

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, Torongeau

President Koss called the regular Council meeting to order at 7:30 pm 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**

State Representative Rudy Hobbs serving Michigan's 35<sup>th</sup> House District introduced himself to Council. He is looking forward to representing the newly formed 35<sup>th</sup> District consisting of Southfield, Lathrup Village, Beverly Hills, Franklin and Bingham Farms. Hobbs provided background information; he informed the public that he will be out in the communities knocking on doors and having meetings with citizens on a number of relevant issues. In response to an inquiry, Representative Hobbs discussed the Governor's EVIP program with Council.

### **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 April 3, 2012.
- b. Review and file bills recapped as of Monday, April 9, 2012.

Motion passed (7 – 0).

### **BUSINESS AGENDA**

#### **REVIEW AND CONSIDER REQUEST FROM MARIAN HIGH SCHOOL TO USE VILLAGE STREETS FOR A WALK-A-THON ON FRIDAY, MAY 11, 2012**

Kerry Condit, Co-President of Marian's All School Board, was present with next year's Board member Elaine Apaza requesting approval for Marian High School to hold a Walk-A-Thon using Village sidewalks and streets on Friday, May 11, 2012. The mission of this school sponsored event is to provide assistance to O.A.T.S. (Offering Alternative Therapy with Smiles), a therapeutic riding stable in Clarkston, Most Holy Trinity School in Detroit, and the endowment fund at Marian High School.

Motion by Mooney, second by LaFerriere, that the Village of Beverly Hills Council approve the request of Marian High School to use Village streets and sidewalks for its Walk-A-Thon to be held on Friday, May 11, 2012 subject to provision of Certificate of Insurance with the Village of Beverly Hills as a named insured.

Motion passed (7 – 0).

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

Attorney Tom Ryan stated that this is the conclusion of a process initiated by Council to establish Charter Amendment language on the ballot for the November 2012 election to amend Section 5.7(b) Filling Vacancies. The proposed ballot language was published and sat on the table for 30 days. Following Council approval of the final language, the next step will be to receive a decision on the ballot language from the Governor through the Attorney General within the next 60-90 days.

The intent of the Charter Amendment is 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.

Mooney read the Resolution to Establish Ballot Language for the November 2012 Election Amending Section 5.7(b) Filling Vacancies of the Village Charter.

**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, Village of Beverly Hills, on the 17<sup>th</sup> day of April, 2012, at 7:30 p.m.

PRESENT: Council President Koss, President Pro-Tem Briggs, Members: Burry, LaFerriere, Mercer, Mooney and Oen

ABSENT: None

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

WHEREAS, on the 6<sup>th</sup> day of March, 2012, a Charter Amendment was proposed by the Village Council; and

WHEREAS, in accordance with statute in such case made and provided, such Resolution was published in the Observer Eccentric, a newspaper circulated within the Village; and

WHEREAS, such Resolution has been duly laid on the table for at least 30 days;

NOW, THEREFORE, BE IT RESOLVED as follows:

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 Tuesday, the 6th day of November, 2012 to-wit:

**BALLOT PROPOSAL A.**

Term of Councilperson Appointed by Vacancy

Question:

Shall Section 5.7(b) of the Charter of the Village of Beverly Hills be amended to provide for a person appointed because of a council vacancy, shall hold office until the next regular Village election?

New Section 5.7(b) shall be amended to read as follows:

**5.7(b) 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    ↑

Prior to the election of the vote, the electors of the village, such Charter Amendment shall be presented to the Governor of this state.

Before its submission to the electors of the village, the Clerk shall give such notice thereof as required by law.

AYES:       Briggs, Burry, Koss, LaFerriere, Mercer, Mooney and Oen

NAYES:     None

RESOLUTION DECLARED ADOPTED.

**REVIEW AND CONSIDER SUBCOMMITTEE RECOMMENDATION TO FILL VACANCIES ON THE COMMUNICATION COMMITTEE**

Briggs reported that a subcommittee of Council met at 5:30 pm today to review applications from individuals who are interested in serving on the newly formed Communications Committee. There are seven seats to fill; six applications were received. One application could not be accepted because the individual has been a resident for only 8 months in lieu of the 12-month requirement. The subcommittee recommended that Council appoint the five eligible applicants.

Motion by Briggs, second by Mercer, to appoint the following individuals to the Communication Committee: Edna Freier and Lynn Kier for a term expiring in 2013; Patricia Sloan and Greg MacKenzie for a term expiring in 2014; R. Jean Ruth for a term expiring in 2015.

Motion passed (7 – 0).

**REVIEW AND CONSIDER SUBCOMMITTEE RECOMMENDATION TO FILL VACANCY ON THE ZONING BOARD OF APPEALS**

Koss stated that a subcommittee meeting to review applications for a Zoning Board position was canceled for the reason that the term of the particular vacancy expires in June of 2012. It was determined that the alternate members of the Zoning Board of Appeals would fill this seat until June 30, 2012.

**PUBLIC COMMENTS**

Sharon Tischler of 21415 Virmar Court referred to a recommendation from Administration to raise water rates to offset cost increases for water treatment and volatility in sewer charges. She asked if there would be additional Council discussion and an explanation of the substantial rate increase for the benefit of residents.

**REPORTS – MANAGER**

Wilson reported that the Birmingham City Commission unanimously approved the Interlocal Agreement for Dispatch Services at its April 9, 2012 meeting. The contract has been executed both by the Village and the City of Birmingham. The City Commission also agreed to purchase the capital upgrades as referenced in the contract.

Wilson informed Council that he has had further discussion with the Michigan Association of Police representing the Beverly Hills Dispatchers Union. A meeting is scheduled with union representatives on Thursday, April 19 to discuss the effects of the merger with Birmingham.

Wilson announced upcoming events at Beverly Park. Opening Day for the Beverly Hills Little League will be held on April 21<sup>st</sup>; Groves High School Amnesty/Animal Rights Club will have its annual dog walk fundraiser on April 28<sup>th</sup>; Beverly Park Cleanup is scheduled for Saturday, May 12 with a rain date of May 19.

**REPORTS – COUNCIL**

Council members welcomed the new Public Safety Director, Rich Torongeau, and looked forward to working with him.

Burry reported that the proposed BASCC (Birmingham Area Seniors Coordinating Council) five-year millage proposal for the August 2012 ballot has been withdrawn. At the City of Birmingham's suggestion, BASCC will create a joint senior service committee consisting of representatives from the four communities of Birmingham, Beverly Hills, Bingham Farms and Franklin. The purpose will be to consider the funding needs of seniors.

Burry provided examples of a wide variety of outreach services provided by the BASCC organization to Birmingham area seniors. The Center wants to expand those services, including having the center open longer on weeknights and the weekend. The senior population is increasing while revenues at BASCC are down with a decrease in charitable contributions, fundraising revenue, and grant money. The Birmingham area's senior population is expected to grow by 70 percent in the next 20 years.

Burry stated that BASCC representatives would like to attend an upcoming Council meeting to present the need for more funding. A resolution has been prepared to establish a joint senior service committee consisting of two members from each community. The committee will meet for nine months with the goal of arriving at a concept for funding that will be presented to the communities for their approval.

Burry expressed condolences to the family of resident Judith Goren who passed away last week. She was a clinical psychologist as well as a talented author and poet; she was involved in promoting the passage of the Charter millage proposal. Her passing will be a loss to the community.

Mercer highlighted a few items discussed at the Council budget study session held earlier tonight. There is a projection that the Village will see an increase in revenue of about one percent. The maximum allowed Charter millage rate will not be levied; the Village continues to be fiscally responsible. There will be a public hearing on the budget at the May 1, 2012 Council meeting, after which time Council will consider adoption of the 2012-13 budget. Mercer thought it was fiscally responsible to have further discussion on the proposed water and sewer rate increase necessitated because of the way water resources are being billed to the Village.

LaFerriere stated that there will be three vacancies on the Zoning Board of Appeals to fill terms that will expire on June 30, 2012. He encouraged interested members of the community to apply for a position on that Board.

Oen commended administration on its hard work in drafting the budget this year. He commented on factors responsible for the proposed increase in water and sewer rates. Mooney asked that an upcoming agenda item be set for further discussion and explanation of the water and sewer rates. He suggested that County Water Resources Commissioner John McCullough be invited to attend that meeting and provide his input on the matter.

Mooney mentioned that five deteriorated benches in Beverly Park have been replaced with money from the dedicated millage fund. He commended Clerk Marshall and the Comeau Equipment Co. staff for their efforts in this regard. The Parks and Recreation Board will meet on Thursday, April 19 at 7:30 pm in Beverly Park.

Mooney congratulated the Beverly Hills Lions Club on its 40<sup>th</sup> anniversary, which will be celebrated on Sunday, April 22. The Village has been well served by this service organization that does so much for our community and for people in need.

Mooney commented on the loss of Judge Kalem Garian, an unsung hero of the community. Judge Garian was a judge for many years in Highland Park before moving to Beverly Hills. On behalf of Council and Administration, Mooney extended his deepest sympathy to Judge Garian's family.

Briggs anticipated that the Communications Committee will be an active group of individuals that will work with the Village on sharing information with residents. He pointed out that residents can receive updates from the Village office and public safety department by signing up for email notifications from GovDelivery.com.

Koss reminded residents that Southfield Township will be offering free document shredding for Township residents on Saturday, May 5, from 10 am until noon at the municipal building parking lot.

Motion by Briggs, second by Oen, to adjourn the meeting at 8:10 pm.

Motion passed (7 – 0).

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

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

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