

Present: Council President Domzal; Members: Downey, Koss, Pfeifer and Taylor

Absent: McCleary and Woodrow

Also Present: Village Manager, Spallasso  
Village Clerk, Marshall  
Director of Public Safety, Woodard  
Building Official, Byrwa

President Domzal called the meeting to order at 6:12 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. The purpose of the study session is to review the status of Council action plan items.

#### **ADDITIONS TO THE AGENDA/APPROVE AGENDA**

Motion by Pfeifer, second by Taylor, to approve the agenda as published.

Motion passed.

#### **WORK SESSION TO DISCUSS COUNCIL GOALS AND OBJECTIVES**

##### Elections

Pfeifer summarized information acquired from a Michigan Municipal League session regarding the new Election Consolidation Law. Beverly Hills is a home rule village that operates under a Charter. The new law supersedes the Village Charter and offers two options. Beverly Hills can hold its elections in September of odd years or in November of even years in conjunction with other elections going on at that time. September elections would be conducted by the Village. If the Village chooses to go with the September election, it may opt out at some point in the future. A decision to go with November elections is final.

If Council establishes a September odd-year election cycle, the next regularly scheduled election would occur in September of 2005 with expiring terms for Domzal, Downey and McCleary. Terms for Koss, Pfeifer, Taylor and Woodrow would expire in September of 2007. If a November even-year cycle is chosen, the next regularly scheduled election would occur in November 2006 with terms expiring for Domzal, Downey and McCleary. Terms for Koss, Pfeifer, Taylor and Woodrow would expire in November, 2008.

The only matter that Council has to decide at this point is whether to schedule elections in September or November. Without action of Council by December 31, 2004, the default would be to hold elections in November of even years.

Regardless of whether the election is held in September or November, there may be additional action required to have staggered four-year terms. The Village Charter states that Beverly Hills Council members serve two-year staggered terms. An Attorney General's opinion is expected to clarify whether the new election law automatically changes a home rule village's charter from two-year staggered terms to four-year staggered terms or whether additional action will be required through a Charter Amendment or Council resolution.

Pfeifer displayed a sample ballot for the November 2 election to demonstrate the length of the ballot and where Village issues would appear on the ballot. If the Village chooses a November cycle, the Village Council candidates and ballot questions would get bundled with the general election's vote for national and state candidates. Village issues would be located near the bottom of the ballot. There is concern that many people will not complete the ballot, which would impact Village elections.

Pfeifer commented that a September election cycle to preserve the autonomy of the Village to run its own election.

Council members discussed the specifics of the new election consolidation law and the ramifications of a September or November election schedule. Residents present in the audience expressed their views and preferences on September and November election dates.

Domzal stated that a public hearing will be set for the November 16 Council meeting to discuss scheduling of Village elections. There will be a resolution before Council at this time to vote on September odd-year elections. If the vote fails, absent another resolution, Beverly Hills elections will default to the November election cycle.

#### Government Structure

There was discussion on whether Council should pursue cityhood and proceed with appointing an ad hoc citizen's committee to study the issue in depth and develop a proposed course of action and recommendation to Council. The composition of an ad hoc committee was a topic of discussion. It was suggested that a task force should be citizen driven with little involvement from Council. Spallasso commented that the subcommittee work will involve a large measure of staff time.

Comments from the public were heard on the city v village issue. Most of the residents present did not favor Beverly Hills becoming a city nor did they consider it a significant issue facing the community at this time.

Domzal suggested that the real issue is not cost savings in that the Village should be pursuing cost savings and consolidation of services anyway. The issue is determining the best fundamental structure for this municipality considering the matter of erosion of home rule powers.

There was not a strong sense of Council to pursue the matter. However, there were members of Council who felt that there is further analysis and work to be done on this topic to identify and consider the pros and cons of becoming a city. It was noted that two of the subcommittee members were not present this evening. There was agreement to defer further discussion on the city v village topic until January, 2005.

