

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

Absent: None

Also Present: 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 (7 – 0).

#### **COMMUNITY ANNOUNCEMENTS**

Senator Vincent Gregory of District 14 was present to update Council on what is going on in Lansing. He talked about Governor Snyder's proposed budget, which will remain the same overall from last year's budget although House and Senate committees may reduce some of the budget proposals. Senator Gregory highlighted items that may directly effect communities including Constitutional Revenue Sharing, public safety funding and fire protection grants, grant assistant programs associated with mergers, expanded health programs for autism coverage and kids dental care and health and wellness incentive initiatives. The Senator talked about crime fighting initiatives such as hiring state troopers and forensic scientists as well as expanding court programs. He touched on programs related to general government and environmental quality.

Senator Gregory provided a time line for budget deliberations with a Senate vote anticipated by the end of April or first of May. The projected date for a completed budget is June 1<sup>st</sup>.

President Koss thanked Senator Gregory for coming to a Council meeting and speaking to Beverly Hills residents. Mercer asked for the Senator's help in terms of acknowledging that Beverly Hills deserves credit for demonstrating fiscal responsibility over the course of many years. He listed numerous accomplishments in terms of consolidating and outsourcing Village services. The state is now mandating consolidation of services in communities at a time when Beverly Hills has already achieved every feasible efficiency over the years.

Senator Gregory responded that Beverly Hills is not the only community that has been asking for the credit it deserves for consolidations that have been accomplished. He said that the Governor was still formulating the criteria for establishing credit for being fiscally responsible.

County Commissioner Marcia Gershenson announced that the Birmingham Youth Assistance and Birmingham Optimists organizations are looking for nominees for their annual Youth in Service awards. People can contact the BYA office to nominate students who have performed community services.

Gershenson outlined an existing program called Challenge Detroit whereby 30 of tomorrow's leaders will be selected to live, work and become involved in Detroit. This is an effort to incentivize young people to commit to the rebirth of Detroit. The deadline to nominate a young person for this program is March 16.

Gershenson reminded residents that free assistance with tax filing is available to qualified individuals from the Accounting Aid Society. She mentioned that the Board of Commissioners will be honoring the Tuskegee Airmen tomorrow, March 7 at 5:30 p.m. in the County auditorium. All are welcome.

**CONSENT AGENDA**

- Motion by Oen, second by Briggs, to approve the consent agenda as published.
- a. Consider approval of minutes of a regular Council meeting held February 21, 2012.
- b. Review and file bills recapped as of Friday, February 27, 2012.

Motion passed (7 – 0).

**BUSINESS AGENDA**

**REVIEW AND CONSIDER 2011 SPECIAL ASSESSMENT ROLL FOR THE SOUTHFIELD ROAD BUSINESS ASSESSMENT DISTRICT**

Council held a public hearing at its February 21, 2012 meeting to receive comments on the 2011 Special Assessment Roll for the Southfield Road Business Assessment District.

Motion by Briggs, second by Mooney, that the Southfield Road Business District incurred the following costs for 2011: maintenance \$3,659.50, water costs for the sprinkling system \$1,846.95 and electric costs for Beverly Hills Grill \$232.74. In addition, each property incurred a 10% administrative fee for a total of \$573.92. The Village Business District Assessment Roll for the 2011 season totals \$6,313.11 as follows:

Beverly Hills Club	\$ 1,145.90
Bed, Bath & Beyond	447.92
Beverly Hills Grill	431.22
C.G. Holdings, LLC	327.96
Emile's	515.85
Taco Bell	387.63
31333 Building	511.71
Beverly Venture	1,152.13
J & D Karmo Real Estate	1,392.79

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

**REVIEW AND CONSIDER REQUEST TO USE BEVERLY PARK ON SATURDAY, MARCH 31, 2012 FOR THE KENSINGTON COMMUNITY CHURCH BIRMINGHAM EASTER EGG HUNT**

Robyn Whitelaw representing Kensington Community Church in Birmingham stated that this will be the seventh year that the Church has sponsored the Annual Easter Egg Hunt in Beverly Park. The date is Saturday, March 31, 2012. It is a free, family-friendly event for everyone. There will be a complimentary rock climbing wall and a Euro bungee available, weather permitting.

