

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

Absent: Prew

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. 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 (6 – 0).

COMMUNITY ANNOUNCEMENTS

County Commissioner Marcia Gershenson reported that Oakland County Prosecutor Jessica Cooper made a presentation to the commissioners and asked them to educate the public and petition state lawmakers to change Michigan's medical marijuana law. Gershenson summarized Jessica Cooper's presentation regarding where the County stands with the medical marijuana law and outlined the remaining questions that need to be addressed by the Legislature.

Gershenson reminded residents that new regulations for teen drivers went into effect on March 30. Under the law, teenage drivers with a Level 2 license will have to comply with new driving restrictions. These include limits on the number of passengers in a vehicle and shorter nighttime driving hours.

Sharon Tischler, Southfield Township Clerk, reported that she contacted the Detroit office of the U.S. Census Bureau following a phone call from a concerned resident who received a home visit from someone identifying himself as a U.S. Census worker. Tischler learned that the U.S. Census Bureau conducts surveys throughout the year. Random addresses are selected, and individuals are mailed a questionnaire. The resident in question received a survey related to health care. If the survey is not filled out, the person will receive another survey. If the survey is ignored, the individual is likely to receive a phone call and then a visit from a legitimate representative of the U.S. Census Bureau.

If a resident receives a visit from someone showing U.S. Census Bureau credentials, they can call the Census Bureau at 313-259-0056 to confirm that their address has been marked for a specific census. The information is also available at www.census.gov.

CONSENT AGENDA

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

- a. Consider approval of minutes of a special Council meeting held March 12, 2011.
- b. Consider approval of minutes of a special Council meeting held March 15, 2011.

- c. Consider approval of minutes of a regular Council meeting held March 15, 2011.
- d. Review and file bills recapped as of Monday, March 28, 2011.

Motion passed (6 – 0).

BUSINESS AGENDA

REVIEW/CONSIDER REQUEST FROM BERKSHIRE MIDDLE SCHOOL DAD’S CLUB TO USE VILLAGE STREETS FOR A WALK-A-THON ON SATURDAY, MAY 7, 2011

The Berkshire Middle School Dad’s Club is requesting the use of Village streets to host a 5K Walk/Run through the Village on Saturday, May 7, 2011 starting at 8 a.m. A map of the event shows that the run will start at Berkshire on 14 Mile Road and travel east toward Bellvine Trail. They will continue south on Bellvine to Eastlady and Smallwood returning to Berkshire School. The Dad’s Club has submitted a Certificate of Insurance to the Village.

Motion by Mooney, second by Mercer, that the Beverly Hills Village Council approve the request from Berkshire Middle School Dad’s Club for a 5K Walk/Run on Village streets on Saturday, May 7, 2011 subject to the Village Attorney’s review and approval of the Certificate of Insurance naming the Village as an additional insured.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER REQUEST TO HOLD THE WORLD’S LONGEST LEMONADE STAND AT BEVERLY PARK ON SATURDAY, AUGUST 20, 2011

Council has received a proposal from Beverly Elementary School parents for use of Beverly Park on Saturday, August 20, 2011 from 10 a.m. to 8 p.m. to set a world record by building the “Longest Lemonade Stand” ever assembled. A presentation was made to the Parks and Recreation Board at its March meeting after which the Board unanimously recommended approval of the proposal.

Village resident Patrick Liebler distributed information on the August 20 event to build a Guinness Book of World Records “Longest Lemonade Stand”. He said that the primary objectives of this event were to inspire our kids to dream big, to bring the community together at a fun event, and to raise funds for education. Liebler talked about how the event in the park will be a proactive way to raise funds for education based initiatives.

Motion by Mooney, second by Oen, that the Beverly Hills Village Council authorize the “Longest Lemonade Stand” group from Beverly Elementary School to assemble the longest lemonade stand in Beverly Park on Saturday, August 20, 2011 from 10:00 a.m. to 8:00 p.m. and seek donations or sales of lemonade from 1:30 – 2:30 p.m. and allow merchants to show their wares and use their stands to distribute pamphlets or merchandise to people on site. Rental fees for the use of the pavilion are waived. Approval is subject to the Village Attorney’s review and approval of insurance documents.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER SITE PLAN RECOMMENDATION FROM PLANNING BOARD FOR RECONSTRUCTION AND SITE IMPROVEMENTS TO TACO BELL, 31305 SOUTHFIELD ROAD

Wilson stated that Village administration, the Zoning Board of Appeals, and the Planning Board have been working with Desine Inc. on behalf of Sundance, local franchisee for Taco Bell, on a proposal to rebuild their store located on Southfield Road. At its March 23, 2011 meeting, the Planning Board approved a revised site plan for the rebuilding of this facility including use of brick and stone construction. Rehabilitation of the building is necessitated by the age of the structure and outdated features of the kitchen that do not meet current corporate standards.

The applicant obtained two variances from the Zoning Board of Appeals for this parcel, one for a reduced front yard setback and the other for a parking reduction. The Planning Board recommended approval of the site plan subject to several conditions listed in its motion. The site plan has received engineering review and has been reviewed by LSL Planning Inc. It is appropriate for Council to approve the site plan if they are so inclined. The property owners intend to request demolition of the existing building following site plan approval. The Taco Bell will be out of service for about 90 days.

Oen commented that the petitioner has incorporated several items requested by the Planning Board into the site plan including brick building material and replacement of the existing trees in the road right-of-way. The new building will be an improvement to the Southfield Road business district.

Eric Rauch with Desine Engineers was present along with Rick Eccles, property manager with Sundance, Inc. Rauch answered questions from Council members. The demolition process is proposed to start at the beginning of May to be followed by construction of the new building.

Motion by Oen, second by Mooney, that the Beverly Hills Village Council approve the site plan dated February 28, 2011 submitted by Desine Inc. on behalf of Sundance Inc. for reconstruction of the Taco Bell restaurant at 31305 Southfield Road subject to the following conditions:

- The landscaping plan will be altered to reflect three ornamental trees in lieu of the proposed Red Oak trees in the Southfield Road right-of-way and an alternate to the Pin Oak proposed in the lawn area in front of the building.
- Parking lot lighting is approved as submitted with 20 foot light poles.
- The use of crushed clay tile mulch is permitted.
- Parking lot landscaping requirements are waived.
- Applicant will comply with all requirements for engineering review and fire suppression system review.
- Applicant will submit a sign permit request to the Planning Board as required by Village Code.

Roll Call Vote:

Motion passed (6 – 0).

RECEIVE TENTATIVE BUDGET AND SET PUBLIC HEARING DATE FOR MAY 3, 2011

Council members are in receipt of the draft budget for FY 2011/12. A Public Hearing date on the 2011/12 budget was set for May 3, 2011.

SET PUBLIC HEARING DATE TO REVIEW AND CONFIRM 2010 ASSESSMENT ROLLS FOR DUST AND OTHER MISCELLANEOUS ASSESSMENTS

Council set a public hearing date of May 3, 2011 to review and confirm 2010 Assessment Rolls for Dust and other miscellaneous assessments.

REVIEW AND CONSIDER FINAL PAYMENT TO AJAX PAVING INDUSTRIES FOR 13 MILE ROAD BITUMINOUS PAVING & DRAINAGE IMPROVEMENTS

The contract amount as bid by Ajax Paving Industries, Inc. for 13 Mile Road bituminous resurfacing and drainage improvements was \$316,058.35. The final amount of the contract is \$293,155.66.

Motion by Mooney, second by Oen, that the Beverly Hills Village Council approve the final payment in the amount of \$28,777.25 for the contract with Ajax Paving Industries, Inc. for 13 Mile Road bituminous resurfacing and drainage improvements

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER PROPOSALS FOR 2011, 2012 AND 2013 PAVEMENT MARKING

Bids were solicited for the Village's annual pavement markings for 2011, 2012 and 2013 to include center lines, edge lines and miscellaneous hand painting. One contractor, R.S. Contracting, provided a bid for the next three years in the amount of \$81,000. R.S. Contracting has done work in the Village previously with favorable results.

Motion by Mooney, second by Oen, that the Beverly Hills Village Council accept the bid of R.S. Contracting in the amount of \$81,000 for the next three years 2011, 2012, and 2013 to provide the services outlined in their bid for painting centerlines, edge markings and hand painting on Village roads.

In answer to an inquiry from Township Clerk Sharon Tischler, Wilson stated that the work is divided between major and local roads on an as-needed basis with available funds. He added that there are different rates of deterioration of pavement markings.

Tischler mentioned that the municipal parking lot is in need of pavement markings. She asked if that work could be accomplished as part of this program with the cost shared between the Township and the Village. Wilson will make this inquiry of R.S. Contracting.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER PROPOSALS FOR 2011, 2012 AND 2013 STREET SWEEPING SERVICES

One contractor bid on the Village's annual major and local street sweeping needs for three years, 2011, 2012, and 2013. Brock Sweeping, Inc. out of Riverview quoted a total contract cost of \$22,070.00. Brock has been providing the Village's street sweeping services for the past seven seasons and has performed satisfactorily during that time. Mooney related that the Village does two local road sweeps per season and four major road sweeps per season.

Motion by Mooney, second by Oen, that the Beverly Hills Village Council award the 2011, 2012, and 2013 street sweeping contract to Brock Sweeping, Inc. in Riverview for a total contract cost of \$22,070.00.

Roll Call Vote:

Motion passed (6 – 0).

ACCEPT BRUCE WAYNE’S RESIGNATION FROM THE PLANNING BOARD AND MAKE FIRST ANNOUNCEMENT OF VACANCY

Oen stated that Bruce Wayne and his wife have sold their home in Beverly Hills and are moving to North Carolina. His service on the Planning Board will be missed.

Motion by Oen, second by Mooney, to accept with regret the resignation of Bruce Wayne from the Planning Board.

Motion passed (6 – 0).

Mooney remarked that Bruce Wayne was a voice of reason and an individual who represented the best characteristics of members of the community.

Oen made the first announcement of a vacancy on the Planning Board for a term to expire on June 30, 2013. Interested residents can pick up an application online or at the Village office. The application deadline is Friday, April 22 at 4:30 p.m. A Council subcommittee consisting of Oen as chairperson, LaFerriere and Mercer will meet on Tuesday, May 3, 2011 at 7:15 p.m. to consider candidates and make a recommendation to Council on the appointment.

REVIEW AND CONSIDER CONTRACT WITH PUBLIC SAFETY GRANT WRITER

Motion by Briggs, second by Mooney, to postpone discussion on a contract for Public Safety Department grant writing assistance until the next regularly scheduled Council meeting.

Motion passed (6 – 0).

REVIEW AND CONSIDER PURCHASING BALLISTIC VESTS FOR PUBLIC SAFETY DEPARTMENT

The Public Safety Department is due to replace the ballistic vests issued to sworn officers. The vests have an effective life of five years. The low bidder for this purchase was received from CMP Distributors in Lansing, Michigan in the amount of \$16,338.00.

Motion by Mooney, second by Oen, that the Beverly Hills Village Council approve the purchase of 23 Armor Express Halo Level II (2 carriers each) ballistic vests from CMP Distributors of Lansing, Michigan in the amount of \$16,338. Funds are available in Account #401-000-390.09, Public Safety Vests and in Dept. Forfeiture Account #265-333-750.00.

In answer to an inquiry, Director Woodard stated that the vests are worn all the time by the operational troops on the road. He affirmed that the equipment supplied by all of the bidders must meet federal standards.

Roll Call Vote:

Motion passed (6 – 0).

