

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

Absent: Woodrow

Also Present: Village Manager, Spallasso
Assistant Manager/Clerk, Marshall
Finance Director, Wiszowaty
Director of Public Safety, Woodard
Building Official, Byrwa
Village Attorney, Ryan

President Stearn called the regular Council meeting to order at 7:34 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.

On behalf of the Village of Beverly Hills, Stearn acknowledged and welcomed the Honorable William Richards, who has been appointed as judge of the 46th District Court.

Judge Richards stated that he has been a resident of Beverly Hills for 20 years. The 46th District Court sits in Southfield but its jurisdiction extends to Beverly Hills, Franklin, Bingham Farms, Lathrup Village and Southfield Township. He will be meeting with Karl Woodard and other Chiefs of Police in the jurisdiction to talk with them about law enforcement issues. He mentioned that he has served with Tom Ryan on the Oakland-Livingston Legal Aid Board. Richards stated that he is proud to represent Beverly Hills on the court and hopes to do a faithful and loyal job as judge and carry out the law to the best of his ability.

ADDITIONS TO AGENDA/AMEND AGENDA

Motion by Oen, second by Koss, to add agenda item A-1 “Consider Kensington Community Church request to use Beverly Park for an Easter Egg Hunt”.

Motion passed (6 – 0).

Motion by Pfeifer, second by Peddie, to approve the agenda as amended.

Motion passed (6 – 0).

PUBLIC COMMENTS

Marcia Gershenson, Oakland County Commissioner representing District 17, updated Beverly Hills on what the commissioners have been doing this month. They attended a state and national seminar to learn what other commissioners are doing across the country. The County Commissioners are anticipating challenges in terms of balancing the County’s \$700 million budget. Gershenson provided an update on the County’s dental discount program and the status of Catalpa Park. She had information on upcoming seminars and initiatives.

CONSENT AGENDA

Motion by Pfeifer, second by Oen, to approve the Consent Agenda items ‘a’ through ‘e’ and move ‘f’ to the Business Agenda, “Receive and File Budget Assumptions”.

- a. Review and consider approval of minutes of a special Council meeting held February 6, 2007.
- b. Review and consider approval of minutes of a joint Council/Planning Board meeting held February 14, 2007.
- c. Review and consider approval of minutes of a special Council meeting held February 17, 2007.
- d. Review and consider approval of minutes of a regular Council meeting held February 20, 2007.
- e. Review and file bills recapped as of Monday, March 5, 2007.

Motion passed (6 – 0).

BUSINESS AGENDA

CONSIDER KENSINGTON COMMUNITY CHURCH REQUEST TO USE BEVERLY PARK FOR AN EASTER EGG HUNT

Members of Kensington Community Church of Troy have requested the use of Beverly Park on Sunday, April 1, 2007 from 1:00 – 3:00 p.m. for the annual Beverly Park Easter Egg Hunt. They also asked to erect a banner sign in the park on Sunday, March 25 to advertise the Easter Egg Hunt. The event will be open to all members of the community.

Motion by Oen, second by Berndt, to approve the request of Kensington Community Church to conduct an Easter Egg Hunt in Beverly Park to be open to everyone on Sunday, April 1, 2007 from 1:00–3:00 p.m. Pavilion rental fees are waived for this event. Permission is granted to erect a banner in the park on March 25 to publicize the event.

Kristie McCormick from Kensington Community Church stated that church members enjoyed hosting the Easter Egg Hunt last year. The attendance was estimated at 800-1,000 people. A team is in place to plan this year’s event, and donations have been received from individuals who attend the Church and from local businesses. The Church is not requesting funding from the Village.

McCormick requested that the restroom facilities in the pavilion be available for the event due to the large number of people that will attend. Village staff will attempt to accommodate this request subject to weather conditions. The Church has provided the Village with a Certificate of Insurance adding Beverly Hills to the Kensington policy as an additional party insured for this event.

McCormick announced that Kensington Community Church plans to open a church in the Birmingham area this September, possibly in Beverly Hills.

Roll Call Vote:

Motion passed (6 – 0).

PUBLIC HEARING ON VILLAGE MASTER PLAN

Berndt stated that the Planning Board has been working diligently on updating the Village Master Plan and held a public hearing on the Plan in January. Agreed upon changes resulting from that public hearing have been incorporated into the draft Master Plan before Council this evening. A presentation will be made by the Village planning consultant prior to the Council public hearing on the Master Plan.

Planning consultant Brian Borden from LSL Planning, Inc. stated that the Planning Board at its February 28, 2007 meeting voted to adopt the Master Plan and recommended Council approval. He pointed out that State Law requires only that the Planning Board conduct a public hearing. It is traditional in Beverly Hills that Council conduct a second public hearing in an attempt to involve more citizens in the process.

Borden narrated a PowerPoint presentation on the Village Master Plan that covered basic information including a description of a master plan, the project schedule, an overview of the content of the Master Plan, and opportunities for public participation and comment. Components of the Master Plan include land use, transportation, natural features, and community facilities. The Plan establishes the future vision of the community and provides a guide for decision making and investment in terms of public facilities and improvements. Borden clarified that the project was an update and not a complete re-write of the Village Master Plan. Data was updated and much of the language was reviewed and refined.

Borden referred to slides to highlight each chapter of the Master Plan: Existing Conditions, Community Vision and Goals, Future Land Use Plan, Circulation Plan, Community Facilities Plan, and Implementation Plan. Copies of the Master Plan in its entirety are available for public review at the Village municipal office.

Stearn opened the public hearing on the Master Plan at 8:15 p.m.

Robert Walsh of 20655 Smallwood Court referred to a paragraph on page 22 under the heading of “Village Road Millage”. It states that road maintenance is supported by a contribution of one mil, which was passed in the summer of 1997, to provide a source of funding for road and sewer repairs. Walsh remarked that this statement is unclear.

He then referred to a paragraph on page 32 under the heading “Repairs and Reconstruction Financing”. It stated, in part: “The detailed road study commissioned by the Village in 1997 reveals that the total cost of required repairs on all Village streets exceeds \$5.2 million. Current funding sources were not sufficient to meet these needs. In response, Village residents voted to approve a community-wide tax levy that would enable the Village to undertake road repairs on a pay-as-you-go basis over 11 years. As this time frame is almost complete, other funding sources will need to be explored as on-going maintenance needs arise.”

Walsh commented that this language gives the impression that one mil was passed in 1997 for roads only. In reality, the August 5, 1997 millage proposal read: “Shall the Village of Beverly Hills be authorized to levy an additional 2 mills for a period of 12 years (1998-2009 inclusive). Such millage shall be used exclusively to finance road and sewer improvement and replacement.” Walsh stated that Council decided that 2 mills was needed for sewer repair and

replacement. Council allocated one mill from the General Operating Fund for road repairs, which continued until about three years ago, when the one mill allocation was reduced. Walsh suggested that the text on page 22 and page 32 be clarified to reflect what occurred.

Kathleen Berwick of 31381 Kennoway Court asked if a church in the Village can be sold and redeveloped into residential lots, condominiums, etc. In addition, she suggested that Beverly Hills establish an architectural committee to oversee the quality of building.

Borden responded that redevelopment of a site depends largely on the existing zoning. Many institutional sites are located in residential zoned districts, in which case a proposed use would have to meet the regulations of the current zoning district. He added that a property owner can petition for rezoning. However, the Master Plan states that redevelopment of an institutional site would have to be compatible with the surrounding area in terms of density and design. In answer to the second inquiry, Borden stated that there is nothing in the Master Plan that would prevent the Village from establishing an architectural committee in the future.

Paul Kleppert of 20855 W. 14 Mile Road shared his impressions of the Master Plan with Council. Statistics indicate that 88% of the homes in Beverly Hills are over 40 years old. He understood that zoning changes are being discussed for the east side of the Village that will facilitate the renovation of homes to make them more sellable or usable for families. The largest percentage of the Village population is over 55 years old. Considering this data, Kleppert does not see the need for schools and churches to expand as referenced in the Master Plan.

Kleppert referred to the poor state of the Michigan economy, declining property values, and the number of unsold homes in Village neighborhoods. He did not see anything in the Master Plan that addressed these issues. Kleppert questioned how far the Master Plan will take the Village into the future. It basically proposes no changes in the community because there is no vacant land, and there are no strong plans to redevelop commercial properties.

Kleppert thought that the document was well prepared in terms of the history and development of Beverly Hills and where it is today. As far as a plan for the future, he would like to see a graph showing the tax base of residential property in the Village and an account of the needs of Beverly Hills over the next 10-15 years. The plan should consider whether the current residential community and the existing tax base support the needs of this community and what should be done if it does not. Kleppert did not think that the Master Plan addresses the future fiscal needs of the Village. References to maintaining current facilities do not include funding recommendations.

Stearn responded that one of the topics discussed at a recent joint meeting of the Council and Planning Board was a proposal to prepare a Southfield Road Corridor Plan that focuses on future redevelopment of the business district. In addition, the Village Finance Committee is currently working on a Five Year Finance Plan that will address revenues and spending. Stearn understood that the purpose of a Master Plan is to provide an overall view of the community. More specific plans are then prepared in areas such as parks, finance, and planning that are consistent with the goals of the Master Plan.

Sue Ochalek of 18280 Birwood commented that she shared the concerns expressed by Paul Kleppert about the financial outlook of the community and the need for a good plan for the future.

No one else wished to be heard; therefore, the public hearing was closed at 8:24 p.m.

REVIEW AND CONSIDER ADOPTING UPDATED MASTER PLAN

Stearn stated that the Master Plan can be adopted as presented or approved subject to changes proposed at this meeting. Action can be postponed and the document referred to the Planning Board for discussion of suggested changes.

Members of Council expressed the view that the proposed Master Plan is a good overall plan, noting that other recommending bodies will be providing guidance to Council in terms of a financial plan and a commercial redevelopment plan that are consistent with the Master Plan. It was noted that a Town Hall meeting is planned with Village business owners.

Ryan referred to the Introduction and suggested that reference should be made to the new Zoning Enabling Act, Public Act 110 of 2006, in the second paragraph.

Peddie thought that the suggestions pointed out by Mr. Walsh should be included in the plan. The text should be clarified to indicate that a millage proposal was passed to levy 2 mills to finance road and sewer improvements and replacement. The ending date of the dedicated millage should be indicated.

Stearn suggested that the second sentence on page 22 under “Village Road Millage” be modified to read as follows: “These costs have historically been supported by a contribution of one mill from the General Fund, as reduced by the Headlee Amendment.” On page 32, the last sentence of the first paragraph under “Repairs and Reconstruction Financing” should read: “As this time frame will conclude in 2009, other funding sources will need to be explored as ongoing maintenance needs arise”.

Stearn proposed that language be included in the Master Plan stating that there is general agreement that the Southfield Road corridor requires some redevelopment without getting into specifics. Because Beverly Hills does not have much in terms of community facilities, Stearn would like to see a statement in the Master Plan supporting the privately funded swim and athletic clubs in the Village. He thought that the document was well prepared and commended the Planning Board and consultant on a job well done.

Borden stated that Council can adopt the Master Plan conditioned on non-substantive corrections without going back to the Planning Board. He read a passage in the Master Plan on page 36 that references and encourages private entities that provide recreational and social opportunities to residents. Stearn agreed that this was satisfactory.

Borden suggested that the redevelopment of Southfield Road was clearly supported in the Master Plan in a general sense without specific reference being made. He read one of the land use goals: “Support the success, value, and *improvement* of commercial and office areas that are compatible with the strong residential presence of the Village.”

Ryan referred to language on page 30 under the heading “Commercial”. The last sentence in paragraph 2 states: “In addition, the mix of related retail and service uses could be enhanced if commercial areas are limited to redevelopment for commercial uses”. Council agreed to changed the word ‘could’ to ‘should’.

Motion by Pfeifer, second by Koss, to approve changes to the Master Plan proposed by Tom Ryan, Lee Peddie and Dorothy Pfeifer.

Roll Call Vote:
Motion passed (6 – 0).

Motion by Berndt, second by Oen, that the Council of the Village of Beverly Hills adopt the updated Village Master Plan as amended.

Roll Call Vote:
Motion passed (6 – 0).

Council thanked the Planning Board and planning consultant for their time and effort on updating the Master Plan.

REVIEW AND CONSIDER PROPOSALS FOR 2007 DUST CONTROL SERVICES

The Village opened sealed bids on February 22 for annual dust control needs on gravel roads for the upcoming season. Three contractors bid on calcium chloride and one contractor bid on asphalt emulsion. South Huron Industrial is the low bidder for calcium chloride at \$0.245 per gallon and Highway Maintenance Company is the low bidder for asphalt emulsion at \$3.00 per gallon. The Village paid \$.25 per gallon for calcium chloride in 2006 and \$2.88 per gallon for asphalt emulsion.

It was indicated that 50% of the cost for this service is assessed to the property owners with the balance paid by the Village’s local Road Fund.

Motion by Koss, second by Pfeifer, to award the 2007 Calcium Chloride Dust Control Program to South Huron Industrial at \$0.245/gallon and the 2007 Asphalt Emulsion Program to Highway Maintenance Company at \$3.00/gallon.

Roll Call Vote:
Motion passed (6 – 0).

REVIEW AND CONSIDER AMENDING BUILDING DEPARTMENT FEE SCHEDULE

Berndt stated that, in response to a request from Council, Building Official Dave Byrwa has submitted a memo dated February 28, 2007 recommending minor changes to fees for issuance of building permits. The Village’s building permit fee is based on the cost of the project. Byrwa is recommending an increase in all permits from \$10 per \$1,000 of construction cost to \$12 and an administrative fee of \$15.00 on all building permits.

Byrwa related that comparisons were made with surrounding communities although methods of determining permit fees vary among the municipalities. Beverly Hills building permit fees were last raised in 2004. Byrwa is proposing that permit fees be adjusted based on the Consumer Price Index. He noted that an administrative fee is used extensively throughout other communities and recoups administrative work done prior to issuing a permit. State law requires that revenue generated from building department fees can only be used for expenses directly related to the issuance of building permits. The target is to match expenses with revenues.

Stearn stated that, after reviewing fee schedule comparisons provided to Council, he suggests that the Village charge a \$25 administrative fee. He noted that the City of Southfield charges a \$50 penalty fee if someone does work without a permit and the building official has to do an inspection after the fact. The Southfield ordinance states that a double permit fee may be charged for work started without a permit. He would like to include this in the Village's fee structure.

Byrwa responded that the Village ordinance stated that the building official can charge up to 100% of the permit fee for doing work before a permit is issued. He added that the State of Michigan encourages building departments to write a ticket and use the court system in lieu of charging a double fee to contractors that start work without a permit.

Council members discussed the proposed fee schedule in an effort to arrive at a balance between the need to recover costs and levying disproportionate charges that would discourage home repair or renovation.

A motion was made by Oen to adopt the proposed Village of Beverly Hills Revised Schedule of Fees effective April 1, 2007 with two changes: 1) Charge a \$25 administrative fee; 2) Charge a \$50 inspection fee for all work started without a permit unless exigent circumstances exist; and 3) A double permit fee may be charged when work is started without a permit.

Ryan remarked that Council can give administration guidance and the ability to do their job. The Ordinance already states that a double permit fee may be charged for work done without a permit. Council can direct administration to charge the double permit fee more often than not.

Council agreed to remove the third condition from the motion. If the motion passes, another motion could be made to instruct administration to utilize the ability to charge a double permit fee when work begins before a permit is pulled. Oen withdrew the third condition from his motion. The motion now reads:

Motion by Oen, second by Koss, to adopt the proposed Village of Beverly Hills Revised Schedule of Fees effective April 1, 2007 with two changes: 1) Charge a \$25 administrative fee; and 2) Charge a \$50 inspection fee for all work started without a permit absent exigent circumstances.

Roll Call Vote:
Motion passed (6 – 0).

Motion by Oen, second by Stearn, to direct administration to enforce the fee schedule ordinance especially and including the language that requires double fees for people who fail to pull a permit.

Roll Call Vote:

Pfeifer	- no
Stearn	- yes
Berndt	- no
Koss	- yes
Oen	- yes
Peddie	- no

Motion failed (3 – 3).

REVIEW AND CONSIDER EXTENDING 12-HOUR SHIFT FOR PUBLIC SAFETY DEPARTMENT

Koss reviewed that the Beverly Hills Public Safety Department has been working on a 12-hour shift schedule for almost two years. There is a request before Council from the Public Safety Director to extend the 12-hour shift trial as the operating department schedule. Finance Director Wiszowaty was asked to present a financial update on the Department's expenses, particularly relative to the 12-hour shift.

Wiszowaty stated that Council is in receipt of a revenue and expense report for the period ending January 31, 2007. He highlighted Public Safety Department numbers focusing on the overtime line item, which is over budget, and the line item for the 12-hour shift premium paid to individuals with respect to the extra 104 hours worked per year. Officers can either take payment for the extra hours worked or receive comp time. That line item is on target. It was noted that overtime has been reduced under the 12-hour shift schedule.

Questions and comments from Council were addressed by Wiszowaty. He provided a brief review of financial comparisons between the 8-hour and 12-hour shift scenarios that were discussed in depth at the special Council meeting held to address public safety issues.

Koss reviewed that Council took action at a previous meeting to solicit Requests for Proposals from companies to conduct an Operational Study of the Beverly Hills Public Safety Department. She does not believe that this study has anything to do with ongoing contract negotiations or with the 12-hour shift schedule.

Koss stated that the Department is currently operating on a 12-hour shift schedule with 24 officers. Instead of requiring the Director to come before Council every six months for approval to extend the 12-hour shift trial, Koss proposes that Council authorize the Director to operate the shift schedule at his discretion. If there is a reason to make a change as a result of the operational study or an internal study, the chief has the discretion to return to an 8-hour shift schedule and Council has the discretion to bring the issue back to the table for discussion.

Motion by Koss, second by Peddie, to authorize the Public Safety Director to operate the Department shift schedule at his discretion.

Kathleen Berwick of 31381 Kennoway asked that fewer officers be employed since the 12-hour shift is more expensive.

Koss mentioned that the Department is operating with 24 officers currently. Stearn stated that Council is not making a decision on staffing levels at this time.

Roll Call Vote:
Motion passed (6 – 0).

REVIEW AND CONSIDER CREATING COMMITTEE TO CONDUCT FEASIBILITY STUDY REGARDING CITY VS. VILLAGE

Pfeifer remarked that the city versus village issue has come up for discussion from time to time over the years. In view of the current economic condition of the State and a movement to share services between communities, Pfeifer thinks that the time has come to seriously analyze this subject and determine whether Beverly Hills should be supporting an extra layer of government. Traditionally, townships provide all infrastructure needs (roads, sewer and water, utilities, police and fire protection etc.). These services are provided by the Village of Beverly Hills. Current township duties are to assess properties, collect taxes, conduct elections, provide animal control, and issue dog licenses.

Pfeifer suggested that Council assemble an ad hoc committee that will gather information and conduct a feasibility study to determine the pros and cons of incorporating as a city including the financial impact. It is proposed that the committee prepare a report to Council without a recommendation. Council will consider the facts presented and will hold town hall meetings to receive input from residents before making a judgment on whether to initiate a referendum that will be decided by the electorate.

Motion by Pfeifer, second by Berndt, that Council create a Committee to conduct a feasibility study on City versus Village for the Village of Beverly Hills. The membership of the Committee will consist of one member each from Council, the Finance Committee, Planning Board, Administration, and two members-at-large to be filled by application.

Stearn stated that Council has had a couple of study sessions for the purpose of establishing priorities for the coming year. One of the items mentioned was whether the Village should be looking at becoming a city if there are economic advantages for residents. The proposal before Council is to form a group of people to look at the issue to determine whether or not city status is a benefit to the community.

Roll Call Vote:
Motion passed (6 – 0).

Pfeifer did not suggest setting a time limit for completion of the committee's work at this time. She made the first announcement of two openings for at-large members of the committee. Applications are available at the Village offices or online at www.villagebeverlyhills.com. Stearn announced that interested members of the Finance Committee and Planning Board should contact the Village.

RECEIVE AND FILE BUDGET ASSUMPTIONS

Pfeifer asked that this item be removed from the consent agenda and discussed at the Council table. Finance Director Wiszowaty and Manager Spallasso have prepared General Fund, Major and Local Road Fund, and Water & Sewer Operating Fund assumptions for the 2007-2008 budget. Worksheets identify both revenue and expense assumptions for the four major funds.

Wiszowaty addressed questions and comments from Council including capital expenditure assumptions and percentage increase in health insurance. There was a lengthy discussion on the salary and wages expense assumption.

Koss recommended removing revenue assumption (C) that anticipates one public safety officer being assigned to the regional drug enforcement unit on the basis that there is further information needed on this topic. After discussion, it was the consensus of the majority of Council to remove this item from the list.

A draft budget for 2007/08 will be delivered to Council at the first meeting in April.

PUBLIC COMMENTS

Bob Walsh of 20655 Smallwood Court questioned when Council will meet to discuss the upcoming budget. He was informed that a Council budget study session is scheduled for March 27 at 6:30 p.m.

REPORTS – MANAGER

Spallasso reported that the first sections of pipe went into the ground today on Kinross at Southfield as part of the Acacia Park Relief Sewer project. He appreciates everyone's patience and cooperation during the construction phase. Spallasso asked residents to keep children away from the deep trenches and machinery.

The Water Meter Replacement Proposal continues to be evaluated. Village staff is talking with technical officials from the City of Birmingham and the City of Southfield, who have expressed interest in the project. This could develop into a semi-regional undertaking.

A bargaining session with the PSO unit is scheduled for March 12. Council will be kept informed.

Spallasso reminded everyone that trash collection will go to two days a week beginning July 1, 2007 (Monday - east of Evergreen; Tuesday - west of Evergreen).

In answer to an inquiry, Spallasso stated that there has been an increase in water main breaks during the freezing weather and a leaking hydrant that required repair.

COUNCIL

Berndt commended the Planning Board on the newly adopted Master Plan.

Koss remarked that the current issue of the Villager newsletter is excellent. It contains a wealth of useful information including a Public Safety Department page. As liaison of the Birmingham

School Board, Koss announced that Birmingham Public Schools Superintendent John Hoeffler is retiring from the district after 17 years effective August of 2007.

Koss reminded residents that Southfield Township will be sponsoring free document shredding at the municipal parking lot on Saturday, May 5.

Pfeifer gave a brief report on a seminar sponsored by the Cable Board attorneys on Friday, February 23 regarding recent developments in cable television law.

Pfeifer commented on the outstanding issue of the Villager newsletter. She called residents' attention to an article regarding the availability of bare root trees and shrubs that may be purchased through Global ReLeaf of Michigan. Orders are due by April 6. Other information published in the Villager includes a recap of the refuse and recycling program. She encouraged residents to get involved in recycling.

Peddie reported that the Zoning Board of Appeals will meet on Monday, March 12. Oen stated that Southfield Township Board of Review will meet next week on March 12, 14 and 15.

Stearn attended a Retirement Board meeting on February 27 and reported that the Public Safety Retirement System investments for 2006 were up 13.32%. The fund will be in good shape if this trend continues. The fund managers are doing a good job of managing and diversifying Village funds. Stearn acknowledged all members of administration for doing a great job.

Motion by Pfeifer, second by Oen, to adjourn the meeting at 10:25 p.m.

Motion passed (6 - 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary