

Present: President Koss; President Pro-Tem Briggs; Members: Mercer, Mooney, Oen, Prew and Stearn

Absent: None

Also Present: Village Manager, Wilson  
Assistant Manager/Clerk, Marshall  
Village Attorney, Ryan  
Director of Public Safety, Woodard

President Koss 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. Oen asked for a moment of silence in memory of Officer Larry Nehasil of the Livonia Police Department who was tragically killed in the line of duty on Monday, January 17, 2011.

The Pledge of Allegiance was recited by those in attendance.

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

Motion by Oen, second by Mooney, to amend the Discussion Item on the agenda as follows:

- a. Consider whether to engage a facilitator to assist Council with its upcoming strategic planning session.
- b. Consider offers from Village residents qualified to facilitate a Council goal setting session.
- c. Review and consider proposal from Neil Hitz to facilitate February 12 Strategic Planning Session.

Motion passed (7 – 0).

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

Motion passed (7 – 0).

#### **COMMUNITY ANNOUNCEMENTS**

None

#### **CONSENT AGENDA**

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

- a. Consider approval of minutes of regular Council meeting held January 4, 2011.
- b. Review and file bills recapped as of Tuesday, January 18, 2011.

Motion passed (7 – 0).

#### **BUSINESS AGENDA**

##### **REVIEW AND CONSIDER REQUEST FROM BIRMINGHAM GROVES STUDENT CONGRESS TO HOLD A FUNDRAISING WALK ON 4-16-11 IN BEVERLY HILLS**

Groves High School Senior Brady Dwyer was present on behalf of Groves Student Congress and the Charity Walk Committee. The mission of the fund raising walk is to raise awareness for the

needs of hospitalized children and to offer assistance to The Bottomless Toy Chest, a Birmingham charity that provides donated toys to children cancer patients.

Dwyer requested Council approval for use of Village sidewalks and streets on Saturday, April 16, 2011 for a Charity Walk from 1 p.m. to approximately 3 p.m. Their goal is to have 300 participants made up of community members, students and staff. Dwyer outlined the route for the 5K walk, noting that volunteers will be stationed on the course to provide water, assistance and supervision. The School District will submit a certificate of insurance if the walk is approved.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council approve the request of Groves High School Student Congress to use Village streets and sidewalks for its Charity Walk for the Bottomless Toy Chest to be held on Saturday, April 16, 2011 on the route submitted to the Village. Approval is contingent on provision of the appropriate certificate of insurance by the Birmingham School District.

Motion passed (7 – 0).

**REVIEW AND CONSIDER AMENDING SEVERAL 2011 VILLAGE MEETING DATES TO ACCOMMODATE VARIOUS HOLIDAYS**

Administration reviewed various holidays that the City of Birmingham observes and provided information to Council noting instances where Village meeting dates conflict with those holidays.

Stearn suggested that Beverly Hills has a significant population of Jewish residents who could not participate or view meetings on Passover or Rosh Hashanah. Some of the other dates listed are minor holidays.

Mooney commented that he means no disrespect to anyone, but his position has been that only national holidays should cause cancellation of business conducted by the Village Council.

Motion by Stearn, second by Oen, to change the date of the April 19 (Passover) Council meeting to April 18 and the September 28 (Rosh Hashanah) Planning Board meeting to September 30.

Roll Call Vote:

Briggs	- yes
Koss	- yes
Mercer	- yes
Mooney	- no
Oen	- yes
Prew	- no
Stearn	- yes

Motion passed (5 – 2).

**PUBLIC HEARING TO RECEIVE COMMENTS ON A CORRECTION TO THE ZONING MAP WITH REGARD TO THE HUNTLEY SUBDIVISION**

Wilson reviewed that a zoning map was developed in 1960 for what is known as the Huntley Subdivision with three different zoning designations: R-1 in the far northwest corner; R-2 comprising the eastern and southern portions of the subdivision, and; R-1A as a buffer between the two zoning districts.

The current zoning map adopted in 1991 does not accurately reflect the original zoning approvals of the early 1960's. When originally platted, the Huntley Subdivision lot numbers were in numerical order clockwise around the subdivision. When a swath in the middle of the subdivision was developed first, the lots were renumbered based on what was built first. When the 1991 map was created, it used the zoning designations that corresponded to the original lot numbers creating a checkerboard arrangement of the three districts on the current 1991 zoning map. By applying lot numbers incorrectly, the zoning indicated on the map did not reflect the correct zoning that existed by law. The current Huntley zoning map should be corrected to include the 1960 zoning for Huntley Subdivision with the 1961, 1962, and 1963 lot numbers. The proposed Huntley zoning map would correspond with the lot numbers that have been recorded and platted in County records.

Wilson said that the Huntley Subdivision zoning has never changed since 1960, and the Village is not seeking to change the zoning. The map the Village has been using since 1991 has been incorrect; a corrected zoning map would reflect the zoning as it has always been.

It was the recommendation of the Village Attorney that, even though the zoning designations are not being changed from the original zoning map, the Council and Planning Board should handle this through a rezoning process. The Planning Board conducted a public hearing on December 8, 2010 and recommended to Council that the Huntley Subdivision Zoning Map be redrawn to agree with the 1960 Zoning Map in order to correct a 1991 mapping error.

Koss opened the public hearing on the Huntley Subdivision zoning map correction at 7:34 p.m.

Tom Jablonski of 31302 Churchill Drive questioned whether the R-1A zoning district was going to be eliminated from the zoning map. He was informed that R-1A zoning would remain. Jablonski asked if there would be a future improvement such as sidewalks occurring based on the proposed zoning change. Council indicated that there are no plans to construct sidewalks in Huntley Subdivision.

Bob Bliven of 31633 Nixon displayed various maps and explained how the Huntley Subdivision was developed.

Sharon Tischler of 21415 Virmar Court questioned which documents are on record at the Oakland County Equalization office. Bliven responded that the Huntley Subdivision 1961/62/63 plat map was registered with Oakland County. The lot numbers will remain the same on the proposed 2011 zoning map. He added that the County does not deal with zoning designations.

No one else wished to be heard. The public hearing was closed at 7:53 p.m.

**REVIEW AND CONSIDER CORRECTING THE ZONING MAP, SPECIFICALLY THE AREA KNOWN AS THE HUNTLEY SUBDIVISION**

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council direct the Village Attorney to prepare a zoning ordinance amendment to sanction a 2011 Huntley Subdivision Zoning Map that agrees with the 1960 Huntley Subdivision Zoning Map in order to correct a 1991 mapping error.

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

**REVIEW AND CONSIDER 2010-11 LOCAL ROAD FUND BUDGET TRANSFERS**

Wilson referred to a memo from Finance Director Bob Wiszowaty regarding 2010-2011 Budget Transfers. Council had budgeted for transfers in the Local Road Fund. One was a contribution from the Major Road Fund of \$90,319. State Law allows municipalities to transfer a maximum of 25% of their Act 51 money every year from the Major Street Fund to the Local Street Fund. The other transfer was \$175,000 from the Dedicated Millage Fund to the Local Road Fund. Questions from Council were addressed by Wilson.

Motion by Mooney, second by Oen. Be it resolved, that the Village Council of Beverly Hills authorizes Village Administration to transfer monies as follows:

Major Road Fund Expenses to be transferred:

TO LOCAL STREET FUND  
Contribution F/Major Road Fund                      \$ 90,319

Dedicated Millage Fund Expenses to be transferred:

TO LOCAL STREET FUND  
Contribution F/Dedicated Millage Fund              \$175,000

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

**SET PUBLIC HEARING DATE TO REVIEW AND CONFIRM 2010 SPECIAL ASSESSMENT ROLL FOR SOUTHFIELD ROAD BUSINESS ASSESSMENT DISTRICT**

Council set a public hearing date of Tuesday, February 15, 2011 to review and confirm the 2011 Special Assessment Roll for the Southfield Road Business Assessment District.

**DISCUSSION ITEMS RELATED TO COUNCIL GOAL SETTING SESSION**

Mooney stated that Council will be conducting a strategic planning session with the intent of maintaining the quality of Village services over the next number of years. There has been some dialogue as to whether Council should engage the services of a facilitator to lead the discussion at that meeting. Council should address what a facilitator will contribute to the process and who should act as a facilitator.

Resident Neil Hitz has volunteered to facilitate the Council planning session at no cost. He outlined his background and experience as a facilitator of strategic plans, business plans and marketing plans. Hitz provided an overview of how he thinks Council should proceed in terms of a planning session on long-term issues. He would suggest that Council start with developing a list of strengths, weaknesses, opportunities and threats (SWOT). Members should be in agreement as to the opportunities and threats. Council should then select three to six key strategic issues. The next step would be to set objectives or goals for each issue. Hitz talked about the importance of developing an action plan and having a follow up meeting if needed.

Hitz proposed that the process could be accelerated at the meeting if every participant were to write down SWOT items and submit them to the Village office anonymously. The facilitator would compile this information and display the SWOT list at the study session. The brainstorming session is eliminated, and the members could discuss the items and vote for the top strengths, weaknesses, opportunities and threats. Council can do the same thing with key strategic issues.

Hitz addressed comments and questions from Council. He indicated that his role in the process was to challenge ideas and present views that may not be represented at the meeting. The role of a facilitator is to make sure that the participants come to a conclusion.

Stearn stated that he spoke to former Council President Andy Craig, who has also volunteered to participate as facilitator at the study session. Stearn believed Craig to be trustworthy, neutral and credible and should be considered to lead Council in a goal setting session.

Following discussion, it was the sense of the majority of Council members to utilize a facilitator at its goal setting session. Council agreed to consider qualified volunteers from the community and make a decision on a facilitator at its February 1 Council meeting. Council members decided to prepare a list of SWOTs and key strategic issues and submit them anonymously to the Village Manager by Monday, January 31. Council was in agreement to proceed with the study session on Saturday, February 12.

### **PUBLIC COMMENTS**

John McGrath of 16210 Beverly Road clarified language in the January 4, 2011 Council meeting minutes as they related to comments he made at that meeting. McGrath stated that he continues to ask for the investment returns on the pension plan. Stearn interjected that McGrath would like to know what the net returns are after investment expenses. McGrath also clarified that he attends Council and Retirement Board meetings due to his concern about financial problems in the Village.

Bob Bliven cited a couple of instances of Council action in the 1960's.

### **REPORT – MANAGER**

Beverly Hills has been participating with SOCRRA to analyze the feasibility of a single-stream recycling program. As part of the pilot program, roughly 500 residences on the east side of the Village were provided with a 65-gallon wheeled cart in which to place all of their recyclable materials, not separated. As the pilot program is nearing an end, SOCRRA is evaluating whether to proceed with single-stream recycling and how. Wilson related that single-stream recycling is more expensive, but studies have found that the volume of material received increases

tremendously. At its last meeting, SOCRRA determined that it was probably in its best interest to move forward with single-stream recycling. There would be a significant capital cost, and SOCRRA is not ready to do this yet. Wilson is working with SOCRRA on what can be done with the pilot program to keep those carts in place.

In the meantime, residents who wish to continue utilizing the 65-gallon carts can do so until they hear differently. If residents in the pilot program area want to have their cart removed, they can contact the Village to have it picked up.

Wilson brought it to Council's attention that the Village's six month moratorium on medical marijuana will be expiring. An item for consideration on the next Council agenda will be to approve an extension of the moratorium given the fact that the Legislature is expected to address this issue within the next legislative session.

Wilson referred to ongoing issues with the Water Resources Commissioner's office regarding the function and operation of the Village's retention basin. There was a meeting of the Drain Board today. Tom Ryan and the attorneys for Birmingham and Bloomfield Township met with legal counsel from the WRC last week. Wilson hopes that there will be an agreement put forth for both sides to consider by the next Drain Board meeting in February.

Forester Judd Hart will attend the February 1 Council meeting to make a presentation on White Pine Wilt. Hart has information on this topic to include in the next Villager newsletter.

Taco Bell representatives came before the Zoning Board of Appeals on Monday, January 10 and received a variance from the required number of parking spaces on their Southfield Road site. Wilson expects Taco Bell to submit a site plan to the Village based on the variances they have received for a front yard setback and parking. They propose demolition of the existing building and a complete rebuild of a Taco Bell facility.

Wilson reminded everyone that newly elected Governor Rick Snyder will be giving a State of the State address on Wednesday, January 19. This will be an important speech with far ranging implications. Wilson encouraged everyone to watch this address and pay attention to the policy issues that are set forth.

Koss suggested that Wilson invite Water Resources Commissioner John McCullough to a Council meeting after the RTB issue is resolved to meet Council and address questions from members.

Wilson commented on a great story that appeared on Channel 4 News and in the Detroit Free Press last week about Finance Director Bob Wiszowaty, his son Mitchell, and friend Scott Timko who bowled perfect 300 games in their bowling league last Wednesday. He congratulated Bob, his son, and Scott Timko, who is a Village resident.

## **REPORTS - COUNCIL**

Mercer stated that the Taco Bell appeal case heard at the last Zoning Board of Appeals meeting emphasized the need for the Planning Board to review and consider updating Village parking ordinance requirements.

Oen mentioned that the Planning Board is aware of the parking issues and has been working with the planning consultant on a revised ordinance. Oen related that LSL Planning has agreed to lower the cost of their planning consultant fees citing the current economic environment. The next regular Planning Board meeting is scheduled for Wednesday, January 26 at 7:30 p.m. Oen thanked the Village public safety officers for the job they do.

Mooney commented on the serious nature of the State's financial problems and the hard times to come. There is interest in what Governor Snyder will say in his State of the State address and what the Legislature will do.

Council heard from volunteers Bob Bliven and Neil Hitz tonight. The volunteers who participate in the community are what makes this Village great. Mooney thanked Bob Bliven for the work he has done on the Huntley Subdivision zoning issue and for the years of volunteer work he has done in the Village. Mooney was saddened this week to learn of the death of resident Irene McAdams, another regular volunteer. He expressed condolences to her family. Mooney related that Frank Worrell is home and doing well after open heart surgery.

The Winter Family Fun Day will take place in Beverly Park on Sunday, January 23 from 1 p.m. to 4 p.m. Families are encouraged to come out and have some fun.

Briggs commented that he is part of the recycling pilot program and would like to continue with single stream recycling.

Oen announced that there will be a Chili Cook Off at Our Lady Queen of Martyrs from 2 p.m. to 8 p.m. on Sunday, January 23.

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

Motion passed (7 – 0).

**Rosanne Koss**  
Council President

**Ellen E. Marshall**  
Village Clerk

**Susan Bernard**  
Recording Secretary