

Present: President Koss; Members: Mercer, Mooney, Oen and Prew

Absent: Briggs

Also Present: 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. The Pledge of Allegiance was recited by those in attendance.

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

Motion by Oen, second by Mooney, to add two items to the business agenda:

g. Refer site plan request from Sundance, Inc. (franchisee for Taco Bell), 31305 Southfield Road, for demolition and reconstruction to the Planning Board for review and recommendation.

h. Refer site plan request from Market Fresh, 31201 Southfield Road, for expansion and renovation to the Planning Board for review and recommendation.

Motion passed (5 – 0).

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

Motion passed (5 – 0).

#### **COMMUNITY ANNOUNCEMENTS**

County Commissioner Marcia Gershenson announced that Oakland County Parks and Recreation will begin the renovation of Catalpa Park in 2011. This is a County effort to work on its urban strategy. Further, Parks and Recreation has allocated funds for its recreation assistance partnership. This is money set aside for cities, villages, and townships and any nonprofit groups who want to utilize some of the Oakland County park equipment using grant money. The County has a great summer Parks and Recreation internship program for teenagers. It is a competitive program, and some of the positions are paid.

The County will be conducting assessment seminars to provide residents with information on how to appeal their property tax assessments. There are two in February and one in March. Details are available on the oakgov.com website.

The Adult Benefit Waiver Program is a project that the County has been working on for a few years. It is a three-tier program providing health insurance for qualifying low-income Oakland County residents who are without health insurance.

Gershenson acknowledged Todd Stearn and his service to the community noting that he was active in helping to get the millage passed in Beverly Hills. Gershenson thanked Todd Stearn and his family for all their years of service.

Lisa Ross introduced herself as a member of the Parks and Recreation Board and chairperson of this year's Winter Family Fun Day. She reported that only about \$60 was spent on the event this year with \$16 received in donations. This was well under the budgeted amount.

Ross thanked Administration for getting Beverly Park ready for the event, WOW Cable for the S'More station, Pat and Don Greening for donating hot chocolate, Groves High School volunteers and Sheila Brice for organizing the volunteers, Scouts who helped out on the day, Parks and Recreation Board members, and the many residents who came out and made the event a success.

State Representative Chuck Moss stated that Governor Snyder will present his budget and tax plan on Thursday, February 17. Moss is expecting tough budget cuts; the goal is to balance the budget without raising taxes. In response to an inquiry, Moss related that he is the new chair of House Appropriations, which is the budget committee. He would like the budget done by June 1.

**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 February 1, 2011.
- b. Review and file bills recapped as of Monday, February 14, 2011.

Motion passed (5 – 0).

**BUSINESS AGENDA**

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

The Village maintains the public right-of-way along the Southfield Road business district and assesses the cost of landscape maintenance, water for the sprinkling system, and electrical costs to the property owners on the west side of Southfield Road. It is required that Council hold a public hearing to review and confirm the 2010 Special Assessment Roll for the Southfield Road Business Assessment District.

Koss stated that the Southfield Road Business District incurred the following costs for 2010: maintenance \$3,819.75; water costs for the sprinkling system \$1,184.43; and electrical costs for Beverly Hills Grill \$506.67. In addition, each property incurred a 10% administrative fee for a total of \$551.09. Therefore, the Village of Beverly Hills Council confirms the Village Business District Assessment Roll for the 2010 season in the amount of \$6,061.94 as follows:

Beverly Hills Club	\$ 1,000.87
Bed, Bath & Beyond	391.24
Beverly Hills Grill	706.35
C.G. Holdings, LLC	286.46
Emile's	405.16
Taco Bell	338.57
31333 Building	451.79
Beverly Venture	1,006.31
J & D Karmo Real Estate	1,453.78

Koss declared the public hearing open at 7:45 p.m. No one wished to be heard; the public hearing was closed at 7:46 p.m.

**REVIEW AND CONSIDER 2010 SPECIAL ASSESSMENT ROLL FOR THE SOUTHFIELD ROAD BUSINESS ASSESSMENT DISTRICT**

Motion by Mooney, second by Oen, that the Beverly Hills Council adopt the Village Business District Assessment Roll for the 2010 season in the amount of \$6,061.94 as read.

Roll Call Vote:  
Motion passed (5 – 0).

**ACCEPT TODD STEARN'S RESIGNATION AND MAKE FIRST ANNOUNCEMENT OF A VACANCY ON VILLAGE COUNCIL**

Council received a communication from Todd Stearn resigning his position on the Village Council.

Motion by Mooney, second by Oen, to accept the resignation of Todd Stearn from the Village of Beverly Hills Council.

Mooney stated that Beverly Hills is losing an unusual public servant in Todd Stearn, who has spent many years governing this Village. His presence on Council and his leadership over the last several years has been key to maintaining the Village as a fine place in which to live. Mr. Stearn brought intelligence, common sense, and an analytical mind to the problems that face the Village. Under his leadership, Council changed the way business is done in Beverly Hills. It has cut employees, settled labor disputes, and hired a new manager. Todd Stearn worked tirelessly toward promoting the Charter Amendment that passed in November. He will be sorely missed.

Oen said that he wished Todd and his family well and appreciated everything they have done for the community. Todd was a hard working and dedicated individual who worked tirelessly to govern the community. He always brought common sense and the voice of reason to Council particularly during budget deliberations.

Mercer stated that he will accept the resignation of Todd Stearn with disappointment. Mercer appreciated that Todd was instrumental in getting him involved in Village government. He thanked Terri Stearn for her service to the Village.

Roll Call Vote:  
Motion passed (5 – 0).

Koss made the first announcement of a vacancy on Council. The deadline for accepting applications is Friday, March 4, 2011 at 4:30 p.m. Todd Stearn's term was set to expire on November 13, 2012.

**SECOND READING AND POSSIBLE ADOPTION OF ORDINANCE #337 AMENDING CHAPTER 22 OF THE MUNICIPAL CODE THE ZONING MAP**

Attorney Ryan stated that this Ordinance represents an effort initiated by the Planning Board months ago after former member Robert Bliven brought it to their attention that the zoning map

affecting Huntley Subdivision was incorrectly drawn in 1990-1991. The proposed zoning ordinance amendment will reestablish the map that existed in 1961. The Planning Board held a public hearing on December 8, 2010 to receive comments regarding the correction of the Zoning Map for Huntley Subdivision. Council held its public hearing on January 18, 2011.

This is the second reading of Ordinance No. 337, An Ordinance to Amend the Village Municipal Code, Chapter 22, the Zoning Ordinance for the Village of Beverly Hills. The text of the Ordinance reads: The Huntley Subdivision Zoning Map shall be amended to the Zoning Classifications and Map approved by the Village of Beverly Hills in 1961 as Exhibit 'A' and the Zoning Map of the Village of Beverly Hills shall thereby be amended to reflect Exhibit 'A'. Ryan summarized the intent of each of the clauses in Ordinance No. 337. He concluded that, if adopted, the map will be amended to be the Village Zoning map relative to the Huntley Subdivision.

Motion by Mooney, second by Oen, that the Beverly Hills Council adopt the Village of Beverly Hills Ordinance No. 337, An Ordinance to Amend the Village Municipal Code, Chapter 22, the Zoning Ordinance for the Village of Beverly Hills.

Roll Call Vote:  
Motion passed (5 – 0).

#### **REVIEW AND CONSIDER REQUEST TO PURCHASE PUBLIC SAFETY PATROL VEHICLE**

The capital budget for fiscal year 2010/11 contains funds for the purchase of a patrol vehicle to replace a vehicle that has accumulated over 70,000 miles. Vehicle #138 (2007 Ford Crown Victoria with 88,000+ miles) satisfies the department mileage replacement policy.

Director Woodard stated that a special use patrol pickup truck has been selected for this purchase in order to provide for the department's increased attention to Motor Carrier Enforcement, specifically with truck traffic on 14 Mile and Southfield Roads. This vehicle will carry specialized equipment for that enforcement effort undertaken by two department PSO's. When not assigned to motor carrier enforcement, the vehicle will be available for general patrol. Being a 4-wheel drive model, the vehicle will supplement the department's winter weather capability.

Red Holman GMC of Westland has been awarded the Oakland County Cooperative Bid for special use patrol vehicles. Equipped in line with department specifications, a 2011 GMC Sierra 4-door 4-wheel drive pickup costs \$30,078 under cooperative bid conditions. There will be a cost of up to \$3,500 to transfer specialized equipment from the old to the new vehicle. Woodard mentioned that the Department will sell Vehicle #138 on Ebay as standard procedure. The resale prices obtained from public bid/sale have exceeded prior trade-in allowances and represent the best revenue value to the Village. The revenue from the sale will be returned to the motor pool fund to help fund further purchases in the future.

Motion by Mooney, second by Oen, that the Beverly Hills Village Council award the purchase of one 2011 GMC Sierra 4-door 4-wheel-drive special use patrol vehicle to Red Holman GMC of Westland, Michigan, in the total amount of \$30,078. Funds are available for this purchase in Account #101-900-976:Vehicle Purchases. Village Council further approves the expenditure of up to \$3,500 for this vehicle's changeover expenses,

with the preferred vendor to be selected by competitive bid process; funds are available in Account #101-345-852: Radio Maintenance and #265-333-750.01: Department Drug Forfeiture (NET).

Prew questioned the vehicle purchase at this time based on the state of the economy. He asked if the current vehicle is still running and able to function and whether the department could run it to 100,000 miles.

Woodard responded that the department considers the safe operation of a vehicle for the officers operating it and for other motorists on the street. The department tries to avoid the cost of significant repairs with higher mileage and to maintain some resale value.

Prew questioned the strategy of motor vehicle enforcement including equipment costs, technology and training. He would like more information on the condition of the Ford Crown Victoria and on the motor carrier enforcement program before voting in favor of this expenditure. Prew proposed a motion to table the purchase of a replacement patrol vehicle in order to receive additional information from Administration and the Public Safety Department. The motion failed for lack of support.

Woodard addressed questions from Council regarding the purchase and equipping of a patrol pickup truck for motor carrier enforcement and what Beverly Hills officers would be responsible for doing when trucks pass through the Village. He discussed the rationale of adding public safety vehicles to the fleet gradually and systematically.

Eric Rass of 22076 West Valley Woods asked if the Village has considered procuring the vehicle from an Oakland County dealer.

It was explained that the Oakland County Purchasing Division has developed an inter-governmental Cooperative Purchasing Program for the procurement of goods and services. The purpose of this program is to obtain an overall lower cost for all participants by combining volumes, increasing purchasing power, and realizing efficiencies. Bids have gone out for different types of vehicles; the vehicle list can be viewed on the Oakland County website. There may be a different dealer listed for every different make and model.

Bob Walsh on Smallwood Court asked for further clarification on Motor Carrier Enforcement in the area, which was addressed by Director Woodard.

Roll Call Vote:

Oen - yes  
Prew - no  
Koss - yes  
Mercer - yes  
Mooney - yes  
Motion passed (4 – 1).

**REVIEW AND CONSIDER REQUEST TO PURCHASE PUBLIC SAFETY ADMINISTRATIVE VEHICLE**

Director Woodard stated that funds are available in the 2010/11 budget for the purchase of one new department administrative vehicle. Historically, a new administrative vehicle is assigned for primary use by the Director with the previously assigned vehicle rotated through the administrative fleet until its service life is fulfilled. In his memo to Council, Woodard lists the current inventory of vehicles for Department and Village administration.

Administrative vehicles are included in the Macomb County Cooperative Purchase program. The awarded bidder for a 2011 Ford Taurus administrative vehicle was Signature Ford of Owosso, Michigan. The equipped vehicle will cost \$23,217.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council authorize the purchase of one new 2011 Ford Taurus at the delivered price of \$23,217 from Signature Ford of Owosso, Michigan. Funds for this purchase are available in Account #101-900-979 Capital Purchases – Vehicle Purchases.

Woodard addressed questions from Prew regarding the use of each of the cars in the administrative fleet. Prew asked if a vehicle log was kept recording who uses the cars, how and when they're used, and frequency of use. He questioned the need for six administrative vehicles.

Roll Call Vote:

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

Motion passed (4 – 1).

**REFER SITE PLAN REQUEST FROM SUNDANCE, INC. (FRANCHISEE FOR TACO BELL) 31305 SOUTHFIELD ROAD FOR DEMOLITION AND RECONSTRUCTION TO THE PLANNING BOARD FOR REVIEW AND RECOMMENDATION**

Motion by Oen, second by Mooney, to refer site plan request from Sundance, Inc. (franchisee for Taco Bell), 31305 Southfield Road, for demolition and reconstruction to the Planning Board for review and recommendation at its regular meeting of February 23, 2011.

Motion passed (5 – 0).

**REFER SITE PLAN REQUEST FROM MARKET FRESH 31201 SOUTHFIELD ROAD FOR EXPANSION AND RENOVATION TO THE PLANNING BOARD FOR REVIEW AND RECOMMENDATION**

Motion by Oen, second by Mooney, to refer site plan request from Market Fresh, 31201 Southfield Road, for expansion and renovation to the Planning Board for review and recommendation at its regular meeting of February 23, 2011.

Motion passed (5 – 0).

**DISCUSSION ITEM – BEVERLY HILLS SINGLE-STREAM RECYCLING PILOT PROGRAM**

Motion by Mooney, second by Mercer, to table discussion of Beverly Hills Single-Stream Recycling Pilot Program until the next regularly scheduled Council meeting when Manager Wilson and Councilman Briggs are present.

Motion passed (5 – 0).

**PUBLIC COMMENTS**

Brian LaFerriere of 19501 Wilshire Blvd. commented that he attended the Council planning session last Saturday morning, February 12. He commended Council members on their thorough and thoughtful review of potential priorities for the next 2-5 years.

Pam Rijnovean of 32420 Evergreen referred to the presentation of Village forester Judd Hart at the last Council meeting. She has observed the frequency of power outages in the Village for the last five years. Mr. Hart mentioned that the Village does not have a tree monitoring program and that inattention to trees could result in consistent storm damage failures in the community. Hart urged the Village to take a proactive initiative.

Rijnovean said that DTE is responsible for tree maintenance from pole to pole. She suggested that the Village's DPW Department conduct an assessment of trees in easements in the winter when trees are bare and there is less for the crew to do. That information could be conveyed to DTE, who would come out and trim those trees. Rijnovean suggested that this would decrease the Village's power outage problems.

Rijnovean also thought that the Village tree ordinance was in need of updating to provide for tree preservation. Koss responded that one of the Planning Board's priorities for the next year will be to prepare a tree protection ordinance for Council consideration.

**REPORTS – MANAGER**

Koss asked Village Attorney Ryan to update Council on the Blossom Court House Fire. The Village has been working to remedy the situation on Blossom Court since a structure was destroyed by fire last July. Typically, a local municipality would work with the homeowner's insurance policy carrier to have a structure removed.

Ryan related that he has been monitoring the title of the house because a mortgage foreclosure was started by advertisement in May of 2010. The Sheriff's Department held a sale at the County Courthouse which began a six month equity redemption period for this residential home. Ryan has been preparing a legal complaint to allow the Village access to the property to have the structure removed and the property cleared. He was waiting to see who the defendant would be.

The deadline of February 10 passed, and the home was not redeemed by the owners. Ryan will be filing a lawsuit in Oakland County Circuit Court followed by a Show-Cause hearing within a matter of weeks. The Village will seek a court order in order to have authority to go onto the property. It is hoped that the Village can have the matter taken care of in 90-120 days. The neighbors can expect to see the property cleared this spring.

In response to an inquiry, Ryan indicated that the Village has not received any written communication from the Michigan State Police regarding the Carlton matter.

**REPORTS – COUNCIL**

Mooney did not believe that Comeau Equipment Company has the time to inspect trees in rights-of-way during the winter months nor does the crew have the authority to come onto private property. Inspecting easements for overgrown trees is the job of Detroit Edison and the homeowners.

Oen said that a tree trimming program in the Village was determined to be cost prohibitive. Oen reported on topics discussed at the February 9, 2011 joint meeting between the Council and Planning Board. It was a productive meeting at which time priorities were set for Planning Board work programs including a tree preservation ordinance and continued work on the Southfield Road Corridor plan.

Oen commended the Public Safety Department and especially those officers who visited seniors and delivered Valentine’s Day baskets made by Beverly School Elementary students. Oen reminded people to leave their porch lights on at night for safety reasons. He also urged residents to be careful about going out at night to walk their dogs or jog wearing dark clothing.

Mercer stated that the regularly scheduled Zoning Board of Appeals meeting for February was canceled. There will be a ZBA meeting on March 14. Mercer extended his condolences to Chris Wilson and his family on the loss of his grandfather.

Prew thanked the road crew for a good job of cleaning up the snow this year. He thanked the people at Our Lady Queen of Martyrs Church and School for holding the Chili Cook-off on Sunday, January 23.

Koss related that Council held a goal setting session last Saturday, February 12, using the services of a facilitator. Council will reconvene on Saturday, March 12 at 1:00 p.m. to work on action steps based on the goals set at that meeting.

Motion by Mooney, second by Oen, to adjourn the meeting at 8:55 p.m.

Motion passed (5 – 0).

**Rosanne Koss**  
**Council President**

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

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