

REGULAR COUNCIL MEETING MINUTES - MONDAY, APRIL 5, 1999 - PAGE 1

Present: President Craig; President Pro-Tem Lison; Members: Buterbaugh, Downey, Kennedy, Stearn and Walsh

Absent: None

Also Present: Village Manager, Hanlin
Public Services Director, Spallasso
Assistant to the Manager, Pasioka
Village Attorney, Ryan
Village Clerk, Marshall
Building Official, Byrwa

President Craig called the meeting to order at 7:45 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

APPROVE MINUTES OF A REGULAR COUNCIL MEETING HELD ON MONDAY, MARCH 15, 1999

MOTION by Kennedy, supported by Buterbaugh, that the minutes of a regular Council meeting held on Monday, March 15, 1999 be approved as submitted.

Motion passes unanimously.

APPROVE MINUTES OF A SPECIAL COUNCIL MEETING HELD ON MONDAY, MARCH 22, 1999

MOTION by Lison, supported by Buterbaugh, that the minutes of a special Council meeting held on Monday, March 22, 1999 be approved as submitted.

Motion passes unanimously.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

Norm Downey of 23042 Nottingham Drive stated that he commented at the last Council meeting that the current "pay as you go" program for sewer and road improvements is underfunded by a projected \$2.5 million, and he asked Council to address this issue. Downey questioned whether progress has been made by Council to consider funding options to complete the "pay as you go" program.

Craig stated that Council will meet in closed session after tonight's meeting to discuss authorizing the manager and legal counsel to prepare a statement on the status of the Village's work on the sewers and funding. He will read this statement at the April 19 Council meeting.

Downey maintains that funding for sewer repairs has to be considered when determining allocations for discretionary spending in next year's budget. Consideration should be given to raising the millage rate to the maximum permitted millage allocation by Headlee and the Village Charter.

Downey thinks that water and sewer rates should be adequate to pay for repairs and maintenance of the water and sewer system.

Dr. Harold Milinsky of 32467 Evergreen related an issue pertaining to his water bill. He understands that half of the bill is for water consumption and half is for sewage disposal. Milinsky stated that there are residents who leave their homes for the winter months. He questioned why he received a water bill for over \$30 when he had zero consumption for three months and the meter reading is the same in a three month period.

Buterbaugh suggested that, if Dr. Milinsky would bring his water bill to the municipal office, the Water Department staff would review his bill to determine the reason for the charge.

REVIEW AND APPROVE REQUEST FROM BUCKLES & BUCKLES FOR CONSTRUCTION VARIANCE EQUIVALENCY AT 17845 W. 14 MILE ROAD

Kennedy reviewed that the property at 17845 W. Fourteen Mile was rezoned by the Village in 1988 to allow a run down, one and one-half story house to be renovated and used as a law office. The building was remodeled to be architecturally consistent with the neighborhood. A variance was received from the Zoning Board of Appeals at that time to allow screening by planting evergreens in lieu of a brick wall separating residential from non-residential use. Plans for expansion of the office building were approved in 1996.

Mr. and Mrs. Buckles are now requesting a two-story extension of the existing structure which will include an elevator. The proposed expansion of the building to the west lot line will provide a zero lot line setback. The applicants are requesting a variance from immediate conformance to a BOCA National Building Code requirement which states that buildings with a business use that are constructed 0-5 feet from the lot line shall not have windows. The exterior wall construction will meet building code requirements for a 2-hour fire resistant wall.

At its March 15, 1999 meeting, Council requested that the applicant research the cost of fire rated windows for the west wall of the proposed addition. Council has been informed that the estimated cost of installing fireproof windows is \$40,000. Mr. Buckles is proposing to file a deed restriction with the County that runs with the land and will obligate the Buckles and future owners to fill in the windows with fireproof material in the event that a structure is built close to the building.

Kennedy stated that Village Attorney Ryan has reviewed the proposed deed restriction and thinks it is the proper way to approach the issue. Building Official Byrwa will request that Mr. Buckles file the deed restriction with the Oakland County Register of Deeds before a Certificate of Occupancy is issued. Kennedy remarked that Public Safety Director Woodard concurs with this course of action.

Ryan requested that a motion be made that Council go from its Village Council status to Construction Board of Appeals status to act on this request for variance.

MOTION by Kennedy, supported by Buterbaugh, that Council assume the role of Construction Board of Appeals.

Motion passes unanimously.

RESOLVED by Kennedy, supported by Walsh, that a construction variance from immediate conformance to the BOCA Code, requiring that no windows be installed on a building that is constructed 0-5 feet from the lot line, be approved for the property owned by Buckles & Buckles at 17845 W. 14 Mile Road with the condition that the proper paperwork be filed with the Oakland County Register of Deeds in the form of a deed restriction and a copy of that deed restriction be forwarded to the Village of Beverly Hills prior to occupancy.

Stearn indicated that he is ready to approve the request for variance based on the conditions of the deed restriction.

Buterbaugh questioned the purpose of issuing a Certificate of Occupancy if the building is already occupied. Byrwa stated that the C of O is required to legally occupy an addition that has been constructed.

Byrwa referred to a letter dated April 3, 1999 from Michael Buckles addressed to Council. Mr. Buckles indicates that he has discussed the addition with his neighbor to the west, Dr. Gerald Wiater, who has no objections.

At Buterbaugh's inquiry, Byrwa stated that the Village office has not contacted the property owner to the west of the Buckles office building. Byrwa indicated that there is not a legal requirement to notify neighbors of a request for construction variance or a site plan review for a building addition.

Council members discussed the request for construction variance. There was agreement that the fireproof windows are cost prohibitive. The proposed deed restriction binding on both the current owner and any future owner will ensure compliance with the building code if and when adjacent construction ever encroaches within a safety related distance established by the building code.

Roll Call Vote:

Resolution passes unanimously.

MOTION by Buterbaugh, supported by Kennedy, that Council move from Construction Board of Appeal status to Village Council status.

Motion passes unanimously.

REVIEW AND APPROVE SITE PLAN FROM BUCKLES & BUCKLES FOR OFFICE SPACE EXPANSION AT 17845 W. 14 MILE ROAD

Before Council for review and approval is a site plan submitted by Buckles & Buckles for expansion of the office building at 17845 W. 14 Mile Road. The Planning Board has reviewed the site plan and recommends its approval to Council. The Zoning Board of Appeals granted a variance from the one story building limit to permit further construction to the one and one-half story building. A variance was granted to continue to permit existing landscaping screening in lieu of the required six foot high screen wall between the Buckles property and the adjacent residential property to the south.

RESOLVED by Kennedy, supported by Walsh, that the Village of Beverly Hills Council approves the request from Buckles & Buckles for office space expansion at 17845 W. 14 Mile Road.

Stearn referred to the minutes of the February 8, 1999 Zoning Board of Appeals meeting at which time requests for variances were granted in connection with this proposed addition. Neighbors commented favorably on the site plan with only one or two people having negative input. Stearn thinks it is a good plan. The parking lot will be expanded and an elevator constructed in the building.

Downey asked that the building official be aware of drainage on the site during review of construction plans.

Dorothy Pfeifer of 31287 Heath Court asked questions about the site plan approval before Council. It was clarified that Council's motion is for final approval of the site plan. Property owners within 300 feet of the site were notified of a hearing before the Zoning Board of Appeals to request variances needed to construct the addition. Pfeifer was not comfortable with the fact that Council does not know whether the adjacent neighbor to the west is aware of the proposed addition and construction variance.

Byrwa stated that all legal notification requirements have been met for the site plan review process.

Roll Call Vote:
Resolution passes unanimously.

