

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

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.

A special Council meeting was held at 6:30 p.m. this evening at which time five candidates were considered for a vacant Council position created by the resignation of Todd Stearn on February 1, 2011. The five candidates were Rock Abboud, Jacqueline Kelly, Brian LaFerriere, Steve Marszalek, and Eric Rass. Council appointed Brian LaFerriere to fill the vacant Council seat.

**ADMINISTER OATH OF OFFICE TO NEWLY APPOINTED COUNCIL MEMBER BY HONORABLE WILLIAM RICHARDS, 46th DISTRICT COURT**

The Honorable William Richards administered the oath of office to newly appointed Council member Brian LaFerriere. He congratulated Mr. LaFerriere.

Roll call was taken. The Pledge of Allegiance was recited by those in attendance.

**ADDITIONS TO AGENDA/APPROVE AGENDA**

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

Motion passed (7 – 0).

**COMMUNITY ANNOUNCEMENTS**

County Commissioner Marcia Gershenson announced appointments last month to the Community Mental Health Board. Since that time, an applicant for the primary consumer position to the Community Mental Health Board withdrew from the interview process. This is an opportunity for a Beverly Hills resident to get involved; interested individuals should contact her to learn about the application process.

Oakland County will be holding an auction on May 14, 2011 for the sale of confiscated and recovered stolen property. The proceeds will generate money into the Forfeiture Fund and the General Fund. Gershenson will leave a copy of the items to be auctioned in the Beverly Hills and Township Clerks' offices. She reminded everyone that there is free tax preparation offered by Oakland County, the Accounting Aid Society, and United Way.

Candee Repa of 22868 Shagbark Road commented on the value of a local newspaper in the Beverly Hills and Birmingham area and urged residents to support the Birmingham Eccentric newspaper. She mentioned that there is a savings offer for an Eccentric subscription in the recent edition of the Villager Newsletter.

Repa made several announcements related to the Baldwin Public Library. A mini Friends of the Library book sale will be held this Saturday, March 19 and Sunday, March 20 at the library. The semi-annual book sale takes place on Mother's Day weekend, May 6-8, 2011. Repa highlighted several library programs funded by Friends of the Baldwin Library; she urged people to consider joining this organization. Repa mentioned that there is a need for volunteers to help at the Baldwin Library.

### **CONSENT AGENDA**

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

- a. Consider approval of minutes of a regular Council meeting held March 1, 2011.
- b. Review and file bills recapped as of Monday, March 14, 2011.
- c. Review and consider contract with MiDeal for 2011/12 annual road salt needs.

Motion passed (7 – 0).

### **BUSINESS AGENDA**

#### **REVIEW AND CONSIDER REQUEST FROM KENSINGTON COMMUNITY CHURCH OF TROY TO HOLD ANNUAL EASTER EGG HUNT AT BEVERLY PARK ON SATURDAY, APRIL 16, 2011**

Mooney stated that this will be the sixth year that Kensington Community Church has sponsored the Annual Easter Egg Hunt in Beverly Park.

Rex Curtis, campus director for Kensington Church in Birmingham, stated that he appreciated the opportunity to conduct the Easter Egg Hunt at Beverly Park. He requested the use of an inflatable obstacle course, climbing wall, and euro bungee to be placed in the area in order to spread out the large crowd that usually congregates in the pavilion.

Motion by Mooney, second by Oen, to approve the request of Kensington Community Church of Troy to conduct an Easter Egg Hunt in Beverly Park on Saturday, April 16, 2011 from 1:00 – 3:00 p.m. Authorization is also given for the use of an inflatable obstacle course, climbing wall, and euro bungee. Pavilion rental fees are to be waived; the Village will provide four portable restrooms for the event. Approval is subject to receipt and Village Attorney's approval of the organization's liability insurance.

Roll Call Vote:

Motion passed (7 – 0).

#### **REVIEW AND CONSIDER REQUEST FROM MARKET FRESH, 30201 SOUTHFIELD ROAD, FOR SITE PLAN APPROVAL FOR BUILDING EXPANSION AND SITE IMPROVEMENTS**

At its February 23, 2011 meeting, the Planning Board reviewed a site plan for the renovation of the Market Fresh store located at 30201 Southfield Road. The site plan calls for expansion of the existing building by about 2,500 square feet along with improvements to the parking lot, lighting and landscaping. The Planning Board recommended approval contingent on a number of conditions and asked that the architect submit revised site plans to Village Administration.

Wilson stated that the revised site plan for the Market Fresh project has been reviewed by LSL Planning and was found to meet the conditions included in the Planning Board motion. In addition, an engineering review was done by both Hubbell, Roth & Clark and by Public Services Director Tom Meszler. The memo from Tom Meszler references issues regarding grades, sanitary sewer leads and easements.