DISCUSSION ITEM – DISPATCH REPORT PREPARED BY PLANTE & MORAN

Wilson reviewed that Council engaged Plante & Moran to conduct a financial analysis of the Village's dispatch and lockup operations to determine potential cost savings that could be realized if the Village chose to contract its dispatch service to the Oakland County Sheriff's Office. One of the issues related to the cost of contracting dispatch service was the unknown cost factor relative to the Village's lockup operation. Among the services provided, the dispatchers monitor prisoners housed on site. Plante Moran proposed four different options in terms of handling lockup operations:

- Option 1: Hire part-time Police Service Aides (PSA) to monitor in-house lockup
- Option 2: Utilize Public Safety Officers (PSO) on overtime to monitor lockup
- Option 3: Call-back PSOs, when needed to monitor prisoners
- Option 4: Drive all prisoners to the Oakland County jail

Three of the options would provide some level of cost savings over a five-year period according to Plante & Moran's analysis. The report recommended Option 1 to hire part-time Public Service Aides to monitor lockup and to perform record keeping and building functions for a savings of \$616,000 over five years. Option 3, the use of PSOs to monitor prisoners, would save more money but would probably result in greater loss of services and potential for the building to be inaccessible to the public for a greater period of time.

Wilson did not propose debating the options at this time. He has provided Council with the report for their review. There is an opportunity to save money, and Plante & Moran has attempted to keep service level reductions as minimal as possible. Council will have to weigh the cost benefit of contracting dispatch service.

Oakland County may not be the only option available to the Village for dispatch service. Since the report was produced, the City of Birmingham has contacted the Village with some interest in pursuing a joint arrangement for dispatch services. Before spending time and resources, Wilson is bringing this to Council for direction on whether to pursue some level of cost savings for outsourcing dispatch assuming that cost savings are there and service reductions can be kept minimal. If there is interest, Wilson would ask permission of Council to move forward with exploration of contracting for dispatch service.

Wilson remarked that the City of Birmingham has been working with Bloomfield Township for a significant period of time on an arrangement for shared dispatch. Discussion with Beverly Hills would not necessarily preclude Birmingham from continuing to pursue an arrangement with Bloomfield Township. Birmingham has also expressed interest in discussing a dispatch arrangement with the City of Bloomfield Hills. There is a possibility of a larger consortium of multiple communities.

Wilson said that he was gauging Council's interest in pursuing consolidation at this point. There are employee considerations; the Village has a contract with this group of employees that has been expired for 16 months. Wilson has had discussions with the employee union and has provided them with a copy of the Plante & Moran report.

Council discussed the Plante & Moran report and whether to pursue outsourcing of dispatch operations. There was agreement that the Village should explore all of its options. Council was interested in discussing consolidation of services with the City of Birmingham; the benefit of keeping the dispatch operation closer to home was mentioned. The loss of control with outsourcing versus combining services with another entity was a concern. It was questioned whether consideration could be given to combining dispatch services with a number of communities with Beverly Hills being the hub. Consideration should be given to both employees and Village residents. Maintaining the current level of service provided to residents was deemed to be important. Council members expressed the need for more information. It was the sense of Council that the Manager should continue to evaluate the financial and operational impact associated with outsourcing or combining dispatch services taking into consideration the concerns of Council.

Kathleen Berwick on Kennoway Court asked for a copy of the Plante & Moran dispatch report. She commented that dispatchers should be professional and well trained.

Sharon Tischler on Virmar Court questioned which communities contract with Oakland County for dispatch service. She suggested that the Village consult with Franklin regarding their experience relative to their long-standing dispatch arrangement with Farmington Hills. A question about 9-1-1 calls from cell phones was answered by Director Woodard.

Ron Palmquist from Michigan Association of Police was present on behalf of the Public Safety Department dispatchers. He stated that the Oakland County Sheriff's Department represents five police agencies and 12 fire agencies, none of which are public safety departments. Palmquist suggested that Council look into the operation and reliability of the radio equipment that the County Sheriff's department would be providing.

Palmquist remarked that the Village's dispatchers have been dedicated employees, and they want to continue to serve the Village. They provide an excellent 24/7 operation for the Village with only four dispatchers. Palmquist said that the dispatchers are more than willing to work with the Village to try to deal with the tough economic times. They believe that the service should be kept in house. The dispatchers are interested in the idea of being the center of providing service to other communities and would be willing to work with Council to make that happen.

Greg Burry on Pierce stated that he would be disturbed if the Public Safety Department outsourced its dispatch service to the County Sheriff's Office. The County has never had the experience of providing service to a public safety department community. The Village has experienced dispatchers who know the community and its citizens. Burry emphasized that the voters passed a millage proposal last November in order to maintain the same level of services including Public Safety Department service.

Former Council member Ron Berndt from Bloomfield mentioned that he made public safety his focus when he was a member of the Beverly Hills Council. He described what he saw while observing the operation of the Oakland County Sheriff's Department during his tenure on Council. Berndt commented on the importance of knowing exactly what services are being negotiated. He said that Council made a promise to the voters last year that their services would not be degraded if they voted for the millage proposal. He does not know if outsourcing dispatch would degrade services; Council needs clear data that shows the effects of the options being considered. Berndt offered to assist Council through that process.

John McGrath on Beverly Road asked questions of Director Woodard regarding Public Safety Department staffing. Woodard stated that, without membership in an outside task force, 24 people would operate the current shift operation in the most efficient manner. The Department is currently staffed at 23 people sworn, with one on extended injury time.

DISCUSSION ITEM – ALLEGATION REGARDING VIOLATION OF THE OPEN MEETINGS ACT

Wilson stated that Council is in receipt of a memo from him and a memo from Attorney Tom Ryan regarding allegations that the Village had violated the Open Meetings Act during a recent meeting of the Personnel Committee. Wilson disagreed that there was any violation of the Open Meetings Act. It is his opinion and that of the Village Attorney that the Personnel Committee does not constitute a “public body” as defined by the Open Meetings Act. Wilson added that the allegation involving improper posting of that meeting was without merit.

Wilson remarked that the Village has historically sought to go above and beyond the minimum recommendations of the Open Meetings Act to be more open to the public than it was required to be. In this instance, it caused some misunderstanding and allegations to be leveled against the Village. These types of allegations have to be taken seriously. The issue is how the Village is going to handle allegations of impropriety.

Wilson recommended that, going forward, the Village post and maintain records per the Open Meetings Act strictly for those boards and commissions that fall under the definition of public body under the Act. Those are the Village Council, Planning Board, Zoning Board of Appeals, Parks and Recreation Board, Retirement Board, and Finance Committee. The Parks and Recreation Board and Finance Committee do not technically meet the standards of a “public body”, but the Village has historically posted and kept records of those meetings.

If Council is agreeable, Wilson would recommend that the Village does not post meetings or maintain a record of subcommittee meetings or meetings of lesser bodies that do not constitute a “public body” to avoid any further allegations of violations. It is not a good use of Village resources to investigate allegations that are flawed and without merit.

Council members expressed disappointment with the wrongful allegation from the Southfield Township Clerk that the Village violated the Open Meetings Act. Members expressed regret and some resistance to altering the policy of posting notices of subcommittee meetings comprised of less than a quorum of a public body. There was concern about less information being communicated to the public. It was understood that there are occasions when three Council members, which does not constitute a quorum, meet as a subcommittee to discuss Village business. After considerable discussion, Council agreed to the Manager’s recommendation that Village Administration continue posting the meeting agendas and maintaining records for its public bodies and discontinue the practice of posting meetings and maintaining records of other committees or subcommittees that are not considered “public bodies” by the Open Meetings Act.

PUBLIC COMMENTS

John McGrath of 16210 Beverly Road had questions about the Public Safety Department’s current and model staffing level, which were addressed by Director Woodard and Manager Wilson. It was indicated that the goal is to maintain the staffing level at 24 sworn officers.

Township Clerk Sharon Tischler explained that the intent of her letter alleging that the Village had violated the Open Meetings Act had to do with the notice posted for the Personnel Committee meeting. Tischler expounded on what she deemed to be specific problems with the meeting notice for an advisory committee.

W.A. Zimmerman on Camelot Court requested a copy of the Plante & Moran Dispatch Study.

Kathleen Berwick on Kennoway Court asked how long a Public Safety Officer on disability leave can remain on staff, which was addressed by Director Woodard.

Bob Walsh of Smallwood Court questioned whether Council will hold a special budget study session prior to the May 3 Public Hearing. He was informed that Council will discuss a date for a special meeting during the Manager's report portion of the meeting.

REPORTS - MANAGER

Wilson stated that Council is in receipt of his memo summarizing the PSO arbitration award and a copy of the document. Labor Attorney Dennis Dubay will meet with Council prior to its meeting of April 19 regarding ongoing Command Union negotiations and to make a presentation relative to the arbitration award. Questions from Council will be addressed at that time.

A public hearing on the two-year budget has been scheduled for May 3, 2011. A special Council meeting to review the proposed budget was scheduled for Monday, April 18 at 6:00 p.m.

As part of the FY 2011-2012 budget, Council has agreed in principal to make a transfer from General Administration to the Local Street Fund to allow for repair and replacement of local streets. Public Services Director Meszler was asked to develop a plan for use of these funds. He prepared a memo recommending that the Village focus on concrete replacement in the upcoming construction season. Meszler identified about 52,000 sq. ft. of concrete to be replaced on streets in the worst need of repair in 11 different subdivisions.

Wilson received notification from Tom Ryan that, as of July 1, 2011, he will voluntarily be reducing his rate to the Village from \$112.00 an hour to \$108.00 an hour in order to help the Village control costs. This is a very favorable rate by Oakland County standards and for an attorney with the stature of Tom Ryan. The Village looks forward to his continued services.

Wilson congratulated Carol Woodard for 37 years of marriage to Karl. Wilson recognized Dick Holloway for his 13 years of service on the SOCWA (Southeast Oakland County Water Authority) Board as a representative of Southfield Township. He brought valuable financial analysis skill to that body. Bob Walsh has agreed to take over this position. Wilson announced that he and his wife are expecting a baby boy on August 9.

LaFerriere noted that Council received copies of the Public Safety Department Annual Report. He asked that Director Woodard take some time at an upcoming Council meeting to address trends in crime and what the Department is doing to protect the community as well as what citizens can do to protect themselves. There was unanimous agreement from Council.

Mercer commented that there was question earlier in the meeting about the level of staffing of the Public Safety Department and the fact that there is an officer on disability leave. He stated that the Village must abide by the union contract in the matter of an employee on disability.

Koss asked Director Woodard for an update on the Nixle program. Woodard stated that the Nixle community information service will end in the Village on April 29. It will be replaced by the Oakland County messaging system, which will be a free service to the Village and to residents. Residents will be advised via Nixle on how they can enroll in the new system.

REPORTS – COUNCIL

LaFerriere announced that there will be a Zoning Board of Appeals meeting on Monday, April 11 at 7:30 p.m.

Mooney discussed the issue of making false accusations. He asked that individuals advise Council members if they are wrong about something rather accusing them of breaking the law. Mooney also commented on the changing economic times and the effect on dedicated employees.

Briggs reported that the Baldwin Library passed a budget at its March 21 meeting that will be submitted to the Birmingham City Commission. The Library Board is continuing to meet and negotiate with the City of Bloomfield Hills regarding a potential contract. Briggs affirmed that the Baldwin Library does not sell library cards to non-residents. Briggs distributed material containing the Strategic Plan for the Baldwin Library for the next two years.

Koss mentioned that Council is in receipt of a draft two-year budget. Council will approve the 2011-12 FY budget and refer to the 2012-13 budget as a working document. Koss thanked Neil Hitz and Phil Mueller for their assistance at recent Council goal setting sessions. Koss thanked administration and particularly Finance Director Bob Wiszowaty for their work on the budget.

Motion by Oen, second by Briggs, to adjourn the meeting at 9:58 p.m.

Motion passed (6 – 0).

Rosanne Koss
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary