted in Capital Improvements Account #101-900-977.00.

Roll Call Vote:

Motion passed (7 – 0).

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

Schmitt related that the Village Parks and Recreation Board has requested that the residents of the Village take notice that July is National Recreation and Parks month.

Motion by Schmitt, seconded by Domzal, to resolve that the Village Council proclaim July as Recreation and Parks Month in Beverly Hills and encourage all citizens to celebrate healthy, active lifestyles by participating in their choice of recreation and park activities.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER APPOINTING REPRESENTATIVE AND ALTERNATE TO THE MICHIGAN MUNICIPAL LEAGUE ANNUAL BUSINESS MEETING

MOTION by Schmitt, seconded by Woodrow, to appoint Dorothy Pfeifer as the official representative of the Village of Beverly Hills and Dave Domzal as the alternate to attend the Michigan Municipal League annual business meeting to be held September 17-19, 2003 at the Detroit Renaissance Center.

Pfeifer commented on the outstanding quality of the programs sponsored by the MML and the knowledge derived from networking. She has enjoyed representing the Village at this event.

Motion passed (7 - 0).

REVIEW AND CONSIDER PROPOSALS FROM THE PLANNING CONSULTANT REGARDING SITE DEVELOPMENT HANDBOOK, 14 MILE ROAD CORRIDOR PLAN, AND VILLAGE MASTER PLAN

Domzal reviewed that the three work programs before Council for consideration were discussed at a joint meeting between Council and the Planning Board in May. Council is now in receipt of a proposal from planning consultant firm Langworthy Strader LeBlanc & Associates to conduct three studies. All of the projects have been included in the budget.

The first project deals with incorporating language from the Village's Site Development Handbook into the Zoning Ordinance. The Site Development Handbook is a document prepared by the Planning Board and adopted in 1996 for the purpose of providing guidelines in terms of design and construction standards for commercial development in the community. Domzal outlined the scope of work involved in the creation of a new Zoning Ordinance article that will include all regulations applicable to site development.

Motion by Domzal, seconded by Schmitt.

Resolved that the proposal dated June 18, 2003 from planning consultants Langworthy Strader LeBlanc for Site Development Handbook Zoning Ordinance Amendments be accepted at a cost not to exceed \$2,500 plus an estimated \$500 for reimbursable expenses.

Roll Call Vote:

Motion passed (7 – 0).

The 14 Mile Road Corridor Study, which encompasses the area of 14 Mile from the water tower to the east Village limits, was undertaken by the former planning consultant. A work product has been developed to a point where the Planning Board did not want to proceed with ordinance language for an overlay district until it received direction and consensus from the Village Council. Domzal noted that there was concern as to what the end product would look like.

The proposal from LSL will provide alternative redevelopment concepts considering such factors as site layout, housing type, landscape and screening, and project density. The end project will be a written text with graphics and concept site plan. If it is accepted by Council, the next step in the process will probably be a zoning ordinance text amendment that will direct future development of the sub-area.

Motion by Domzal, seconded by McCleary.

Resolved that the proposal dated June 18, 2003 from LSL for the 14 Mile Road Corridor Plan be approved as submitted for an amount not to exceed \$3,000 plus an estimated \$700 for reimbursable expenses.

Roll Call Vote:

Motion passed (7 – 0).

Domzal explained that it is a statutory obligation that the Village update its Master Plan from time to time. A subcommittee of the Planning Board has reviewed the Master Plan and has suggested where updates and modifications are needed in the document. The proposal from LSL for updating the Master Plan includes only technical updates within the framework of the current plan. Aside from minor document formatting changes, the outline and scope of the document will remain the same.

The work would include updating technical statistics in accordance with 2000 census data, conducting a town meeting to discuss priorities and issues, and updating current visions, goals

and objectives. There would be an update of the Future Land Use Plan, Circulation Plan, and Community Facilities Plan.

Motion by Domzal, seconded by Pfeifer.

Resolved to accept the proposal from planning consultant LSL dated June 18, 2003 to update the Village Master Plan for a cost not to exceed \$5,000 for the first draft and one set of revisions plus an estimated \$700 for reimbursables.

In answer to a question from Eleanor Levy of 16128 Marguerite, Downey stated that Council will discuss the city status issue following the business agenda.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER PURCHASING TWO IN-CAR VIDEO SYSTEMS FOR THE DEPARTMENT OF PUBLIC SAFETY

The Public Safety Department currently has six cameras in service. Four units were purchased in fiscal year 2002/03 with the assistance of grant money from the Michigan Municipal Risk Management Authority (MMRMA). The two remaining units are scheduled for replacement this year. The Department was awarded a second grant from MMRMA that will provide 50% of the funding for replacement in-car video units. The \$5,000 budgeted amount will now provide for the local match (\$4,360) to purchase two units and complete the replacement program in two rather than three years.

Motion by Mooney, seconded by McCleary.

