

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

Absent: Oen

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 Mooney, second by Briggs, to approve the agenda as published.

Motion passed (6 – 0).

#### **COMMUNITY ANNOUNCEMENTS**

Southfield Township Treasurer Janet Mooney stated that everyone should have received their tax bills from Southfield Township and Beverly Hills by this time. Anyone who has not received their statement should contact the Treasurer's Department at 248/540-3420. The tax collection consolidation effort has gone smoothly to date. If residents have any questions or suggestions on how to improve the service, they can contact the Township Treasurer.

Oakland County Commissioner Bill Dwyer introduced himself and commented on his background in law enforcement. He was elected County Commissioner for the 14<sup>th</sup> District in November of 2010. He will be seeking a second term in the newly constituted 14<sup>th</sup> District, which has been expanded beyond the cities of Farmington and Farmington Hills to include the villages of Bingham Farms, Franklin and Beverly Hills.

Jim Delaney of 18129 Riverside Drive referred to the upcoming election of Southfield Township officials on August 7, 2012. He attended the recent Candidates Night held by the League of Women Voters and made mention of the candidates who were in attendance as well as those who were absent. Delaney was impressed by the knowledge of the issues demonstrated by the candidates who spoke. He proposed that the best candidates for the job were Phil Schmitt, Janet Mooney and Rosanne Koss.

Vikki Hardy Brown, owner of Fresh & Clean Dry Cleaners located at The Corners plaza, introduced herself and talked about the services offered by her business. The dry cleaners is environmentally friendly and provides exceptional customer service.

Township Supervisor Phil Schmitt announced that the July Board of Review met today at the Southfield Township office. He provided information on how people can go about challenging their assessment notices mailed in February and appear before the Board of Review. Information is available on the Michigan Tax Tribunal website, [www.mi.gov/taxtrib](http://www.mi.gov/taxtrib). Schmitt remarked that

he has observed several groups of people playing disc golf in Beverly Park and having a great time.

Village Clerk Ellen Marshall informed the public that the League of Women Voters Candidates Forum held in the Beverly Hills Council chamber on July 11 was videotaped by Bloomfield Community Television. She listed the times when the program will be aired on the Municipal Access Channels prior to the election. Marshall emphasized that the primary election in August is more of a nomination than an election; it is important to understand that voters cannot cross party vote.

### **CONSENT AGENDA**

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

- a. Consider approval of minutes of a regular Council meeting held July 3, 2012.
- b. Review and file bills recapped as of Monday, July 16, 2012.

Motion passed.

### **BUSINESS AGENDA**

#### **FIRST READING OF AN ORDINANCE AMENDING CHAPTER 21 OF THE MUNICIPAL CODE CHANGING THE PLANNING BOARD TO A PLANNING COMMISSION**

Village Attorney Ryan conducted the first reading of a proposed ordinance to change the Planning Board to a Planning Commission pursuant to the Michigan Planning Enabling Act that took effect in 2008. He highlighted the content of each of the paragraphs contained in the ordinance. The Planning Board held a public hearing on May 23, 2012 regarding the draft ordinance and recommended Council approval.

Burry referred to Section 21.01(e) and suggested adding “pursuant to P.A. 33 of 2008” after “receive gifts”. Council unanimously agreed to this change. A copy of this Ordinance is on file at the Village offices for public review.

#### **FIRST READING OF AN ORDINANCE AMENDING CHAPTER 22 OF THE ZONING ORDINANCE TO ALLOW SEASONAL OUTDOOR DISPLAYS, STORAGE OF GOODS AND TEMPORARY OUTSIDE SEATING THROUGH A PERMIT PROCESS**

Village Attorney Ryan conducted a first reading of an Ordinance amending Chapter 22 of the Zoning Ordinance to allow seasonal outdoor displays, storage of goods, and temporary outside seating through a permit process. The concern was that businesses in the Village such as Market Fresh are required to go before the Zoning Board of Appeals every year to seek a variance to conduct outdoor seasonal sales. The Planning Board has been working with the planning consultant on drafting an amendment to the Zoning Ordinance to allow these outdoor sales to occur on an administrative basis with standards. Ryan outlined the content of each ordinance section.

Questions from Council were addressed by Manager Wilson. A copy of this Ordinance is on file at the Village offices for public review.

**SECOND ANNOUNCEMENT OF TWO VACANCIES ON THE ZONING BOARD OF APPEALS FOR ALTERNATE MEMBERS**

LaFerriere made the second announcement of two vacancies on the Zoning Board of Appeals for alternate members with terms to expire on June 30, 2015. The deadline for receiving applications will be Friday, July 27, 2012 at 4:30 pm. A subcommittee of Council will meet on Tuesday, August 7, 2012 at 7:00 pm to review applications and recommend two candidates to be appointed by Council.

**REVIEW AND CONSIDER SUBCOMMITTEE'S RECOMMENDATION TO FILL VACANCY ON THE RETIREMENT BOARD**

A subcommittee of Council met prior to tonight's meeting to review applications and interview candidates for the vacant position on the Retirement Board with a term to expire on June 30, 2015. Two applications were received by the July 6 deadline; another application was received on July 12. The subcommittee members voted unanimously to recommend the appointment of Richard Maxwell to fill this vacancy.

Motion by Koss, second by LaFerriere, to appoint Richard Maxwell to the Retirement Board for a term to expire on June 30, 2015.

Mooney commented on the qualifications of Dick Maxwell for this position.

Roll Call Vote:  
Motion passed (6 – 0).

**REVIEW AND CONSIDER RESOLUTION APPOINTING DELEGATES TO THE MICHIGAN EMPLOYEE'S RETIREMENT SYSTEM ANNUAL MEETING**

Motion by Mooney, second by Mercer, that the Village of Beverly Hills Council appoint Robert Wiszowaty as the officer delegate and Ellen Marshall as the officer alternate representing Beverly Hills and Daniel Gosselin as the employee delegate with Lynn Talbert as the alternate employee delegate to attend the Annual Meeting of the Michigan Employees' Retirement System to be held October 3 – 5, 2012 in Grand Rapids.

Roll Call Vote:  
Motion passed (6 – 0).

**SET PUBLIC HEARING DATE OF AUGUST 7, 2012 FOR STAFFORD PAVING SPECIAL ASSESSMENT DISTRICT**

Council set the date of August 7, 2012 for a public hearing on the Stafford Paving Special Assessment District.

**REVIEW AND CONSIDER ESTABLISHMENT OF INTEREST RATE FOR STAFFORD PAVING SPECIAL ASSESSMENT DISTRICT**

Wilson stated that residents of Stafford Road have been working with the Village for some time to prepare a Special Assessment District to allow for the paving of the unimproved road per Village Policy. There are sufficient signatures on the advisory petition to begin the design and acquire a cost estimate. Hubbell, Roth & Clark has provided a total cost estimate of \$177,300 for this project, inclusive of 5% contingency and all engineering costs.

Section 2.02 of the Village Municipal Code establishes the process for the creation of Special Assessment Districts (SAD). Similar projects in the past have been funded through a SAD with the Village paying 20% of the cost and the remaining 80% to be paid by the benefitting homeowners. Wilson recommended the same participation rate on the part of the Village in this proposed project involving 18 homeowners.

Village policy allows for property owners to pay their portion of the cost over time through assessments added to their property tax statement with an interest rate assessed annually to any unpaid balance. The most recent SAD established for the paving of a residential street established a 10-year repayment period with an interest rate of 6% applied annually to any unpaid balance. Wilson thought that the 10-year repayment period was still in order in this case, but did not feel an interest rate of 6% could be justified at this time given current rates available to the Village. Analysis of current interest rates would justify a rate somewhere between 2% and 3 percent.

In the interest of moving this project forward, Wilson recommended a rate of 2% be assessed annually on any unpaid balance. Based upon the current cost estimate, the Village would pay approximately \$35,460 of the cost of the project with the remaining \$141,840 to be paid equally amongst the 18 property owners. This would equal roughly \$7,880 per home, or roughly \$788 per home per year over 10 years, before interest. These costs are estimates based upon the Village's best approximation of final construction costs.