Motion by Mooney, second by Oen, that the Beverly Hills Village Council approve the request from Kensington Community Church Birmingham to utilize Beverly Park on Saturday, March 31, 2012 from 9:00 a.m. – 6:00 p.m. for the annual Easter Egg Hunt. Further, the pavilion rental fees shall be waived, and the Village will provide four portable restrooms for the event. A certificate of insurance will be provided upon approval of the Easter Egg Hunt.

Kathleen Berwick on Kennoway Court commented that the Easter Egg Hunt being held in Beverly Park is a church sponsored event that should not be supported by the residents of Beverly Hills. She believed that it was a violation of State Law for municipalities to donate to charities or churches.

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

**REVIEW AND CONSIDER REQUEST FROM JUDSON CENTER TO HOLD A WELLNESS EVENT AT BEVERLY PARK ON FRIDAY, JUNE 8, 2012**

Janice Morgan representing the Judson Center requested the use of Beverly Park for the Judson Center's Employee Wellness Day on Friday, June 8, 2012 from 9 a.m. to 4 p.m. The event encourages healthy living and provides a location where the participants can use park facilities and engage in activities including softball/baseball tournaments, kickball, yoga and Zumba classes. Morgan informed Council that arrangements have been made to transport participants to and from the park from the Judson Center to reduce the amount of vehicles in the parking lot.

Motion by Mooney, second by Oen, that the Beverly Hills Village Council at the recommendation of the Parks and Recreation Board approve the request from Judson Center to host their Employee Wellness Day in Beverly Park on Friday, June 8, 2012 from 9:00 a.m. – 4:00 p.m. and that the pavilion rental fees be waived. A certificate of insurance will be provided upon approval of the Employee Wellness Day.

Kathleen Berwick on Kennoway Court commented that the Judson Center was a worthwhile charity, but she saw no reason for the citizens of Beverly Hills to support this Royal Oak based charity.

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

**REVIEW AND CONSIDER PROCLAMATION RECOGNIZING THE BEVERLY HILLS LIONS CLUB 40<sup>TH</sup> ANNIVERSARY**

Council member LaFerriere asked all Lions Club members in the audience to join him at the lectern. He read the following Proclamation recognizing the 40<sup>th</sup> Anniversary of the Beverly Hills Lions Club.

**Village of Beverly Hills  
Proclamation**

Whereas, the Beverly Hills Lions Club held its installation dinner with 30 men on Friday, April 14, 1972, and

Whereas, the pledge of the Beverly Hills Lions Club is “To our Community, we pledge our best efforts towards making Lionism a viable force in the fulfillment of humanitarian service...in every area of need...but especially sight conservation”, and

Whereas, the Lions Club conducts two different types of fund raisers in accordance with the Lions International rules, which include, benevolent fund raisers and community fund raisers, and

Whereas, benevolent fund raisers provide monetary support to the Lions International, District and Club designated charities that assist those who are blind, speech or hearing impaired, and

Whereas, those fund raisers include the Candy Cane Collection, White Cane Collection, Used Eye Glasses/Hearing Aid Collection, Golf Outing and Bluegrass Concert Series, and

Whereas, community fund raisers provide monetary support for projects outside or within the community thereby fulfilling their motto of “We Serve”, such activities include the Memorial Day Fun/Run and Walk and the Church Organ Concert, and

Whereas, the current Club membership is 21 (18 men and 3 women), which includes one founding member, Clem Nowak, who remains active in the Club and resides in the Village.

Now, Therefore, Be It Resolved, that the Beverly Hills Village Council recognizes the 40<sup>th</sup> Anniversary of the Beverly Hills Lions Club and extends its sincere gratitude and appreciation for their community spirit and willingness to serve.

Audience members applauded the Lions Club members present. Mooney commented on how Lions Club members participate in Village activities and contribution to the community. Their community spirit in Beverly Hills is to be admired.

**REVIEW AND CONSIDER ADOPTING FIRST RESOLUTION TO ESTABLISH BALLOT LANGUAGE FOR NOVEMBER 2012 ELECTION AMENDING SECTION 5.7(b) FILLING VACANCIES OF THE VILLAGE CHARTER**

Mooney read the proposed Resolution to Establish Ballot Language for the November 2012 Election Amending Section 5.7(b) Filling Vacancies of the Village Charter. He explained that the intent of the Charter Amendment was as follows: If a member of Council resigns before serving their four-year term, the term of the person appointed to fill that vacancy would last only until the next regular Village election. The person appointed to Council would have to run for office at the next election in order to serve the remaining year(s) of that term.

**VILLAGE OF BEVERLY HILLS  
RESOLUTION**

At a regular meeting of the Village Council of the Village of Beverly Hills, Oakland County, Michigan, held at the Village Office at 18500 West Thirteen Mile Road, Beverly Hills, Michigan on the 6<sup>th</sup> day of March, 2012, at 7:30 p.m.

The following resolution was offered by Mooney and seconded by Oen.

That the following Charter Amendment be voted upon by the qualified electors of the Village of Beverly Hills at the Regular General Village Election to be held on the 6th day of November, 2012 to-wit:

1. Shall Section 5.7(b) of the Charter of the Village of Beverly Hills be amended to read as follows:

Filling Vacancies.

- b. Vacancies in councilmember offices shall, within 60 days after such vacancy occurs, be filled by appointment of the Village Council by a majority vote of the members of council then in office. The person appointed shall possess the qualifications for the office of councilperson and shall hold office until the next regular village election.

Yes   ↑  
No    ↑

2. That this Resolution be published in full in the Eccentric Newspaper.
3. That this Resolution be laid upon the table for thirty (30) days in accordance with the statute and such case made and provided.

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

**REVIEW AND CONSIDER AGREEMENT WITH LSL PLANNING CONSULTANTS FOR SOUTHFIELD ROAD CORRIDOR STUDY**

LSL Planning Inc. submitted a proposal to the Planning Board for developing an overlay district for the Southfield Road corridor. This project was the topic of significant discussion at the last joint meeting between the Planning Board and Village Council and has been an ongoing subject of discussion by the Planning Board. At this time, the Planning Board has requested that Council formally approve the proposal set forth by LSL with a not-to-exceed price of \$26,480. A proposed Scope of Work and timetable has been distributed for Council's review.

Council member Oen provided background information and an update on the Southfield Road Corridor Overlay District project. He explained what an overlay district is and how it could provide incentive for redevelopment of property in accordance with guidelines and standards established by the Village. Oen commented on previously submitted market information and a concept plan prepared by Urban Planner Robert Gibbs.

A memo from Manager Wilson stated that he finds the proposal in the best interest of the Village and believes that the project is important in reshaping the commercial corridor along Southfield Road.

Motion by Oen, second by Mooney, that the Beverly Hills Village Council approve the contract with LSL Planning, Inc. for the Southfield Road Corridor Overlay District work plan as outlined in the LSL memo dated February 20, 2012 and attached work schedule at a cost not to exceed \$26,480.00. Funds for this project have been allocated in part to fund #101-371-810.000 for the current fiscal year with additional funds needing to be allocated in fiscal year 2012/13.

In response to an inquiry about how the Village would entice businesses to make this happen, reference was made to Birmingham's overlay zoning plan. Attorney Ryan talked about incentive based redevelopment and how the private sector with its own resources could redevelop the area with mixed uses including current and new businesses. By offering extra density and development rights, a municipality can require that developers build to a certain standard. An overlay district code would be adopted whereby existing zoning remains intact and developers are given an option to build to new standards when funding is available.

Council members expressed their individual support and enthusiasm for the proposed project to develop a Beverly Hills Town Center overlay district for the Southfield Road Corridor. The point was made that the work plan includes a written schedule with specific tasks to be accomplished between March and August of 2012. It was noted that the project cost includes \$1,500 of "pro bono" work that will be contributed by principal planner and Beverly Hills resident Brad Strader. Council members commended the Planning Board and its subcommittee for their hard work on developing an inspired proposal that will initiate the redevelopment of the business district along Southfield Road and result in major improvement to the community.

Resident Jim Osmer of 18301 Riverside said that he was enthused to hear this discussion about developing an overlay district and thought it would create potential for improving the aesthetics of the Southfield Road corridor. He viewed it as a step in the right direction.

Kathleen Berwick of 31381 Kennoway Court agreed that the Beverly Hills business district could be better planned and more attractive but disagreed with the direction that the Planning Board was taking to reach that goal. She thought that the money allocated for the LSL Planning proposal could be spent better in the neighborhoods.

Alda Marie McCook on Riverside expressed concern about the possibility of high rises along Southfield Road and asked if there were height restrictions on buildings. McCook was informed that specifics will be addressed when the overlay district code is drafted. There will be public hearings held on the document.

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

### **SECOND ANNOUNCEMENT OF SEVEN VACANCIES ON THE COMMUNICATIONS COMMITTEE**

The Beverly Hills Village Council adopted a resolution at its regular meeting on February 7, 2012 creating a Communications Committee. This committee will consist of seven qualified electors of Beverly Hills as selected by the Village Council. In order to establish the inaugural committee, two members will be appointed to serve for one year, two members will serve for two years and three members will serve for three years. Henceforth, each member will be appointed to a three year term. The Committee shall carry out activities as assigned by the Village Council and will meet monthly on the first Thursday at 7:30 p.m. in the Council Chamber.

President Pro-Tem Briggs made the second announcement of seven vacancies on the Communications Committee. Applications are available at the Village office or can be printed from the Village website. The deadline for accepting applications will be on Friday, March 9, 2012 at 4:30 p.m. A subcommittee consisting of Briggs as chair, Burry and Mercer will meet at 7:00 p.m. on Tuesday, March 20 to review the applications. The subcommittee will present their recommendations to Council for appointment at the March 20 Council meeting.

### **PUBLIC COMMENTS**

Jim Osmer of 18301 Riverside stated that he was present to address an issue that was included in the Manager's report for this Council meeting. The issue is the potential for outsourcing the Public Safety Department dispatch function. Osmer asked if he and others would have the opportunity to comment on the Manager's Report during that portion of the agenda.

Koss responded that the Manager's Report will provide Council with an update on the status of Mr. Wilson's discussions with Birmingham on the joint provision of dispatch service. It is not a Council discussion item at this point. Koss asked that individuals present their comments at this time. Council will not be answering questions because they have not yet received supporting data on this topic.

Osmer expressed appreciation and disappointment at the announcement of Karl Woodard retiring as Public Safety Director. He wished Karl Woodard well in his retirement and his future endeavors.

Osmer commented on the potential of outsourcing the dispatch function of public safety. The concept of consolidation and mergers with respect to municipal services has become an objective for communities for a lot of good reasons, and Beverly Hills has been ahead of the curve in many of those endeavors. Osmer commented on being involved in the passage of the millage proposal in 2010 at which time public safety was a major concern in the Village.

Osmer cautioned Council not to get too carried away with the concept of outsourcing some of the critical services in the Village. For a number of reasons Osmer thought that outsourcing the public safety dispatch function to Birmingham or any other outside entity had more disadvantages than advantages and did not warrant the significant operational changes that would result. He asked Council to be insightful in terms of weighing the advantages against the disadvantages in saving what could be a small number in the overall budget.

Jim Steffes with the Michigan Association of Police was present representing the Beverly Hills Public Safety Department dispatchers. He was substituting for the regular bargaining agent Ronald Palmquist, who was out of town. Steffes referred to a newspaper article indicating that a plan to contract with the City of Birmingham for dispatch services may go into effect in July of 2012. He asked if the Village administration was planning on contacting the unions and negotiating the effects of this change.

Steffes understood that the Village has dedicated people working in dispatch who have been there 11 or 12 years. The Village may not want to terminate four people's livelihood by shifting dispatch service to Birmingham for little monetary gain. The dispatchers have shown their dedication and loyalty to the community, and it is time for the Village Council to support them.

Pete Kelly of 31220 Sunset stated that he voted for the Charter Amendment millage increase with the thought that Council would maintain Village services as they are. The issue is not only who answers the phones within a police agency; the issue is who will monitor the prisoners and carry out other Department functions that are handled by the dispatchers. Kelly expressed concern with using Birmingham dispatchers for a number of reasons including the lack of familiarity with the area and a possible reduction in the municipal fire rating.

Rebecca King of 15795 Birwood stated that she voted for the Charter Amendment in 2010 with the intent that the public safety department would stay intact. She related an incident that occurred at her home to emphasize the great response time from the Village's public safety department.

Bruce Cobb of 18010 Beverly Road stated that he has lived in the community for nine years and coaches the Groves High School football team. He voted for the Charter Amendment to keep the neighborhood safe. Cobb thought that Council needed to look at what we have now before it makes a hasty decision for a minor savings.

Kathleen Berwick of 31381 Kennoway Court empathized with anyone losing their job. As a proponent of fiscal responsibility, she wanted the Village's dispatch service to be combined with another group.

Robert Deneweth of 32321 Arlington commented on the passage of the millage proposal in 2010 providing the Village with additional revenue. He did not understand why it was necessary to outsource the Village dispatch service. The issue is not only money but retaining vital and effective services. Deneweth listed a number of tasks done by dispatchers and questioned who will do those jobs. He posed several questions regarding the contract with Birmingham relative to services and costs. He questioned the status of previous conversations about Beverly Hills becoming the contracting unit for other government agencies. Deneweth asked Council to consider all of the issues raised in their deliberations.

Sharon Tischler of 21415 Virmar Court suggested that due diligence be performed by Council in terms of researching the dispatch topic and taking into account whether it is advantageous for the Village to give up control of dispatch service. Consolidation of dispatch has occurred in neighboring communities and is something that needs investigation. Council should make a presentation based on its findings and considering what the community expects in the way of service.

Bob Walsh of 20655 Smallwood Court provided a detailed account of a request by the Beverly Hills Community Garden group for a variance from the Zoning Board of Appeals on a fence erected last year on Beverly Hills Methodist Church property on 13 Mile Road. He related the steps leading up to the ultimate issuance of a fence permit by the Village.

#### **REPORTS – MANAGER**

Wilson said that he appreciated comments from members of the audience on the issue of combining dispatch service with Birmingham. He has had recent discussions with the City of Birmingham regarding the joint provision of dispatch services. Wilson related Birmingham and Bloomfield Township had been discussing a merger of dispatch operations for the last three years. At this point, it appears that a merger between those two cities is not financially feasible for various reasons. Wilson was contacted by Birmingham administration to see if there was an interest in a merger which would exclude Bloomfield Township at this time.

Birmingham administration has done work regarding the financials and suggested that there was a scenario by which both communities could save about 40% with a merger of services at the Birmingham facility with existing Birmingham staff. Both communities are in a situation where there is a need to purchase technology upgrades for the dispatch operation that would exceed \$100,000. Birmingham said that the arrangement would exclude that capital purchase from the Village's shared ongoing operational costs.

Wilson advised Birmingham administration that there was some interest on the part of the Beverly Hills Council and suggested working on a legal framework for the merger before determining if it was agreeable to both parties. There will be a draft version of a contract prepared and reviewed by Wilson, Attorney Ryan, and Council. Council members will decide at that time whether to proceed with a merger. Wilson contacted Ron Palmquist of MAP last week

and was informed that he is on vacation until next week. Wilson plans to sit down with the current dispatch union to discuss the clause in the contract that deals with contracting of service.

Wilson mentioned in his manager's report that it was possible that an agreement could be in place as early as July 1. He would encourage Council to make a decision as soon as possible so the Village could give notice to its impacted employees. There are many items to be worked out before such a move could be made including how the Village would handle housing of prisoners and various other functions being done by its dispatchers. Wilson remarked that the Village's dispatchers have done a tremendous job for this community.

Wilson could not say what the savings would be to merge departments with Birmingham. The equipment upgrades needed in the department are not minimal. Because of its current funding structure, the Village has 9.9 mills to operate its public safety department. Council explained repeatedly during the millage campaign that the millage increase was a bridge loan to the future to allow the Village to reach a sustainable level where it could continue to provide the level of services that it offers with the resources that are available.

Finances have been tight this year even with the 9.9 mills and will continue that way. The Village's pension contribution will probably increase in the next fiscal year. There is still one public safety position open that Wilson would like to fill. There are services that were provided in the past that the Village is not providing now. After a complete analysis, if Council and administration think that services to Village residents would suffer in any way, the amount of savings would probably not be worth it. A change would be considered if the financials and the service levels make sense and a merger is in the best interest of the community.

Director Woodard will be retiring and leaving as of March 30. Wilson is in the process of finding a replacement for public safety director. He is moving to hire a replacement as soon as possible to ensure that whatever organizational changes that are made can be addressed by the new public safety director.

Wilson stated that it does not appear that the Village will be able to reach an agreement with the City of Birmingham on Building Department services. For the last few months, the City of Royal Oak has done an outstanding job of providing those services for the Village. Royal Oak has expressed an interest in working on a contractual basis with the Village of Beverly Hills to continue to provide inspection and plan review services. Ryan is working on a contract outlining those services, and the Village will be in contact with Royal Oak to get it implemented.

Wilson provided Council with a copy of a letter to the Water Resources Commissioner that was sent out on Monday. Wilson has received feedback from some of his colleagues and will be providing a status update to Council.

Wilson referred to the comments by resident Bob Walsh regarding the Community Garden fence and indicated that he disagreed with what was said by Mr. Walsh. Wilson will respond in writing in his next manager's report. He appreciates the Community Garden's efforts in the community and thinks that the organization has been an asset to the Village of Beverly Hills.

**REPORTS – COUNCIL**

Council members commented on the proposal to contract with the City of Birmingham for provision of dispatch services. Members talked about the fine job the Village’s dispatchers have been doing over the years. Their dedication and professionalism was applauded. Council was interested in further investigation of the topic including the quality and level of service that Birmingham dispatchers will provide to the Village without additional staffing.

There was agreement to move cautiously and consider all ramifications before pursuing a merger with Birmingham. It was the sense of Council that it was their responsibility to conduct due diligence on this consolidation proposal to make sure that the Village would be providing the best service to the community. Individuals who spoke on this topic today were encouraged to return when this matter comes before Council again with additional information.

Mercer thanked the individuals who serve on Village boards. He referenced the due diligence done by the Parks and Recreation Board and the Planning Board on researching issues that came before Council for consideration at today’s meeting.

Briggs encouraged members of the community to come forward and volunteer to sit on the Communications Committee.

Koss thanked everyone in the audience for their comments on the dispatch issue. She remarked that Council members sitting at this table while the millage is in place should be cognizant of the fact they told residents in 2010 that Council wanted to maintain the level of services in the Village while working toward a future that involved attempts at consolidating services. The millage increase was a bridge loan to the future. At the end of ten years, the millage rate will revert back to the 11 mill limit.

Koss believes that Beverly Hills is a great place in which to live, and no one wants to see change. The worst part of serving on Council is being faced with decisions that affect peoples’ jobs. Council will take all of the information into consideration.

Motion by Briggs, second by Mooney, to adjourn the meeting at 9:50 p.m.

Motion passed (7 – 0).

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

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

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