#### Charter Revisions

Pfeifer distributed a list of four potential Charter amendments for consideration at a future election. The first question is an amendment to change the \$1,000 limitation for Village expenditures without prior approval of Council to either a dollar amount or a percentage of

the General Fund budget, not to exceed \$7,000. There is potential for a library millage ballot question. Depending on the ruling from the Attorney General's office, the Village may have to amend the Charter to change the term of office of Council members so that all seven members are not elected at one time. Discussion on the city v village initiative has been deferred.

Because the Village will not be having annual elections, a critical ballot proposal could piggyback on a November election in the Township.

Council and residents discussed whether to place a question on the ballot to change the spending limit of village administration. It was clarified that the authorized expenditure amount without Council approval and the cap amount that prompts going out for bids are separate policies. After considerable discussion, it was the sense of Council that there was enough interest in the amendment to place this item on the agenda of a regular Council meeting for a vote sometime in December or January. The majority of Council members present favored placing a dollar limit on expenditures if there is to be a ballot question.

Spallasso remarked that raising the spending limit to \$5,000 would provide more efficiency for Village operations. He noted that every expenditure is budgeted and comes before Council either in the form of a proposal or bills that are approved.

#### Cost Savings through Shared Services

Domzal stated that there have been conversations taking place with respect to cost savings through shared services. He and Woodrow met with a couple of Birmingham Commissioners and the Mayor. Brian Murphy has met with Birmingham City Manager Markus to compile a list of possible opportunities for sharing service or to better coordinate services between the two communities.

Spallasso stated that he is in the process of reviewing and adding to that list in terms of services provided in Beverly Hills and in Birmingham. When the document is completed, consideration will be given to items that can be addressed in terms of sharing services. A copy of the list will be distributed to Council.

Domzal remarked that cost savings are a large part of the picture but not the only issue to the extent that we may be able to provide additional services to residents.

Downey reminded Council that SEMCOG is sponsoring a workshop on shared services among communities.

#### Trees

Spallasso stated that Stan Pasieka is looking into a program that would involve selling trees to residents at a discounted cost. There is a concern that administering this undertaking would require more staff and time than the Village has available. An alternate approach may be sought that will promote tree planting without a heavy resource commitment from Village administration. Council asked that Pasieka prepare a memo with respect to his recommendation on a public tree sale program.

In answer to an inquiry, it was indicated that there is a program underway in the Village for removal of dead ash trees in the road right-of-way.

Domzal reviewed that a program of tree planting on public properties has been implemented with the use of matching grants. Council talked about the need for new ordinance language to protect trees during construction. Follow up is needed on this matter as well as progress on the Village qualifying as a tree community. Questions from the public on trees were addressed by Council.

#### Personnel Committee

Downey stated that Council received a report from Director Woodard outlining his recommendations and implementation plan with respect to the operational and staffing study of the Public Safety Department conducted by Rehmann Robson, a consultant that specializes in public safety department organization.

A draft succession plan prepared by Brian Murphy will be reviewed at an upcoming Personnel Committee meeting. Another topic of discussion will be a staffing recommendation relative to the village manager.

#### Library Service

Since the last study session, Koss and Pfeifer have worked with Kim Holland on preparation of a library survey for Council consideration. A copy of the draft survey was distributed. Koss mentioned that there have been residents who have voiced opposition to the survey at recent Council meetings.

While Koss thinks the survey includes concise questions about library use, she questioned whether it is in Council's best interest to spend money to mail a survey to 1,000 residents if the issue will be placed on the ballot in any case. Resources might be better spent focusing on educating the public on this issue. Koss also suggested that Council may want to handle the distribution and compilation of the survey differently.

Council members clarified that ballot language has been discussed, but a decision was not made to place library service on the ballot. A few members of Council commented on the importance of sending out a survey to draw opinions on this topic from residents.

There was discussion on whether to distribute a questionnaire to determine residents' interest in library service and who should receive the survey. A major topic was how to proceed with funding library service considering that a shortage of funds for village services is anticipated in the near future. A few modifications to the survey wording were suggested and will be incorporated into the document.

Members of the Council and public expressed their personal views on the value and use of library service. Residents suggested that the Village obtain data from the library on the number of Beverly Hills residents who use the Baldwin Public Library.

It was the sense of Council to include a questionnaire in the next issue of the Villager newsletter. Respondents will be asked to place a stamp on the pre-addressed survey and mail it to the Village office. The suggestion was made to number the surveys or use watermarked paper to provide some manner of control.

Anyone with comments on the survey language was asked to forward them to Koss by October 29. Details will be worked out to insert the survey in the next Villager newsletter and to provide some control in terms of coding the surveys.

#### Southfield Road Corridor Study

Seth Hirshorn, a University of Michigan professor, was retained by the Village eighteen months ago to act as facilitator to assist with the development of a Southfield Road corridor study work program. He conducted surveys and interviews in an effort to establish common goals and a vision for the business district. A decision was made prior to the completion of his assignment that further work on the Southfield Road corridor study would be delayed pending such time as a report was received from the strategic planning group.

Spallasso contacted Hirshorn to request that he submit his findings to the Village and was informed that a formal report was never prepared. Council members recalled that there was a contract involved and a requisite report. Two payments were made to Hirshorn for his services. Spallasso will look into the contract with Hirshorn further.

Downey left the meeting at 8:20 p.m.

#### Communication Issues

Domzal referred to a list of items prepared by administration regarding implementation of council/community communication issues. Copies of the list will be redistributed for the next study session. Ellen Marshall stated that the new Village web site is up and running.

#### Safety Issues

Spallasso stated that the code enforcement officer continues to review potential safety risks in the Village. He has provided an update on resolution of violations found on property on 14 Mile Road.

#### Lot Coverage Issues

Lot coverage issues and the lack of Village open space requirements was a topic of discussion at a joint meeting of the Planning Board and Council. The Planning Board will be reviewing this.

#### Strategic Planning Development Committee

Koss stated that the SPDC is scheduled to meet on November 9. Subcommittees are working on drafting objectives for key strategic issues and listing suggestions for accomplishing those issues. Koss related that there may be a suggestion made to committee members at the November meeting to meet more frequently in an attempt to finalize this portion of the project and submit a report to Council.

In response to an inquiry, Koss stated that the end product will be the key strategic issues for the Village and objectives with suggestions on how the Village could meet those objectives. The next step would be development of an action plan.

Koss reported on a follow-up meeting held today with representatives from Birmingham Public Schools and residents who reside near Groves High School. Birmingham Public Schools have gone the extra mile to meet the needs of the people who live in the GHS area. Koss listed concessions made by the School District: lights will be turned off earlier; BPS will not sign a contract with the Detroit Demolition; shrubs will be planted along the GHS property line as a buffer zone; the public address system will be used only for varsity home games; the School District will no longer rent the fields to professional teams. Residents were pleased with the outcome of the meeting. Council thanked Koss for the amount of time she has spent on this issue.

Other items

Domzal mentioned a few items that he proposes to add to Council's Action Plan. One is to implement recommendations from the Plante & Moran letter of comments and recommendations included with the annual audit report.

Domzal stated that he had asked Brian Murphy to provide a written report on options in terms of financing for redevelopment purposes, particularly in the downtown area. The report will be distributed to Council members for their review and consideration as to whether this should be a topic of further Council discussion.

Domzal referred to a decision that was handed down from the Michigan Court of Appeals regarding the City of Taylor vs. Detroit Edison. The Court of Appeals ruled that the City of Taylor could require Detroit Edison to bury its power lines along Telegraph Road. Michigan law says that you can force a utility to bury lines if it is a governmental function and not a proprietary function. A governmental function would include improving roads or installing sewers. The decision is being appealed.

Spallasso remarked that there is no room left along the Southfield Road easement to bury lines unless private property easements were obtained.

Spallasso addressed a comment from the public on water main construction. A member of the public who brought up the topic of fire department privatization was asked to speak to Director Woodard on the topic.

Motion by Pfeifer, second by Taylor, to adjourn the meeting at 8:30 p.m.

Motion passed.

**Dave Domzal**  
**Council President**

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

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