Final petition language has been drafted to attempt to obtain final signatures to move forward with the establishment of the SAD. The Village would need valid signatures from at least 10 of the 18 property owners to move forward with the project.

Council is in receipt of a copy of the final petition language, a copy of the original advisory signed petition, and a copy of the cost estimate prepared by HRC. The scheduling of a Public Hearing for August 7 is on the agenda for Council action. Should the petitioners be able to submit enough valid signatures prior to that date, it could be possible for Council to establish the Special Assessment District by resolution at the same meeting. Wilson asked that Council agree that, upon the submission of a sufficient number of valid signatures, it would establish a Special Assessment District for the pavement of Stafford Road with the Village assuming 20% of final costs and the remaining 80% of costs spread evenly amongst all benefitting property owners.

Further, property owners may elect to pay their assessed portion of the improvement through ten equal annual installments with an interest rate of 2% of the unpaid balance to be assessed annually. Agreeing in principle to participate at this time would give assurance to residents choosing to sign the agreement as to the final terms of the proposed SAD and would aid in the gathering of signatures.

Motion by Briggs, second by Mooney. Be it resolved that, in accordance with Section 2.02 of the Village of Beverly Hills Municipal Code, the Village Council agrees that, upon the submission of a sufficient number of valid signatures it would establish a Special Assessment District for the paving of Stafford Road with the Village assuming 20% of final costs and the remaining 80% of costs spread evenly amongst all benefitting property owners. Property owners may elect to pay their assessed portion of the

improvement through ten equal annual installments with an interest rate of 2% of the unpaid balance to be assessed annually.

Questions from Council were addressed by Wilson.

Roll Call Vote:  
Motion passed (6 – 0).

**REVIEW AND CONSIDER AMENDMENT TO POLICIES AND PROCEDURES MANUAL ADDING TIME BANK POLICY**

Manager Wilson drafted a policy for Council to consider regarding the establishment of a “time bank” for employees. Under this policy, employees would be able to transfer limited amounts of their existing accrued vacation, personal or compensatory time to another employee who, due to some emergency circumstance would exhaust their existing paid time off and be subject to either separation or loss of pay and benefits. Participation in the program would be voluntary. Vacation, personal and compensatory time were included as these types of accrued time off are payable at 100% upon separation, whereas sick time is payable at a rate of 50%, and only at retirement.

Additionally, any employee who has received a transfer within five years of separation would have that time reduced from any final payout. Wilson suggested that this voluntary program would be in the best interest of the Village and its employees and the Village is properly protected with the proposed language. Wilson recommended that Council approve a motion to amend the Village’s Policies and Procedures Manual to include the following “Time Bank” policy effective July 18, 2012.

**Time Bank**

Employees may transfer accrued and unused Personal Time, Vacation Time or Compensatory Time to another Village Employee who, due to a family or medical or other emergency situation has depleted all of their accrued paid time off and would therefore be subject to separation from employment, loss of pay and/or loss of benefits.

An employee may transfer a maximum of five (days) to one (1) employee during any twelve (12) month period. An employee may receive a maximum of ten (10) days of transferred time during any twelve (12) month period and a maximum of twenty-five (25) days during their employment with the Village. All transfers are subject to approval by the Village Manager.

Upon separation from the Village, any employee who has received a transfer of time under this policy within the last five (5) years will have the amount of transferred time received subtracted from their accrued vacation, personal, compensatory time for purposes of their final payment from the Village. If an employee is eligible for payment of their sick time upon separation and this employee has received a transfer of time in the last five (5) years, the employee’s sick time will be reduced accordingly if necessary after vacation, personal and compensatory time balances have been exhausted.

Motion by Mooney, second by Briggs, that the Village of Beverly Hills Council amend the Beverly Hills Policies and Procedures Manual to include a Section 11.27 “Time Bank” policy effective July 18, 2012.