Resolved that the Village of Beverly Hills Council award the purchase of two Mobile-Vision System 7 in-car patrol video units to Mobile-Vision, Inc. in the amount of \$4,360 each for a total of \$8,720. The 50% grant match amount from the Michigan Municipal Risk Management Authority will reduce the budget impact to \$4,360, which is \$640 less than the budgeted amount. Funds are available for this purchase in Account #101-900-980 Capital Purchases: PS Equipment.

Roll Call Vote:

Motion passed (7 - 0).

DISCUSSION ITEM - SHOULD THE VILLAGE COUNCIL STUDY THE ISSUE OF BECOMING A CITY

Mooney stated that the topic of city versus village status has resurfaced, and there appears to be interest in discussing whether Beverly Hills should pursue incorporating as a city. This issue has not been explored since 1986. Mooney proposes that information on this subject including previous studies be compiled for Council review to be followed by a study session to determine how to proceed.

Schmitt remarked that the Village is facing a financial crunch. Expenses are rising and revenue is not. It is predicted that the Village's fund balance will drop below the recommended cushion of 20% of General Fund operating expenditures in fiscal year 2005/06. Council has a fiduciary

responsibility to its residents to investigate all ways to save money before implementing cuts in service or asking voters for a millage increase. Schmitt suspects that becoming a city will save the Village money. Council will have to decide whether it is to the Village's advantage to incorporate as a city. It would be a slow process with the State Boundary Commission taking approximately a year to make a decision before the matter goes to a vote of the people.

Schmitt recapped that Beverly Hills was incorporated as a village in 1958. Over the first 30 years, the Village reviewed the city versus village topic about every ten years (1968, 1977, 1986). Previous councils were concerned that the State Boundary Commission would require Beverly Hills to combine with the village of Bingham Farms or with Franklin or would demand the Village to merge with Southfield or Birmingham. While the Boundary Commission is not willing to give a commitment over the phone, Schmitt spoke to a Commission member who discounted these views. The Boundary Commission has no interest in Beverly Hills consolidating with any other community for the reason that the Village is the primary service provider for its residents.

Schmitt stated that the city versus village topic was covered in the Eccentric newspaper recently. He attended a Bingham Farms council meeting to pass on information related to him by the Boundary Commission regarding consolidation. Schmitt commented that he did not speak on behalf of the Council or the Village. He understands that there is no decision among Council members at this time to discuss becoming a city.

Schmitt outlined a number of changes that have occurred since the 1986 city versus village study. The Township no longer has an in-house assessor, animal control officer, or youth officer. There may be state revenue advantages to becoming a city since this was last studied. He reiterated that Council has a fiduciary obligation to look into becoming a city.

Domzal mentioned that a report on this topic prepared in 1977 addressed two specific issues in terms of village versus city. One issue related to annexation. Domzal agrees that annexation will not be forced on Village residents. Another matter is taxation. Studies indicate that cities and villages are given the same home rule powers by the state of Michigan, and the Village would not be in a better position of taxing itself as a city.

The issue then becomes whether the Village can save money by eliminating Southfield Township or by consolidating services. Domzal maintains that Council should focus its attention on how the Village can save money through consolidation of services. He added that Beverly Hills should communicate its intentions to the other villages that make up the Township, Bingham Farms and Franklin, noting that Beverly Hills provides 55-60 percent of funding for Southfield Township.

Domzal proposed that Council should be looking at all means of saving money including the desirability of consolidation of services with neighboring communities where it makes sense. He is in favor of establishing a study group to take a look at ways to avoid duplication of services with Southfield Township and achieve efficiencies of scale. He is not in favor of proceeding with further studies of possible conversion of village to city.

Woodrow has reviewed information compiled by past councils and study groups on this topic and is not convinced that the issues are the same today. He has questions that were not answered by those studies. Woodrow does not know if city status is in the Village's best interest, but thinks it warrants further consideration. He is in favor of looking at options to save the Village money and provide more efficiencies in local government.

McCleary expressed the view that the city versus village issue should be explored considering that it has been a number of years since it was studied.

Mooney concurred that the villages of Franklin and Bingham Farms should be kept apprised of how the Village is proceeding on the village versus city issue. She remarked that incorporation is a lengthy process, and the other villages in the Township would have ample notice if anything should come of a Beverly Hills study of city status.

Pfeifer reviewed that Township and associated villages were formed as a reactionary measure at the time Southfield was petitioning to become a city. The question should be addressed as to whether the Township is a necessary level of government today. She views this as a township-wide decision.

Pfeifer suggested that Council members be provided with information on the process of becoming a city. There is a great deal of studying to do before Council decides to pursue incorporation as a city. She cited informative articles in the April and May issues of the Michigan Municipal Review. The other villages in the Township should be invited to take part in the discussion.

Downey thinks that Council should study any issue that presents an opportunity to improve services or provide them more efficiently. He has concerns about the way this issue has been approached. He suggested that Council needs a proposal outlining the items to be considered and steps to be taken.

Randy Munguia of 31736 South Verona Circle, former Council member, commented that the topic of city versus village status was always one that interested the public. While he agrees with saving taxpayer money and more efficient government, he thinks it is important to proceed thoughtfully in this matter considering the other two villages in the Township, the long-range goals of Oakland County, and the outcome of a cost/benefit analysis.

Bunker Kelly of 21526 Corsaut Lane thinks that it makes sense to look towards the future in terms of finances and partnerships for providing services. He believes that Council has a fiduciary responsibility to examine the Villages expenses. Kelly asserted that it is important to obtain input from residents as to what they want today and tomorrow. After surveying the residents, Council should ask whether a city or village structure would best satisfy those needs.

Kelly remarked that the area is looking at a \$175 million bond issue from the Birmingham School District. This bond issue will have a greater impact on our property values in the next 20 years than anything else Council is talking about. Kelly suggests that the school bond issue should be a topic of Council discussion.

Norman Rubin of 31020 Rivers Edge Court concurs that Council needs to agree on a methodology before beginning a city versus village study. He voiced the opinion that outsourcing may be more expensive than insourcing in the long term.

Allen Brierly, political scientist, has studied home rule and related issues in about 12 metropolitan areas. He compiled information from his data bases relative to Michigan with respect to township and village governments as well as historical analysis of municipal incorporation. Brierly distributed a packet of material to Council without making a recommendation as to whether Council should or should not study the city versus village status issue.

PUBLIC COMMENTS

A question from Bunker Kelly of 21526 Corsaut regarding the proposed ordinance amendment to the Municipal Code regarding retiree health care was answered by Murphy. Kelly commented that he hopes that the last Village election served as a reminder that Council should obtain input from the people before thinking about rewriting the Charter.

REPORTS - COUNCIL

Schmitt reported that the Parks and Recreation Board will meet next Thursday, July 17 at 7:30 p.m. at Beverly Park. He invited residents to take a look at the new “lost and found” pole carved by resident Don Greening.

Schmitt thanked the Village Woman’s Club of Beverly Hills for sponsoring the Garden Walk and credited Sheila Seaver, Ann Woodman, and Joan Jenson for their behind-the-scenes work. He hopes to see Villagers at the concert in Beverly Park next Wednesday at 7:00 p.m.

Domzal reported that the Planning Board will not be meeting again until September. Domzal noted the recent passing of his neighbor Walter Bzdok. He was an exemplary individual and member of the community and will be missed.

Domzal agreed with an earlier comment on the need for discussion on the impact of the school tax and the upcoming school bond issue.

Domzal commented that he will support a proposal to change the Council meeting day to Tuesday at the time when Council considers next year’s calendar. He thinks that Tuesday meetings will give Council members and administration more of an opportunity to prepare for meetings.

Woodrow reiterated his interest in looking at the village versus city issue and obtaining answers to his questions on the subject.

McCleary congratulated Attorney Tom Ryan on his 25 years with the Village. He welcomed Father Cronk to the community as pastor of Our Lady Queen of Martyrs Church. McCleary announced that Beverly Hills United Methodist Church will hold a blood drive on July 10.

McCleary suggested that the Planning Board consider regulations to restrict invisible fencing for dogs to the rear yard. He has observed that people walking or riding a bike are unaware that dogs in the front yard will stop at the invisible fence line. The Zoning Board of Appeals meets in the Village municipal building on Monday, July 14 at 7:30 p.m.

Mooney thanked administration for contacting the appropriate parties to have fencing at Acacia Park Cemetery repaired. She noted that retiring Public Safety Officer Dan Gosselin will be working part-time as a Village code enforcement officer.

Mooney thanked Ryan for his 25 years with the Village. Ryan responded that it has been an honor to serve this fine community with so many great people.

Pfeifer expressed the view that Tuesdays are better Council meetings nights. She remarked that the Garden Walk was a huge success.

Pfeifer commented that the suggestion from Bunker Kelly that village-wide strategic planning should take place before consideration of village versus city status should be discussed at the council table.

Downey suggested that McCleary draft his proposal relative to regulating invisible fences and forward it to Council for consideration.

Downey received a letter from William Ball on Beechwood stating that he was pleased with the response to his call about a tree limb in the public right-of-way, which was promptly removed by the Village.

Downey reported on a SEMCOG meeting he attended at which time there was discussion of the 2030 Transportation Plan. He informed Council that Detroit Council President Maryann Mahaffey will serve as chair of SEMCOG next year. Downey highlighted her opening remarks at the SEMCOG meeting.

In response to an inquiry, Murphy stated that watering restrictions have not been requested or ordered this year. Spallasso will attend a Southeastern Oakland County Water Authority meeting tomorrow and will report any new information on this topic.

Motion by Mooney, seconded by Schmitt, to adjourn the meeting at 9:15 p.m.

Motion passed (7 – 0).

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary