

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

Absent: None

Also Present: Manager, Spallasso  
Director of Public Safety, Woodard  
Village Attorney, Ryan

President Woodrow called the regular Council meeting to order at 7:30 p.m. The Pledge of Allegiance was recited by those in attendance.

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

Motion by Berndt, second by Peddie, to add an item 'e' to the business agenda: "Discuss recommendations and implementation plan for the Department of Public Safety Organizational and Staffing Study."

Motion failed (4 – 3).

Woodrow said that Berndt could request that this item be placed on a future Council meeting agenda. Spallasso related that some study recommendations have already been implemented, and administration is in the process of obtaining needed information before initiating additional recommendations.

Motion by Oen, second by Pfeifer, to approve the agenda as published.  
Motion passed (7 – 0).

#### **PUBLIC COMMENTS**

Hildreth Buterbaugh of 18171 Dunblaine commented favorably on the Village's trash collection and snow plowing services. He voiced strong objections to the recent announcement by Comcast that it will be broadcasting local access cable channels digitally beginning January 15. Customers who do not have digital cable service will have to use a converter box in order to view Council meetings as well as educational and public access channels. Further, Comcast is changing the channel lineup to move local access channels from their present location to channels in the 900s. Buterbaugh also criticized Comcast for closing its Birmingham office on Eton street; customers in this consortium will be directed to the Royal Oak office.

Buterbaugh related how these Comcast actions will affect his household and suggested that Comcast is in violation of the Franchise Agreement and Consumer Protection Ordinance. There is decreasing control over action taken by cable providers since the adoption of the State Franchising Act in early 2007. Buterbaugh was aware that the Village Council cannot do anything about Comcast's recent activity, but he urged Council to keep its eye on what is going on at the Birmingham Area Cable Board.

Woodrow concurred with the observations expressed by Buterbaugh. He informed residents that the Village will begin webstreaming its Council and Cable Board meetings. People will be able

to watch the most recent Council meeting on the Internet by accessing a link on the Beverly Hills home page.

Sharon Tischler of 21415 Virmar Court, Southfield Township Clerk, reminded residents of the January 15 Presidential Primary Election. Absentee ballot applications have not been automatically mailed to Township residents who are 60 years of age. Individuals can obtain an absentee ballot at the Township office or by calling 248/540-3420 to request an absentee ballot by mail. Township residents can fill out a form to be placed on a permanent list so they would receive an absentee ballot application for all future elections.

Marcia Gershenson, Oakland County Commissioner, reminded residents of a number of services provided by Oakland County including the following: discount drug card, dental discount program, open enrollment for low income health care, and housing counseling service for those with foreclosure issues. Gershenson listed family activities going on at County Parks this winter.

#### **CONSENT AGENDA**

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

- a. Review/consider approval of minutes of joint Council/Finance Committee meeting held on December 8, 2007.
- b. Review/consider approval of minutes of the December 18, 2007 Council meeting.
- c. Review and file bills recapped as of December 26, 2007.

Motion passed (7 – 0).

#### **BUSINESS AGENDA**

##### **REVIEW AND CONSIDER AUTHORIZING THE PLANNING BOARD TO PROCEED WITH THE SOUTHFIELD ROAD CORRIDOR STUDY**

Council is being asked to authorize the Planning Board to proceed with a Southfield Road Corridor study. It is the intent of the Planning Board to engage the services of an expert to explore the potential of the Southfield Road corridor and develop a vision for the business district. The Planning Board will prepare a Request for Proposal (RFP) for publication and distribution to qualified firms, evaluate proposals, and make a recommendation to Council on the selection of a consultant. It was noted that \$7,500 was allocated by Council from the 2007/08 budget for a Southfield Road Corridor study.

Motion by Oen, second by Pfeifer, to direct the Planning Board to initiate the process of preparing a Request for Proposal to conduct a Southfield Road Corridor study.

Council members discussed the extent of the direction to be given to the Planning Board. It was noted that the Board has done previous work that involved collecting data on existing conditions of the Southfield Road business district.

Stearn related that Council held a study session last January to establish priorities for the year, at which time the majority of members were in support of revisiting Southfield Road redevelopment. Council expressed an interest in exploring the potential of the Southfield Road

business district and developing a vision and plan that could be implemented over the next 20 or more years. The Planning Board has studied existing conditions on Southfield Road but has never been authorized to complete a study that would result in an idea of what the Southfield Road corridor could look like. The Planning Board is proposing that the Village engage a qualified firm to analyze the Southfield Road corridor, explore what it could become, and arrive at a design that the Village could start working towards. Council has voted to proceed with this project and has allocated funds; it is now being asked to direct the Planning Board to initiate work on the project. Council will be able to review the RFP and modify the direction of the study if needed.

Dennis Page of 30470 Lincolnshire asked questions relative to the RFP, which were addressed by Council.

Norman Rubin of 32010 Rivers Edge Court expressed the view that a Planning Board study of the Southfield Road Corridor as well as its review of nonconforming property west of Southfield Road should be reconsidered due to the Village's recent financial forecast indicating that spending will exceed income in the next three years.

Sharon Tischler of 21415 Virmar Court suggested that Planning Board members review findings from previous analysis done on the Southfield Road corridor.

Stearn stated that Council is considering action to direct the Planning Board to prepare a Request for Proposal on a Southfield Road corridor study. He expressed the view that the Village's return on its \$7,500 investment in this study has the potential of redeveloping the business district in a manner that would prevent commercial blight and keep property values competitive. He thought it was time to invest in the community to make sure it is viable in the future.

Motion passed (7 – 0).

#### **REVIEW AND CONSIDER REZONING AREAS WEST OF SOUTHFIELD ROAD**

Oen reviewed that Council took action at its October 2, 2007 meeting to adopt an ordinance to amend the Schedule of Regulations and the Zoning Map with the intent of reducing the amount of non-conforming lots in the northeast section of the Village. At its November 20, 2007 meeting, Council voted to refer the zoning west of Southfield Road to the Planning Board for review and recommendation.

Council is in receipt of a proposal from LSL Planning Inc. dated December 21, 2007 to perform this second study at a cost of \$4,500. It was noted that some of the costs will be absorbed by the general consultation contract currently in effect between the Village and the planning consultant firm.

Motion by Oen, second by Koss, to authorize the expenditure of \$4,500 for LSL Planning Inc. to assist the Planning Board with a study of residential nonconforming lots in the area west of Southfield Road. Funds are available in the 2007/08 budget in account #101-371-810.00.

Stearn expressed opposition to initiating a study of nonconforming property west of Southfield Road. He proposed that Council consider authorizing a study of the few neighborhoods where nonconforming property extended from the east side of Southfield Road into subdivisions on the west side of Southfield Road. Stearn did not think it would be cost effective to study the entire west side of Beverly Hills.

Oen responded that the Planning Board recognized that there was a limited amount of nonconforming lots on the west side of the Village. LSL Planning will focus on those problem areas. Spallasso noted that the properties in question are in Section 2.

Berndt thought that it was important to complete the study in order to do justice to a number of people living west of the previous study area located east of Southfield Road. He questioned the scope of project as defined in the LSL letter describing the approach that will be applied to the area west of Southfield Road.

Hildreth Buterbaugh on Dunblaine expressed the view that there is no mandate to make zoning changes on the west side of the Village.

Bob Walsh of Smallwood Court expressed opposition to authorizing the Planning Board to conduct a study of nonconforming lots on the west side of the Village. He expressed the view that people do not want lot size or side yard setbacks reduced.

Woodrow responded that the intent of the study is not to propose zoning changes for the entire west side of the Village. There is only a small portion of the west side that is nonconforming. The Planning Board is interested in completing its task in terms of determining whether there are nonconforming lots in neighborhoods west of Southfield Road.

Pfeifer commented that the Village ordinances and Council should be consistent in addressing nonconformities and determining where there is a need for zoning changes.

Roll Call Vote:

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

Motion passed (6 – 1).

**REVIEW AND CONSIDER INTERLOCAL AGREEMENT WITH OAKLAND COUNTY MUTUAL AID ASSOCIATION**

The Oakland County Mutual Aid Association has been formed in order to meet the varied and specialized needs of the fire departments within the county. Not all departments have the full range of trained personnel and special equipment necessary to confront the variety of risk

scenarios that can confront first responders in these communities. Hazardous materials, trench rescue, high-angle rescue, mass casualty and building collapse shoring situations are among those envisioned within this agreement. By pooling the specialized skills and resources into one mutual aid group, each of the participants gains the availability of resources that are seldom needed under normal circumstances but become indispensable in a specialized emergency situation.

The Department of Public Safety continues its capability of handling day-to-day fire and rescue responses without resorting to its local mutual aid partners. Requests can still be made as necessary to nearby public safety departments for any additional apparatus or personnel. The Department's existing mutual aid relationships do not dissolve by joining this association. More specialized mutual aid resources are added to the Department's response inventory by adopting the proposed agreement.

The Oakland County Mutual Aid Association is in its early stage of development. Of the 45 eligible fire departments in the county, up to 20 have already signed the agreement. For those departments getting into the group at its inception, there is a three-tiered dues plan. Any department choosing to join after 2011 will pay \$6,000 initially.

Year 1 - \$1,000 in 2008  
Year 2 - \$2,000 in 2009  
Year 3 - \$3,000 in 2010  
\$3,000 each subsequent year

Motion by Peddie, second by Pfeifer, that the Village Council authorize the Village and Department of Public Safety staff to enter into an Interlocal Agreement with the Oakland County Mutual Aid Association with the membership fee to be paid from Account #101-345-956 Miscellaneous Expense.

Director Woodard addressed questions from Council and the public regarding the proposed Interlocal Agreement and use of the fees. He indicated that the Village can withdraw from the Agreement at any time.

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

#### **REVIEW AND CONSIDER EXTENSION OF AUDITING SERVICES CONTRACT**

Council is in receipt of a letter from Plante & Moran stating that its fee for performing the Village of Beverly Hills audit for the fiscal year ending June 30, 2008 will be \$33,975, which represents a 2.3% inflation factor increase over last year's fee. Due to major and comprehensive changes in auditing rules that will impact the Village's audits beginning with the year ended June 30, 2008, additional audit time required will increase the cost of the annual audit.

Plante & Moran has evaluated the additional effort that it expects to incur in the upcoming audits and estimated the additional cost to be \$7,000 in the first year. It is expected that the additional audit time will decrease to \$3,000 in the second year (June 2009 audit). Plante & Moran will

work with the Village to minimize the impact of the additional fees on its budget. Blake Roe was present to explain the options in terms of budgeting for the additional audit costs and to address questions from Council.

Motion by Stearn, second by Oen, to approve the proposal from Plante & Moran to provide auditing services to the Village of Beverly Hills for the year ending June 30, 2008 for \$33,975 plus an additional amount of \$4,500 for auditing time required due to new auditing standards.

Stearn commented that he has been satisfied with the performance of Plante & Moran and does not recommend going out for bids this year particularly due to recent auditing rules and accounting changes.

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

### **PUBLIC COMMENTS**

Norman Rubin of Rivers Edge Court stated that it is important that the Village understand the difference between wants and needs considering the current financial climate. He expressed the view that the Village approved \$12,000 of spending for “wants” tonight.

### **REPORTS – MANAGER**

Spallasso commented that the DPW is doing a good job of snow removal after the recent snow event. Christmas trees will be chipped this week and next week.

The water meter replacement program is in progress with approximately 1600 water meters installed to date. This project should be completed ahead of schedule.

### **COUNCIL REPORTS**

Stearn mentioned that the sled hill in Beverly Park was heavily used yesterday, and everyone had a great time. Winter Family Fun Day will be held on Sunday, January 20 at Beverly Park. Stearn was sorry to report the recent passing of long-term Village resident Frank Cleary.

Pfeifer stated that the Village has applied for a tree planting matching grant through the Michigan DNR and the DTE Energy Foundation. She commended Erin Saur on preparing the grant application.

Pfeifer addressed concerns expressed by a resident earlier in the meeting regarding Comcast’s announcement that it will broadcast public, government, and educational access channels digitally and move them from their current location to channels in the 900s. A digital cable box will be required to view these channels. Pfeifer emphasized that the Birmingham Area Cable Board has been voicing its objections to recent action taken by Comcast. She suggested that residents view Cable Board meetings rebroadcast on the municipal channel.

Pfeifer referred to an article regarding roundabouts that are appearing throughout the County. The Road Commission for Oakland County has prepared an educational video on how to use

these circular intersections. She asked that Village administration request a copy of the video to keep on file at the Village office. The City Study Committee will meet on January 10 at 7:30 a.m. in the Village municipal building.

Koss asked for a Council discussion item to be placed on the next meeting agenda regarding possible ballot language for staggered terms.

Woodrow commented on Comcast's recent announcement of rate increases as of February 1, 2008. A letter and photographs were received from Eagle Scout Eric Hausman, who completed his wind chime project at Beverly Park. Woodrow thanked Eric for doing a great job.

Motion by Pfeifer, second by Oen, to adjourn the meeting at 9:03 p.m.

Motion passed.

**Hugh Woodrow**  
**Council President**

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

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