Questions and comments regarding the policy were addressed by Manager Wilson. Resident Dick Maxwell suggested that administration consult with the Village auditing firm relative to any IRS objections to this policy.

Motion by Mercer, second by Mooney, to table the motion.

Roll Call Vote:

Motion passed (6 – 0).

## **PUBLIC COMMENTS**

None

## **REPORTS – MANAGER**

Manager Wilson updated Council on the status of the Evergreen Bridge replacement. He reported that sidewalk construction is currently occurring on Kinross between Pierce and Southfield moving north. They need to finish Dunblaine, Buckingham and 14 Mile to complete everything east of Southfield Road, minus cleanup and restoration. Wilson was not sure what area would be targeted next upon moving west of Southfield Road. Based upon the amount of sidewalk east of Southfield Road, the contractor is approximately 70% completed with all sidewalk work.

The Village also anticipates replacing about 70,000 sq. ft. of concrete road with the same contractor. To date, about 12,000 sq. ft. of concrete street has been marked for replacement. As the sidewalk program nears completion, the Public Services Director will be identifying additional sections of concrete street for replacement.

There were concerns brought forward at a recent Village Council meeting about a project done at Riverside Park. The Six Rivers Land Conservancy, a non-profit group that works with the Rouge Green Corridor, utilized a grant it received to install a buffer zone at Riverside Park. The purpose of the project was to create a natural buffer comprised of native plants to improve bank stabilization around the river. Wilson provided Council with a memo from last year written by Administrative Assistant Erin Wilks regarding the project along with a diagram depicting the project area.

Wilson stated that he is working with Public Safety Director Torongeau toward hiring an additional Public Safety Officer as approved by Council and allocated in the FY 2012-13 Budget.

Wilson thanked Treasurer Janet Mooney for providing Council and the public with an update on the tax collection process and voiced his appreciation for the work her office has done to accomplish the consolidation.

There were comments and questions from Council directed to Manager Wilson regarding Riverside Park, sidewalk replacement cost and restoration, and the status of the McDonalds site.

## **REPORTS – COUNCIL**

Burry reported on the second meeting of the Joint Senior Services Committee, which involved a visit to the Bloomfield Senior Service Center. He described the impressive facility and the

programs offered. The next Committee meeting will be held on July 24, at which time the group will visit the OPC in Rochester and the Auburn Hills Senior Center. Members of the public are welcomed to attend the Joint Senior Services Committee meetings and the visitations.

Mercer thanked the League of Women Voters for holding a forum for the Southfield Township candidates last week. The candidates who attended were well spoken and knowledgeable; there were a number of candidates who did not attend nor submit a statement in their absence.

LaFerriere suggested that the Parks and Recreation Board consider providing all-weather adult exercise equipment in Beverly Park. He asked the Council liaison to that Board to convey this idea to the members for their consideration.

Mooney thanked Dick Maxwell for applying for a position on the Retirement Board. He acknowledged Bill Dwyer for his attendance at tonight's Council meeting. Mooney related that he and his brother-in-law had a great time playing disc golf in Beverly Park. He pointed out that the disc golf course covers areas of the park that are underutilized. Mooney commented on the League of Women Voters Forum.

Briggs reported on a Baldwin Library Board meeting held last night, July 16. The Board is working on future building plans. Baldwin Library is asking residents of the communities who use the library to complete a library survey by August 10 that will provide guidance on the future of the building. Surveys are available on the Baldwin Library website and at the Village office.

Briggs referred to the recent League of Women Voters sponsored candidates forum. He thought that open discussion candidate meetings are a way to gain understanding of the individuals running for office.

Koss announced that Premier Pet Supply will be celebrating its 20<sup>th</sup> year in Beverly Hills. For the last five years, owner Mike Palmer has held a customer appreciation day. This year it is scheduled for Sunday, July 29 from 9 am to 6 pm.

Motion by Mooney, second by Briggs, to adjourn the meeting at 9:00 pm.

Motion passed.

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

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

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