

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

Absent: LaFerriere and Mooney

Also Present: Manager, Wilson

President Koss called the regular Council meeting to order at 7:05 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

Motion by Oen, second by Briggs, to go into closed session to discuss collective bargaining.

Roll Call Vote:  
Motion passed (4 – 0).

Burry entered the meeting at 7:10 p.m.

Motion by Oen, second by Briggs, to return to open session at 7:30 p.m. after a short recess.

Roll Call Vote:  
Motion passed (5 – 0).

Also Present: Council member, Mooney  
Assistant Manager/Clerk, Marshall  
Director of Public Safety, Torongeau  
Village Attorney, Ryan

President Koss reconvened the Council meeting at 7:30 p.m. The Pledge of Allegiance was recited by those in attendance.

#### **ADDITIONS TO AGENDA/APPROVE AGENDA**

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

Motion passed.

#### **COMMUNITY ANNOUNCEMENTS**

None

#### **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 July 17, 2012.

b. Review and file bills recapped as of Monday, July 30, 2012.

Motion passed.

**BUSINESS AGENDA**

**PUBLIC HEARING REGARDING STAFFORD STREET PAVING SPECIAL ASSESSMENT DISTRICT**

President Koss opened the public hearing on the Stafford Street Paving Special Assessment District at 7:34 p.m.

Bobby White of 31235 Stafford said that he signed a petition circulated in the neighborhood requesting that the Village pave the gravel road. He is in favor of the special assessment district because the gravel road causes safety issues during the winter months and in rainy seasons; dust is an issue during dry seasons. White believes that a paved road would improve the health and safety of area residents and increase property values.

Clive Catchpole of 31050 Stafford had questions about the maintenance and lifespan of the paved road. Manager Wilson responded that repairs to the road will become the responsibility of the Village once Stafford becomes an improved road. Paved residential roads generally have a minimum 20-year lifespan, with the possibility of crack sealing or seal coating being done prior to a complete rebuild of the road.

Wilson related that he received an email from a resident on Stafford who could not attend the public hearing. This resident was not in favor of paving Stafford and had concerns about the speed and the amount of cut-through traffic. Ideas proposed for Stafford Road were to decrease the speed limit to 15 MPH; close one end of the street; and install speed bumps to slow traffic.

No one else wished to be heard; therefore, the public hearing was closed at 7:39 p.m.

**REVIEW AND CONSIDER AUTHORIZATION FOR PLANS AND SPECIFICATIONS FOR PROPOSED STAFFORD STREET PAVING SPECIAL ASSESSMENT DISTRICT**

Motion by Mooney, second by Oen, to adopt the following Resolution:

WHEREAS, the Village Council for the Village of Beverly Hills, County of Oakland, State of Michigan, hereinafter referred to as the “Village”, has received petitions from a majority of the property owners in Supervisors Berkshire Estates Plat (Stafford Street) for road improvements; and

WHEREAS, Hubbell, Roth and Clark has prepared a report containing certain public improvements as described in Exhibit A attached hereto in the special assessment district described in Exhibit B attached hereto; and

WHEREAS, the Village Council has received and reviewed the report from Hubbell, Roth and Clark regarding the improvements and the district; and

WHEREAS, the Village Council desires to proceed further with the improvements;

Now, Therefore, Be It Resolved That:

1. The Village Council determines the necessity of the improvements described in Exhibit A attached hereto and made a part hereof.

2. The Village Council hereby designates the special assessment district, consisting of the lots and parcels of land more particularly described in Exhibit B attached hereto and made a part hereof.
3. The Village Council determines that the special assessments shall be made according to the benefits derived by said properties. The Village Council further finds that the benefits received by the properties within the proposed special assessment district are proportional to the cost of the improvements to be assessed against such properties.
4. The Village Council has met in the Village Council Chamber at 18500 W. Thirteen Mile Road, Beverly Hills, Michigan, 48025, on Monday August 7, 2012, at 7:30 o'clock p.m., Eastern Daylight Savings Time, at which time and place the Village Council heard comments and objections to the proposed improvements of the special assessment district therefore.
5. The Village Clerk has caused notice of such hearing to be published in the Birmingham Eccentric, a newspaper of general circulation in the Village, that publication having been at least ten (10) full days before the hearing, and has caused notice of said hearing to be mailed by first-class mail to all record owners of or persons in interest in property in the special assessment district as shown on the last general tax assessment roll of the Village at least ten (10) full days before the date of said hearing. Said notice shall be substantially the following form:
6. Any aggrieved property owner may contact this special assessment by instituting an action under the Michigan Tax Tribunal Act, 1973 PA 186, MCL 205.701. et seq.
7. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded

Questions from Council were addressed by Attorney Ryan.

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

Wilson stated that Administration is in the process of seeking competitive bids for the bituminous paving of Stafford Street. Those bids should be ready for Council review at its September 4 meeting. If the bids are within the parameters of cost estimates for the project, Council should be able to award a contract on September 4, 2012 in order to accomplish the project in this construction season.

**PUBLIC HEARING REGARDING A PROPOSED ORDINANCE AMENDING CHAPTER 21 OF THE MUNICIPAL CODE CHANGING THE PLANNING BOARD TO A PLANNING COMMISSION**

President Koss opened the public hearing at 7:45 p.m. to receive comments on changing the Planning Board to a Planning Commission. This change is necessary as a result of the Michigan Zoning Enabling Act that took effect in 2008. No one wished to be heard; therefore, the public hearing was closed at 7:46 p.m.

**SECOND READING AND POSSIBLE APPROVAL OF AN ORDINANCE AMENDING CHAPTER 21 OF THE MUNICIPAL CODE CHANGING THE PLANNING BOARD TO A PLANNING COMMISSION**

Motion by Oen, second by Mooney, that the Beverly Hills Village Council adopt Ordinance #342 amending Chapter 21 of the Municipal Code changing the Planning Board to a Planning Commission. Such ordinance to take effect 20 days after publication in the Eccentric Newspaper.

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

Ordinance #342 is available at the Village office for public review.

**PUBLIC HEARING REGARDING 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**

Koss opened a public hearing at 7:47 p.m. on a proposed ordinance amendment to Chapter 22 of the Municipal Code that would allow seasonal outdoor displays, storage of goods and temporary outside seating through a permit process. No one wished to be heard; the public hearing was closed at 7:47 p.m.

**SECOND READING AND POSSIBLE APPROVAL 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**

Motion by Oen, second by Mooney, that the Beverly Hills Village Council adopt Ordinance #343 amending Chapter 22 of the Zoning Ordinance to allow seasonal outdoor displays, storage of goods and temporary outside seating through a permit process. Such ordinance to take effect 20 days after publication in the Eccentric Newspaper.

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

Ordinance #343 is available at the Village office for public review.

**REVIEW AND CONSIDER RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT BETWEEN THE VILLAGE OF BEVERLY HILLS AND THE BEVERLY HILLS MUNICIPAL EMPLOYEES ASSOCIATION AFFILIATED WITH MICHIGAN AFSCME COUNCIL 25**

Council is in receipt of a copy of the contract between the Village of Beverly Hills and the Beverly Hills Municipal Employees Association, which will be in effect through December 31, 2014. Wilson outlined provisions of the proposed contract with AFSCME including those that incorporated items that the Village was able to achieve through PSO and Command arbitration decisions. Wilson believed that this contract is in the best interest of the Village; he appreciated the union's efforts in resolving the contract expediently.

Motion by Oen, second by Briggs, that the Beverly Hills Village Council authorize Village Administration to execute the Collective Bargaining Agreement between the Village of Beverly Hills and the Beverly Hills Municipal Employees Association affiliated with Michigan AFSCME Council 25.

Roll Call Vote:

Mercer - yes  
Mooney - no  
Oen - yes  
Briggs - yes  
Burry - yes  
Koss - yes

Motion passed (5 – 1).

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

Manager Wilson reviewed that a draft policy regarding the establishment of a “time bank” for employees was discussed at the last Council meeting. A resident posed a question at that time regarding potential tax implications. Finance Director Wiszowaty has discussed the matter with representatives from the Village’s auditing firm, who confirmed that implementation of this policy would have no negative tax implications either for the Village or for an employee who transferred or received time under this policy. Wilson asked that Council consider the establishment of a “time bank” for employees to be added to the Employee Personnel Manual as item 11.27.

Motion by Briggs, second by Mooney, that the Beverly Hills Village Council adopt a policy to establish a “time bank” for employees to be included in the Employee Personnel Manual as item 11.27.

Roll Call Vote:

Motion passed (6 – 0).

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

Briggs made the third announcement for 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, August 10, 2012 at 4:30 pm. A subcommittee of Council will meet on Tuesday, August 21, 2012 at 7:15 pm to review applications and recommend two candidates to be appointed by Council.

### **PUBLIC COMMENTS**

None

### **REPORTS – MANAGER**

Council Candidate Filing Deadline – The filing deadline for individuals interested in running for a position on the Village Council is Tuesday, August 14th at 4:00 p.m. Petitions may be picked up at the Village Office or at the Southfield Township Offices. Petitions must be returned to

Southfield Township Clerk Sharon Tischler by the deadline. There are three non-partisan Council seats that will be chosen at the November 6 election.

Movie Night in the Park – The Parks and Recreation Board will sponsor a movie night in the park on Wednesday, August 22 with a rain date of August 23. The program will begin at 9:00 or dusk. There will be free popcorn. Wilson indicated that there has been a licensing issue with the Muppets movie; another family oriented movie will be shown on that night. The movie will be announced through the gov.delivery service and on the Village’s Facebook page.

Road Closures – Progress continues on bridge repairs on the Evergreen Bridge. Evergreen Road is scheduled to be reopened to traffic by August 15<sup>th</sup>. The 13 Mile Road project in Bingham Farms between Lahser and Telegraph Roads is also progressing with the road closure scheduled to end by August 29<sup>th</sup>. The Village appreciates the patience and cooperation of Village residents on these two projects.

Village Street Repairs – As the Village moves toward the end of sidewalk replacement, work will begin on repairing sections of concrete street throughout the community. Some areas of concrete street to be replaced have been identified, others will be marked in coming weeks. Residents will be notified of work in their neighborhood that will impact them. Anyone with questions or concerns should feel free to contact the Village Hall.

**REPORTS – COUNCIL**

Burry updated Council on the progress of the Joint Senior Services Committee and their site visits to area senior service centers. The public is welcomed to attend these site visits.

Council members wished everyone the best in today’s election process.

Motion by Oen, second by Mooney, to adjourn the meeting at 8:04 p.m.

Motion passed.

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

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

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