Council has received a memo from Brian Borden of LSL Planning outlining his review of the revised site plan for compliance with Zoning Ordinance standards and the conditions set by Planning Board. The review letter from LSL dated March 10, 2011 indicates that the conditions have been met. Borden mentions additional issues including signage, grades and easement to be satisfied by the petitioner upon issuance of construction plans.

The plans were reviewed by the Village Fire Marshal and are in compliance with codes regarding commercial fire lanes. The petitioner has indicated that the current sprinkling system will be extended to the addition subject to approval by the Fire Marshal as part of construction plan review. Wilson concluded that the site plan has been reviewed and is ready for approval at this time. Brian Borden from LSL Planning is present to answer any questions from Council.

Brian Borden related that the items noted by the Planning Board along with his concerns have been addressed satisfactorily. His review letter indicates that outstanding items are related to engineering and construction drawings that will follow site plan approval; issues such as grading and utilities will be addressed at that time. Borden pointed out that Planning Board approval of a sign permit is required in order for Market Fresh to erect new signage. There are a couple of existing ground signs on the site that will be reviewed in terms of the total sign area allowed.

It was questioned whether other businesses in the shopping plaza could request to erect signs along 13 Mile Road. Borden indicated that the Market Fresh site and the plaza to the north are two separate properties even though there are cross access points.

Victor Saroki, architect representing Market Fresh, answered questions from Council. Saroki indicated that the sidewalk across the front of the building will be increased to 13 feet wide. This will provide space for outdoor merchandising without removing parking spaces. Zoning Board of Appeals approval is required for outdoor sales.

Motion by Oen, second by Mooney, that the Village Council approve the site plan request from Market Fresh, 30201 Southfield Road, for building expansion and site improvements per drawings dated 3/9/2011.

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

### **REVIEW AND CONSIDER PROPOSALS FOR 2011 DUST CONTROL SERVICES**

Wilson related that the Village conducts a dust control program every year on gravel roads. Fifty percent of the cost for this service is assessed to the affected property owners with the balance paid through the Village Local Road Fund. Administration received and opened bids for the Village's 2011 season. Council is in receipt of the bid tabulation with three contractors bidding on the calcium chloride and two contractors bidding on the asphalt emulsion.

The low bidder for calcium chloride brine applied is Suburban Oil Co. at \$0.28 per gallon, which is the same price as last year. The bid for asphalt emulsion was \$1.06 per gallon for 15% solution. These bids have been reviewed and recommended for approval by Public Services Director Tom Meszler and Chris Wilson.

Motion by Mooney, second by Oen, that the Village Council award the 2011 Calcium Chloride Dust Control to Suburban Oil Co. at \$0.28/gallon for liquid brine and the 2011 Asphalt Emulsion to Liquid Calcium Chloride Sales at a cost of \$1.06 per gallon for 15% asphalt emulsion applied. Fifty percent of the cost for this service will be assessed to the property owners with the balance paid through the Village Local Street Fund.

Roll Call Vote:

Motion passed (7 – 0).

#### **REVIEW AND CONSIDER CONTRACT WITH PUBLIC SAFETY GRANT WRITER**

Director Woodard stated that it is the intention of the Public Safety Department to consider assistance in this year's grant season. The Department is preparing to apply for as many as four competitive grants in the next several months. The primary grant effort will be the Assistance for Firefighter Grant (AFG) Program of the Department of Homeland Security's Federal Emergency Management Agency.

The Department has won awards through the AFG grant in 2003 for a fire hall apparatus ventilation system and in 2007 for a self contained breathing apparatus upgrade. The 2007 AFG award was a shared-jurisdiction grant and was aided in large part by a grant writer contracted by the consortium. Linda Davis Kirksey, President of Davis Kirksey Associates met with the applying agencies, wrote large portions of the grant document, and followed the grant consideration process. This involved lobbying efforts and meeting with Federal Legislators. Since that time, the Department has been writing grants on its own for replacement fire apparatus and building generator upgrade for the last three grant cycles. The Department grants have been unsuccessful.

It is the intention of the Department to contract with Ms. Kirksey for her services for the next round of AFG Program efforts and two or three other individual grants. The Village's fire apparatus is coming up to the 25 year mark. The primary AFG proposals will be for a replacement fire apparatus (ladder truck or engine) and a building back-up generator system upgrade. Additional individual grant efforts are anticipated for a building security enhancement and a planned community camera system. The contract has been provided to the Village Attorney for his review and input.

Motion by Mooney, second by Oen, that the Beverly Hills Village Council approve the grant services contract with Davis Kirksey Associates of Rochester Hills, Michigan in an amount not to exceed \$7,500. The initial \$2,500 is to be expended in FY 2010/11 and the remaining obligation is to be paid in FY 2011/12. There are funds available for this expenditure in Account #101-345-831, Miscellaneous Professional Services.

LaFerriere concurred that it was in the Village's interest to take advantage of grant money that is available federally and in the State of Michigan. He thought that there was a need to clarify specific services in the contract. LaFerriere and Briggs requested that information be included in the Professional Services Agreement regarding the basis for the contract amount, specific projects to be undertaken by the contractor, and the deliverables in terms of that work.

There was further Council discussion. It was noted that there is a time restriction on submission of the fire apparatus grant. In view of the comments and concerns, Attorney Ryan suggested that the motion be amended to allocate \$2,500 to allow the Director to initiate work with the grant writer on the time sensitive AFG Program. Council could consider approval of the balance of the contract at its next regular meeting.

**Amended Motion:**

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council retain the services of Davis Kirksey Associates to assist the Public Safety Department with the Assistance to Firefighter Grant Program with payment made in the amount of \$2,500 in FY 2010/11. At its next meeting, Council will consider the \$5,000 balance for a grant services contract to be paid in FY 2011/12.

Woodard outlined the AFG grant proposals and additional grant efforts that are anticipated. He will be in communication with Ms. Kirksey on the specifics of the contract.

Roll Call Vote:

Motion passed (7 – 0).

**REVIEW AND CONSIDER RENEWAL OF PROFESSIONAL COMPUTER CONSULTANT SERVICES WITH ENTERPRISE COMPUTER SOLUTIONS**

The Village is in receipt of a professional services proposal from Enterprise Computer Solutions, Inc. in the amount of \$2,400 to renew its contract for pre-paid computer services at no increase in the hourly rate. Wilson related that the Village has contracted with Enterprise for some time for professional computer consulting. The service was last renewed in January of 2010 at the rate of 30 hours of service at \$80 per hour for \$2,400. The Village has had very good service from Enterprise at a reasonable rate. Staff routinely calls upon the company for phone or email assistance, which is generally not charged to the Village.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council award the purchase of a pre-paid service contract from Enterprise Computer Solutions, Inc. in the amount of \$2,400.00. Funds are available for this purchase in Account 100-900-976.00.

Questions from Council were addressed by Wilson. Enterprise has been the Village's professional consultant for computer services for quite some time. The Village purchased its hardware technology through Enterprise Computer Solutions; they are familiar with our service. The time spent at the office has been judiciously billed. The Village's history with the company and the quality of their service at a low rate warrants extending the contract at this time.

Roll Call Vote:

Motion passed (7 - 0).

**PUBLIC COMMENTS**

Greg Burry extended his appreciation to this Council and administration for the outstanding job they have done. He added that the community appreciates its public workers in the office and the Public Safety Department.

Nancy Maxwell of 18701 Walmer Lane stated that tonight's Council meeting is not being broadcast live on cable channel 15. She mentioned that there was poor sound quality on the Comcast broadcast of the previous Council meeting.

**REPORTS – MANAGER**

Wilson was informed by Village labor attorney Dennis Dubay that the State Arbitrator has issued a draft PSO Arbitration Award. The award will not be final until it has been signed by the Arbitration Panel, comprised of three individuals representing Village, the PSO Union, and the State of Michigan Arbitrator. Wilson is working on providing a summary of the award to Council.

Plante Moran has completed its analysis of dispatch services in the Village, and the report has been distributed to Council for its review. This will be an agenda item for the April 5, 2011 Council meeting.

Village Administration continues to work on the budget for 2011/12. Wilson related the objectives Administration is seeking to implement in the FY 2011/12 budget.

- Full funding of all OPEB costs for both the Public Safety Department and General Administration
- The Public Safety Department being fully self-sufficient on the newly dedicated Public Safety millage, plus any additional self-generated revenue
- Increase Public Safety and General Administration reserves to 16% of all operating revenues by end of fiscal year
- Establish return to 20% reserves in Public Safety and General Administration operating revenues in five year plan
- Maintaining existing rubbish fee at \$100
- Transfer of up to \$300,000 from General Administration to Major and/or Local Streets to allow for increased maintenance and repair of road infrastructure
- Assessing less than the maximum allowable 2.1 mills for General Administration. Recommended General Administration levy will likely be around 1.5 to 1.6 mills even with an allowance for transfer to Major and Local Streets.
- After two years of no increases in water and sewer rates we will be recommending a 4% increase to offset increases in our SOCWA rate of 2%, and to allow for potential increases from the meter-based billing scheme implemented by Water Resources Commissioner John

McCulloch. The Village has been able to hold rate increases to levels much less than other RTB communities due to declining debt payments and utilization of remaining dedicated millage funds for capital costs.

Wilson was pleased that the Village will be able to levy less than the maximum allowable General Administration millage while it holds the trash fee at last year's level and transfers a significant amount of money to Major and Local Streets for needed improvements. It is proposed to have a draft budget available in early April with approval by Council at the first meeting in May.

Wilson updated Council on the status of single-stream recycling. At its last meeting, SOCRRA approved a contract with the Village waste hauler, Car Trucking, to continue servicing the 65 gallon carts for collection of single-stream recycling for the pilot area. The contract extends the pilot program until August 31, 2011 with the costs to be borne by SOCRRA, and allows for an additional extension to December 31, 2011 upon mutual agreement.

During this extension, SOCRRA staff will be working to determine the cost to the Village of expanding a single-stream in Beverly Hills. Wilson related to the SOCRRA Board members that the Village preferred not to take these carts away from the 500 residents who have them. The Village hopes to be able to work with its hauler to extend this program with the understanding that this will probably be the future direction of the SOCRRA community as a whole.

Briggs commented on the financial statements provided to Council. He asked for additional information on possible shortfalls. His concerns regarding overtime and 12-hour shift pay were addressed by Wilson. In answer to an inquiry, Wilson stated that enterprise funds are over budget due to unforeseen sewer repair work. Questions from Mercer on the budget direction were addressed by Wilson.

Mooney asked for clarification on the Arbitration Award. Wilson indicated that the Arbitrator did not formally seek input on the draft Arbitration Award from the Village or from the PSO Union. He anticipates the Award to be signed by the end of the week, after which time it will be distributed to Council. Mooney proposed scheduling a closed session of Council with labor attorney Dennis Dubay prior to the next regular Council meeting.

Mooney commended Wilson on working towards outcomes that are beneficial to the Village on the following issues: Public Safety arbitration, water rates, single-stream recycling, dispatch services, and the 2011/12 budget. Koss thanked Administration for doing an outstanding job.

#### **REPORTS – COUNCIL**

Mercer commended the five candidates who applied for the vacant Council position. He welcomed Brian LaFerriere to Council. He challenged the Public Safety Department to prepare a budget that comes in under the maximum allowed millage. Mercer commented on the Saturday, March 12 Council goal setting session. He urged people to donate to Japan's tsunami victims.

LaFerriere commented that it was his pleasure to join the Beverly Hills Council. He thanked the residents, Council, and his wife for their support. LaFerriere commended the Public Safety

Department for their quick response in providing EMS service to an individual who had a seizure at a recent Groves High School basketball game. LaFerriere was proud of their professionalism.

Mooney thanked residents Neil Hitz and Phil Mueller for their efforts in leading Council through an educational process during two Saturday strategic planning sessions. Mooney stated that it was gratifying to have five strong applicants to fill the vacant Council seat. He commented on the exceptional qualifications of Mr. LaFerriere, who is a welcomed addition to this Council.

Prew congratulated Brian LaFerriere and looked forward to working with him. Prew reviewed that Council voted at its last meeting to allow the Beverly Hills Athletic Club use of the tennis courts in Beverly Park for certain times this summer. He clarified that there will be a donation by BHAC in at least the amount that was donated to the Village last year.

Briggs congratulated Mr. LaFerriere and thanked the other candidates for their applications. Briggs made several announcements regarding the Baldwin Public Library. There will be a public hearing on the BPL budget on Monday, March 21.

Oen welcomed Brian LaFerriere to the Village Council. Oen mentioned that he volunteered to conduct a safety inspection of the park pavilion. He and another contractor will work on this when the weather permits. Oen stated that the Zoning Board of Appeals met last night, March 14. He thanked all volunteers to Village Boards and Committees.

Koss welcomed Brian LaFerriere to Council and commented on the number of well qualified candidates.

Koss reported that the Personnel Committee met in closed session in early February regarding the manager's contract, which is being negotiated. Koss proposed scheduling a Personnel Committee meeting with the Village Labor Attorney regarding the manager's contract prior to the first Council meeting in April. Mr. Dubay will be asked to attend a special meeting prior to the regular April 5 Council meeting to review the Arbitration Award with the Council.

Motion by Mooney, second by Oen, to adjourn the meeting at 9:05 p.m.

Motion passed (7 – 0).

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

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

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