REFER REQUEST FROM OUR LADY QUEEN OF MARTYRS FOR SPECIAL APPROVAL AND SITE PLAN REVIEW FOR SCHOOL AND PARISH CENTER ADDITION TO THE PLANNING BOARD FOR RECOMMENDATION

Our Lady Queen of Martyrs Church is asking for Site Plan and Special Use Approval for school and parish center addition and renovations. Letters were received from two residents regarding the project which will be referred to the Planning Board. Council members requested clarification of the driveway location and ingress and egress to the site.

Byrwa stated that a review letter will be received from the Village planning consultant regarding this project. The Planning Board will review the site plan and hold a public hearing. A public hearing will be required at the Council level.

MOTION by Kennedy, supported by Downey, to refer the request from Our Lady Queen of Martyrs for Special Approval and Site Plan Review for school and parish center addition to the Planning Board for review and recommendation.

Motion passes unanimously.

SET DATE FOR PUBLIC HEARING TO REVIEW AND CONFIRM 1998 ASSESSMENT ROLLS FOR DUST AND OTHER MISCELLANEOUS ASSESSMENTS

Stearn stated that a public hearing is held each year to review and confirm assessments for residents living on gravel roads that are treated for dust control and for other unpaid assessments and billings that are to be added to the tax roll.

MOTION by Stearn, supported by Walsh, that the Village of Beverly Hills set Monday, April 19, 1999 as the date for the public hearing to review and confirm 1998 assessment rolls for dust control and other miscellaneous assessments.

Motion passes unanimously.

CONSIDER COMMITTEE RECOMMENDATION TO FILL VACANCY ON THE PLANNING BOARD

Kennedy stated that a committee of Stearn, Walsh, and herself met prior to the regular Council meeting to review applications and recommend a candidate to fill a vacancy on the Village Planning Board. A suggestion was made by Stearn during this meeting that the committee interview candidates which led to a discussion on whether interviews should be standard procedure and whether the committee had the authority to change policy. The selection of a candidate was tabled by a 2-1 vote of the committee in order to bring the issue of interviewing applicants to Council for discussion.

Stearn clarified that his proposal was for the committee to select two or three candidates to be interviewed if the committee wanted more information than the single page application provides.

It was noted that it is the policy of administration to contact applicants for a board position to confirm their interest. The individual is informed of the committee meeting to consider candidates.

Craig agrees that a change in policy for selecting board and committee members should be an agenda item. However, the committee's charge was to make a recommendation on an appointment to the Planning Board so there would not be a vacancy for an extended period of time.

A recess will be called after Council returns from closed session to discuss pending litigation (agenda item #21) in order to give the committee an opportunity to reconvene and arrive at a recommendation for Planning Board member.

MOTION by Buterbaugh, supported by Downey, to move agenda item #9 to agenda item #22.

Dorothy Pfeifer of 31287 Heath Court suggested that it could be left to the discretion of the committee whether to interview applicants in the two week period prior to meeting for the selection of a candidate.

Ayes - Craig, Buterbaugh, Downey, Kennedy, Lison and Walsh

Nays - Stearn

Motion passes (6 - 1).

AWARD CONTRACT FOR LAWN MAINTENANCE ALONG THE VILLAGE BUSINESS ASSESSMENT DISTRICT FOR THE 1999 SEASON

The Village Clerk opened bids for maintenance of landscape along the business district of Southfield Road on March 18, 1999. Two bids were received. Administration recommends accepting the low bid of \$3,592 from Johnson Landscaping. That company has satisfactorily completed this work since 1993. This is the same amount as the 1998 rate.

RESOLVED by Stearn, supported by Lison, that the 1999 landscape contract for the area included in the Southfield Road Business District be awarded to Johnson Landscaping in the amount of \$3,592.00.

Roll Call Vote:

Resolution passes unanimously.

CONSIDER PURCHASE OF POSITIVE PRESSURE FAN FOR PUBLIC SAFETY DEPARTMENT

RESOLVED by Lison, supported by Walsh.

Whereas, the Department of Public Safety 1998/99 capital budget calls for an expenditure of funds for the purchase of one (1) Positive Pressure Ventilation fan to enhance the ventilation capability of Truck 3-14; and

Whereas, the Department of Public Safety has asked for and received competitive quotes for this equipment from three vendors;

Therefore, be it resolved that the Village of Beverly Hills Council authorizes the Public Safety Department to purchase one (1) Tempest Direct Drive ventilation fan from the low-quoting vendor, L.N. Curtis & Sons of Salt Lake City, Utah, for the price of \$1,225.00 with funds from Account #101-900-980, Capital Purchases: Public Safety Equipment.

Lison explained that this fan will be carried on the larger tower truck. It is used to increase pressure in a burning building and force heat, smoke, and noxious gases out of the building to make it safer to execute rescues and extinguish fires. This will replace an older piece of equipment that is not usable.

Roll Call Vote:

Resolution passes unanimously.

RESOLUTION APPROVING THE REFUNDING OF EVERGREEN-FARMINGTON SEWAGE DISPOSAL SYSTEM BONDS (SEGMENT I & II) DATED DECEMBER 1, 1990 AND

RESOLUTION APPROVING THE REFUNDING OF EVERGREEN-FARMINGTON SEWAGE DISPOSAL SYSTEM BONDS (PERMANENT METER AND INTERCEPTOR REHABILITATION) DATED NOVEMBER 1, 1991

Due to more favorable interest rates in the bond market, the Oakland County Drain Commissioner and Treasurer are recommending the refund of two bonds issued in 1990 and 1991. The County is investigating whether there is an overall savings of at least \$100,000 to rewrite these bonds at a lower interest rate. Approval is needed from each affected municipality in order to proceed. Walsh supports the resolution on the basis that the Village will have potential lower interest payments in future years.

The referenced bonds in the following resolution are for a project which was the construction of the 13 Mile Road relief sewer and the rehabilitation of two existing pump stations plus the construction of a new pump station (at 13 Mile Road and the Rouge River) with the forced main discharging into the Evergreen Interceptor.

RESOLVED by Walsh, supported by Downey, to adopt the Resolution regarding Refunding of Evergreen-Farmington Sewage Disposal System (Segment I & II) Bonds, dated December 1, 1990.

Roll Call Vote:
Resolution passes unanimously.

The entire Resolution is on file at the Village office for public review.

The referenced bonds in the following resolution are for a project to rehabilitate the interceptor with emphasis in the rehabilitation of manholes and the installation of permanent meters.

RESOLVED by Walsh, supported by Buterbaugh, to adopt the Resolution regarding Refunding of Evergreen-Farmington Sewage Disposal System Bonds (Permanent Meter and Interceptor Rehabilitation) dated November 1, 1991.

Roll Call Vote:
Resolution passes unanimously.

The entire Resolution is on file at the Village office for public review.

CONSIDER PURCHASE OF FURNITURE FOR VILLAGE OFFICE

Hanlin stated that the office furniture purchase being discussed tonight is one of two phases planned to improve the work environment for employees in the Village office. The majority of the clerical

staff is working with computers on folding tables or outdated computer tables. This is not satisfactory from a workers' compensation liability standpoint as well as from a functional and aesthetic standpoint. The proposed furniture would be purchased through the Oakland County cooperative bidding program.

Stearn added that the first phase purchase has been budgeted in the current budget.

Pasieka stated that the phased plan will take two years to complete and will address not only the safety issue but aesthetically upgrade the overall outer office environment. The first phase will provide five new "basic" work station desk layouts at total cost of \$6,606.25. Also proposed as part of this project is the electrostatic painting of all file cabinets in the office at a cost of \$2,340.

The second phase is to complete development of the five desk work station layouts with the addition of shelving, task lights and desk file storage. Included in this phase will be five matching, adjustable chairs to complement each workstation.

Council discussed the proposal and asked questions on this furniture purchase which were addressed by administration. Hanlin remarked that the desks proposed will be the same furniture as the units currently in Spallasso's office.

RESOLVED by Stearn, supported by Lison, that Council authorize administration to complete Phase 1 of the plan to upgrade the work environment in the Village office by purchasing five basic desks and to electrostatic paint all file cabinets for an amount not to exceed \$8,950.

Gladys Walsh of 20655 Smallwood Court commented on the importance of obtaining input from the people who will be sitting at the work stations.

Roll Call Vote:

Walsh - yes
Buterbaugh - no
Craig - yes
Downey - yes
Kennedy - yes
Lison - yes
Stearn - yes

Resolution passes (6-1).

CONSIDER REPLACEMENT OF TWO EXTERIOR DOORS FOR PUBLIC SAFETY BUILDING

RESOLVED by Lison, supported by Walsh.

Whereas, the Department of Public Safety 1998/99 Building Maintenance budget calls for an expenditure of funds for the replacement of two exterior doors and frames at the public safety building; and

Whereas, the Department of Public Safety has asked for and received competitive quotes for this renovation from five vendors;

Therefore, be it resolved that the Village of Beverly Hills Council authorizes the Public Safety Department to replace two exterior doors and frames utilizing the low-quoting vendor Jan Overhead Door Mfg. Co. for the price of \$1,389.30 with funds from Account #101-345-934, R& M Public Safety Building and Grounds.

Lison stated that the two steel doors are on exterior walls. Because of settling and shifting of the building in the last ten years, the doors have become a maintenance problem that needs to be addressed. These are required exit doors that are used often and must function efficiently.

Sharon Tischler of 21415 Virmar Court commented that there has been a problem with the door since the building was initially occupied. She questioned whether this action will correct the problem or replace what is already there.

Lison stated that the resolution includes installation of complete doors and frames which will correct the problem. Building official Byrwa will verify that the new door is installed and adjusted to operate properly and comply with the building code.

Roll Call Vote:
Resolution passes unanimously.

APPROVAL OF BILLS

Stearn mentioned that a member of the Finance Committee expressed concern in meeting minutes about the way Council reviews and approves individual expenses. Stearn thinks that the Council may need a new process for reviewing expenditures and that the Finance Committee could make a recommendation.

MOTION by Stearn, supported by Buterbaugh, that the bills recapped as of April 5, 1999 be approved for payment in the following amounts:

\$261,098.39	General Fund
.22,575.52	Major Road Fund
.15,511.76	Local Road Fund
9,269.76	Combined Sewer Overflow Fund
4,878.40	Drains At Large Fund
73.80	Capital Projects Fund
114,678.35	Dedicated Millage
22,595.01	Water/Sewer Operation Fund
61.60	Trust & Agency Fund

Motion passes unanimously.

LIAISON S REPORT

Craig announced the new Council liaison assignments to the Village's boards and committees.

Stearn	- Finance Committee & Parks and Recreation Board
Lison	- Public Safety Department
Downey	- Zoning Board of Appeals
Kennedy	- Planning Board
Buterbaugh	- Cablecasting Board

Kennedy and Walsh will back each other up as liaison and alternate. Stearn and Downey are back ups for each other as well as Lison and Buterbaugh. The Council President is generally the representative to the Retirement Board. Craig withdrew his name due to a conflict of interest because he works for Comerica Bank. Munder manages the Public Safety Retirement Fund, and Munder is part of Comerica Bank. Lison and Kennedy will be members of the Retirement Board.

Kennedy informed everyone that the Birmingham Community Coalition will hold a community forum on teens and alcohol on Thursday evening, April 15 from 7:30-9:30 p.m. at Eton Academy.

Buterbaugh reported that the rate regulation under the 1996 Telecommunications Act has been lifted for the intermediate tier of programming. The only rate regulation remaining is on the basic tier. Buterbaugh mentioned that there is a bid by Comcast to purchase Media One. It still has to be approved by the Federal Trade Commission.

MANAGER'S REPORT

Hanlin commented that she and her family enjoyed the Easter Egg Hunt in Beverly Park on Saturday. It was a wonderful event.

Buterbaugh questioned the status of the fire damaged building on Southfield Road.

Ryan responded that the letter of credit is being extended for 90 days so that the demolition and renovation can be done in one construction action. The Village has been informed that there is a tenant for the building. A request for site plan approval will be brought to the Village Planning Board within the next 30 days. Once the site plan review process is complete, the owner will secure the appropriate construction and demolition permits and the work will be done at the same time.

Lison remarked that members of Council are interested in updating the Village of Beverly Hills web site. He asked that a person from administration be assigned as a point person to discuss the status of the web site and possibilities for its growth.

Hanlin stated that Pasieka will be working on this project which is included in next year's budget proposal.

At Kennedy's inquiry, Hanlin stated that a report from David Call on Council's goals will be available next Monday.

COUNCIL COMMENTS

Kennedy informed the friends of Larry Needham that he is recovering from serious surgery. She offers him wishes for a speedy recovery on behalf of Council.

Kennedy received letters from two residents concerned about restoration of sod on their property following construction this winter related to sewer work and water main breaks. Spallasso confirmed that these repairs will be made after work is completed.

Kennedy remarked that Council members received a notice regarding a conference on bonding.

Downey expressed an interest in working on a Beverly Hills web site. He thinks there are probably people in the Village with computer knowledge that may want to participate in designing a web site for Beverly Hills.

Downey referred to a letter Council received from the Friends of the Rouge organization and questioned whether the Village is active in Rouge River cleanup projects.

The first weekend of June is the area-wide Rouge River clean up day sponsored by the Friends of the Rouge. Pasioka stated that a Parks and Recreation committee is organizing a community cleanup of the Rouge River that will take place at the Douglas Evans nature preserve on June 5.

Craig stated that grant funds are available to help communities cleanup the Rouge. A community has to show local effort as a first step. It is the view of the Parks and Recreation Board that a local program of cleaning up the Rouge River should begin. It is proposed to organize a community effort this year at Douglas Evans which may place the Village in a position to seek funding to help with heavier work next year. Information will be publicized as plans are developed.

Craig commented that the Groves High School recently formed a women's water polo team. Groves competed in its first meet a week ago which was an invitational for all new junior high and high school women's water polo teams. Craig congratulated the Groves Women's Water Polo Team for winning the invitational.

RESOLVED by Lison, supported by Kennedy, that Council go into closed session to discuss pending litigation at 9:30 p.m.

Roll Call Vote:
Resolution passes unanimously.

Craig called the meeting to order in open session at 10:20 p.m.

MOTION by Buterbaugh, supported by Kennedy, for a recess to allow the committee of Kennedy, Stearn, and Walsh to complete its selection of a candidate to fill a vacancy on the Planning Board.

Ayes:Buterbaugh, Craig, Downey, Kennedy, Lison, Walsh

Nays:Stearn

Motion carries (6 -1).

The meeting was reconvened at 10:30 p.m.

CONSIDER COMMITTEE RECOMMENDATION TO FILL VACANCY ON THE PLANNING BOARD

Kennedy stated that the committee reviewed the applications and unanimously recommends the appointment of David Domzal of 22750 King Richard Court to fill the vacancy on the Village Planning Board.

MOTION by Kennedy, supported by Walsh, to appoint David Domzal to fill the vacancy on the Village Planning Board.

Motion passes unanimously.

MOTION by Lison, supported by Kennedy, to allow legal counsel to proceed with the strategic plan as outlined in closed session.

Motion passes unanimously.

MOTION by Kennedy, supported by Buterbaugh, to adjourn the meeting at 10:33 p.m.
Motion passes unanimously.

Andrew Craig
Council President

Ellen E. Marshall
Village Clerk