

REGULAR COUNCIL MEETING MINUTES - MONDAY, JUNE 7, 1999 - PAGE 1

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

Absent: None

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

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

APPROVAL OF MINUTES

The following corrections were made to the minutes. On page 3, fifth paragraph from bottom, first sentence, replace "It was" with "Downey". In the motion to award a contract for municipal building duct work and furnace cleaning on page 5, cost of contract should be \$1,650.00. On page 13, fourth paragraph under "Liaison Reports", change word "subdivision" to "land division".

MOTION by Stearn, supported by Lison, that the minutes of a regular Council meeting held on Monday, May 17, 1999 be approved as amended.

Motion passes unanimously.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

Sharon Tischler of 21415 Virmar Court commented last year about the need for replacement landscaping at the Douglas Evans nature preserve, particularly the material in the road right-of-way. She was informed that the landscaping was under warrantee and the Village would monitor it. Tischler observed that some of the landscaping has not done well and asked if provisions were made for replacing the plantings that did not survive. She referred to the existence of a Natural Beauty Road Ordinance.

Spallasso has contacted the County regarding its obligation to maintain that area. He was advised that someone will take a look at the trees and determine which can be saved and remove the dead trees.

Tischler commented at the last meeting on the budget process. Stearn indicated that the joint meeting between the Council and Finance Committee is an open, public meeting. Tischler maintains that there is insufficient opportunity for participation afforded to the public in the budget process. It is her opinion that Council holds a public hearing with the intent to adopt the budget at that meeting and not to receive and consider input from the public for adoption of the budget at a subsequent

meeting. Tischler thinks that the open process where residents can make their comments known should be handled differently.

Stearn responded that Council and Finance Committee members went through the budget in detail at a joint meeting. Decisions are made on the budget during this review. The joint meeting with the Finance Committee is one of the times that Council receives public input on the proposed budget.

Buterbaugh welcomed Boy Scout Troop 1029 from Our Lady Queen of Martyrs. He introduced the following scouts who are working towards earning a "Citizenship in the Community" merit badge required to earn Eagle Scout recognition: Ross Clark, Matt Kruger, Tim Maxwell, Drew McKinlay, Matt McNeil and Michael Schmitt. Scout leader LaVerne Cleary was present with the boys.

CONSIDER RESOLUTION APPROVING FINAL SITE PLAN FOR BEVERLY HILLS RACQUET CLUB FOR ADDITION TO MEN'S LOCKER ROOM

At its May 26, 1999 meeting, the Planning Board recommended approval to Council of a revised site plan dated May 24, 1999 for an addition to the men's locker room at Beverly Hills Racquet Club. The current plan addresses comments and recommendations from Village planning consultant firm Birchler Arroyo.

RESOLVED by Kennedy, supported by Walsh, to approve the site plan submitted by Beverly Hills Racquet Club for an addition to the men's locker room.

Buterbaugh questioned whether the proposed site plan includes an improved lighting plan. He views the site plan review process as an opportunity to upgrade the lighting system.

Kennedy affirmed that Council referred the site plan review to the Planning Board and asked that the adequacy of lighting in the parking lot be reviewed in terms of public safety. In response to this concern, the applicant consulted with Detroit Edison and proposed mounting sodium vapor fixtures on existing 30 foot poles to increase the lighting in the parking lot. There was a lengthy discussion by the Planning Board regarding the height and intensity of the added lights and possible glare for motorists on Southfield Road. The planning consultant and Planning Board were satisfied that the existing lighting in the parking lot is adequate and meets ordinance requirements. It was determined that a change in lighting is not required as part of a minor internal plan to enlarge the men's locker room.

Kennedy added that there has been conversation that the building to the south may undergo renovation. Lighting changes may be undertaken at that time.

Buterbaugh mentioned that the Racquet Club was the sight of the only kidnapping in Beverly Hills. Merchants on either side of this particular property voluntarily upgraded their lighting after that incident.

Downey supported lighting concerns and questioned the extent of the planning consultant's study of lighting on the site. He understands that a review of parking lot lighting may not be part of this site plan process.

Craig stated that he asked planning consultant Dave Birchler to attend the Council meeting to address this and other agenda items. He was unable to attend due to prior engagements. Craig understands that the Planning Board reviewed the lighting in the parking lot without conducting a formal lighting study. The adequacy of lighting was raised at the last Council meeting and thoroughly discussed at the Planning Board meeting. The Planning Board was comfortable with recommending approval of this site plan without any additional lighting requirements. The additional lighting suggested by Detroit Edison and proposed by the applicant was unacceptable to the Planning Board and planning consultant because it exceeded the height limitation and the lights were not shielded. The Planning Board did not feel it was appropriate to attach a lighting requirement to this site plan approval.

Craig researched the public safety issue and learned that incidents at the Racquet Club have mainly involved wallets stolen from lockers. There are more cars being broken into in the subdivisions than along the Southfield Road parking lots. The incident referred to by Buterbaugh that occurred in that parking lot concerns everyone but it does not represent a reoccurring problem.

Thomas McCarthy, Manager of the Racquet Club, stated that they did improve the lighting around the property after that incident. They will look at what else can be done as the adjacent property is being renovated.

Walsh commented that the owners of Beverly Hills Racquet Club have done a nice job on the site over the years. He is sure that they will review and undertake improvements to the lighting if it is needed. The lighting issue was discussed by the Planning Board at length with input from the planning consultant and building official. Walsh remarked that the total size of the proposed locker room improvement is 338 square feet which is less than the size of a standard two-car garage.

Roll Call Vote:

Motion passes unanimously.

RATIFY CONDUCTING A PUBLIC HEARING ON A REQUEST FROM OUR LADY QUEEN OF MARTYRS CHURCH

Craig stated that Council did not set a public hearing date at its last meeting for the school and parish addition at Our Lady Queen of Martyrs. It has been standard procedure for Council to set a date for a public hearing but it is not a legal requirement. There was a three week span since the last Council meeting. In the interest of time, Hanlin set the public hearing for tonight and sent out proper notification to the newspapers and residents. This agenda item is to ratify the public hearing.

MOTION by Kennedy, supported by Lison, to ratify the public hearing on a request from Our Lady Queen of Martyrs Church for school and parish center addition.

Walsh understands that the Church had a meeting with parishioners and submitted a revised site plan to the Village on June 2. The new site plan includes a photometric study which had been requested by the Village. A play area was added which reduces the parking by 22 spaces. There was a change in the location of a three car garage. The Village planning consultant has not reviewed the revised site plan. Walsh stated that the total number of parking spaces is needed in order to make a decision on a waiver from ordinance requirements for parking. The sewer issue is a major concern and an open question.

Walsh does not think Council is ready for a public hearing before a review of the revised site plan by the planning consultant and until there is more information on the sewer issues. Conditions would have to be placed on an approval made tonight. He is not opposed to the project but is opposed to holding the public hearing tonight.

Byrwa indicated that he has looked at the revised site plan which was updated to reflect major concerns expressed at the Planning Board public hearing with regard to landscaping, lighting, and the play area.

Stearn was concerned with whether residents had adequate notice of the public hearing.

Craig made the point that the same situation would exist with a new site plan if the public hearing date was set by Council. It is not a requirement to set a public hearing at a Council meeting. It has been the past practice of Council to do this. The Village has complied with all legal requirements of notification.

Byrwa stated that a public hearing was conducted at the Planning Board level. The process was moved along in an attempt to address this proposal in a timely manner, particularly due to the extra week between Council meetings.

Kennedy was concerned with Council members voting on this proposal in an unfavorable way if a public hearing is held tonight. There are people in the audience who are present for the public hearing. She supports the proposal but is disappointed that the revised site plan has not been reviewed by the planning consultant. Two of the outstanding items are engineering concerns: 1) necessary legal documents to dedicate the 43' right-of-way on Pierce to the Village; and 2) accurate records and conditions of the combined sewer system within the property.

Craig prefers not to delay the public hearing. A revised site plan was submitted in the middle of last week which our planning consultant has not had an opportunity to review. If Council feels that it does not have enough information to make a decision, it could delay action on the site plan and special use approval until the next meeting. The public is present and the public hearing requirement could be satisfied tonight.

Roll Call Vote:

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

Motion passes (4 - 3).

PUBLIC HEARING BY OUR LADY QUEEN OF MARTYRS CHURCH FOR SPECIAL LAND USE AND SITE PLAN APPROVAL OF A SCHOOL AND PARISH CENTER ADDITION AT 32460 PIERCE

Kennedy explained that the use of the property for purposes of the school, church, and parish center is an established use which is permitted in the district by special approval. A public hearing is required because the existing uses are being expanded by the proposal to enlarge the school, convert the former convent into a parish center, and move the offices out of the rectory. The Planning Board held a public hearing on May 12, 1999. Concerns that arose were taken into consideration by the applicant.

President Craig opened the public hearing on special land use and site plan for and addition to Our Lady Queen of Martyrs church and school at 8:25 pm.

John Vitale of Stuckey and Vitale Architects was present representing Our Lady Queen of Martyrs. He displayed a site plan and outlined the proposal for a two-story expansion of the school building that will connect to the existing auditorium. The uses of the expansion will be primarily for specialty classrooms - music room, library space, computer room, and art room. The other part of the expansion entails modifying the existing convent into a parish center and adding a meeting room to the rear of the building. The interior of the existing building will be renovated into several meetings rooms on the second floor and parish center offices on the ground floor.

The previous site plan showed the playground area paved over to accommodate additional parking space. Vitale stated that the Planning Board calculated that about 61 parking spaces were needed to accommodate the additional square footage being added. The plan provided over 80 parking spaces. The revised site plan reduces the size of the existing playground and leaves it in its current location to provide 61 additional parking spaces.

Another minor change in the site plan is the garage. Because it infringed on the soccer area, a smaller expansion to the existing garage area is proposed which will be less obtrusive than the proposed freestanding garage.

Vitale stated that the engineer for the project has been in contact with the Village engineer to address sewer and water runoff concerns. It was found that some of the catch basins existing in the parking lot are filled with dirt and plugged. The applicant is in the process of having that dirt removed.

Peter Plotke of 16299 Buckingham had questions on the proposed wall on the north property line and how it will impact the adjacent properties.

Vitale explained that the ordinance requires that a wall be constructed along the property line between the residential area and existing church property. The architects propose a combination of a board on board cedar fence with masonry piers every 20 feet on the basis that it would be softer than constructing a masonry wall along that entire length. The planning consultant and the Planning Board agree with that approach. The proposed fence is three feet tall near the right-of-way and increases in height to six feet after 25 feet.

The Church would like to work with the residents in terms of exactly what they would like to see in terms of a barrier. It is proposed that the existing fences be removed so there will be only one fence on the property line.

Carol Stevenson of 16313 Buckingham lives on the corner where the fence is proposed to be three feet high. She questioned the ordinance requirement for a wall.

Byrwa responded that the Village Ordinance requires a parking area to be separated from a residential area by a masonry wall. The Village Council has the discretion to waive the requirements for a wall in lieu of an alternative that is deemed adequate for the situation.

Craig added that the Ordinance was written to protect adjacent neighbors from headlights at night and parking lot noise. A masonry wall may not be necessary for a use that is not commercial or a business.

Stevenson does not think a fence is needed at her property line which overlooks the front of the church. She asked if it is an option to provide fencing only where there is parking and leaving what is currently there in terms of natural vegetation or the owners' existing fencing. The neighbors could be given an option of something less solid than the proposed fence. Stevenson commented that they like the vegetation and the light that comes through.

Vitale stated that applicant's suggestion for the fencing was in response to ordinance requirements. With the permission of Council, the Church would offer to satisfy the individual need of each abutting resident. The applicant does not have a problem with landscaping in lieu of a fence.

Byrwa quoted from Ordinance Section 22.08.160 which says that a wall is required on non-residential zoned or used property abutting public or residential zoned or used property. Whenever a wall is required, the wall shall be stone, brick, or face brick. Byrwa added that the Village Council has discretion on not requiring a wall at the location.

Sharon Tischler of 21415 Virmar Court was concerned that there be a maintenance agreement for a fence installed by the church. Craig stated that the Fence Ordinance allows the Village to ticket fences that are in a state of disrepair. Byrwa stated that the building code also addresses property maintenance and fences between residences.

Robert Dunham of 16249 Buckingham stated that he enjoys the different fences which contribute to a look that is not institutional. He enjoys the vegetation and would prefer more trees instead of a brick fence.

Emily Patz of 16231 Buckingham would like to see the new fence installed. She lives in the first house abutting the parking lot and there are no trees or shrubs. Her fence is easily accessible to the children and has been damaged. Patz would like the church to have the responsibility of the fence and its maintenance.

Michael Moore of 16121 Dunblaine stated that his property runs approximately 170' along the east side of the Queen of Martyrs site. He said that parking is not an issue and he would prefer green space to additional parking areas. Christmas and Easter are the only two days out of the year when the parking is fully used. Moore informed Council that there is a broken pipe in the system that drains the parking lot which should be repaired.

Moore commented that there are large trees on the property line and a fence would have to dogleg around them. He thinks that the intent of the church was to build a school addition, not to build a fence.

Stephen Gale of 16916 Buckingham expressed concern about the sewer issue.

Craig referred to a memo from Spallasso dated June 2 regarding items to be addressed with regard to the combined sewer system within the property. Spallasso recommends that Council approval of the site plan be contingent upon review and final approval of the engineering plans by his office. The Queen of Martyrs site is located in the combined sewer area and is subject to conditions such as catch basin restrictions, on-site storage, downspout connections, etc. Spallasso will consider these items as part of the review process.

No one else wished to be heard; therefore, the public hearing was closed at 8:52 p.m.

Council discussed how to proceed with consideration of the request for site plan and special use approval.

Vitale suggested that the applicant meet with each of the abutting property owners on the north lot line. There is currently a combination of heavy landscaping and fencing on the property line. A solution may be to provide a uniform appearance with both landscaping and fencing where neighbors prefer a fence.

It was the sense of Council to defer a vote on the site plan until the next Council meeting. This would give the applicant an opportunity to meet with the residents and develop an alternate plan for fencing and landscaping. The planning consultant will review the revised site plan. The total number of parking spaces on the site should be furnished. The drainage issues are paramount and should be addressed by the engineers involved. The information requested by the Village should be furnished prior to the next meeting.

The public hearing requirement has been satisfied tonight.

CONSIDER RESOLUTION APPROVING SITE PLAN FOR A SCHOOL AND PARISH ADDITION AT 32460 PIERCE AS SUBMITTED BY OUR LADY QUEEN OF MARTYRS CHURCH

MOTION by Kennedy, supported by Downey, to table consideration of approval of special land use and site plan for a school and parish center addition for Our Lady Queen of Martyrs at 32460 Pierce until the June 21, 1999 Council meeting. At that time the application should include the following: 1) the necessary legal documents to dedicate the 43' right-of-way on Pierce to the Village; 2) accurate records and conditions of the combined sewer system within the property; 3) recommendation on a proper drainage system from Spallasso and/or an engineering consultant; and 4) a plan for fencing and/or landscaping the north property line based on a consensus of the residents and the parish.

Motion passes unanimously.

Vitale suggests that increased landscaping could provide a barrier and act as a unifying element for the screening at the property line. The applicant will contact each individual property owner and introduce a landscaping theme that could be repeated with some continuity along the property line. This plan could work with an existing fence that is in good shape or be integrated with a new fence. Vitale recognizes that a maintenance plan would be part of that.

Craig emphasized the importance of the storm drainage at the site. Vitale stated that a clean out of the catch basins has been ordered. The applicant is working with a company to do this before the Village engineer can be provided the information he needs. Vitale stated that the Church will do what it takes to address drainage issues.

A recess was called at 9:20 pm; the meeting reconvened at 9:30 pm.

RESOLUTION APPROVING THE PROJECT PLAN FOR THE 12 TOWNS COMBINED SEWER OVERFLOW CONTROL PROGRAM

There are two resolutions before Council for consideration relative to the 12 Towns Combined Sewer Overflow Control Program. This resolution authorizes the Drain Commissioner's office to apply for State Revolving Funds (SRF) to finance the project. Walsh stated that it is to the Village's advantage to pursue this funding with the other members of the 12 Towns District.

RESOLVED by Walsh, supported by Lison, to adopt the following resolution.

RESOLUTION
APPROVING THE PROJECT PLAN FOR THE TWELVE TOWNS
COMBINED SEWER OVERFLOW CONTROL PROGRAM
NPDES PERMIT NUMBER M10026115

WHEREAS, the Village of Beverly Hills has authorized the Office of the Oakland County Drain Commissioner to administer the Twelve Towns Combined Sewer Overflow (CSO) Control Program as a part of a plan to reduce the number and volume of CSOs and improve the quality of CSOs to the Red Run Drain; and

WHEREAS, a public hearing on the Project Plan was held on June 2, 1999; and

WHEREAS, the Project Plan calls for the construction of improvement projects that include the following improvements: construction of a new inlet weir structure and dewatering pumping station, modifications to the existing inlet weir structure, re-routing of Madison Heights combined sewers, disconnection of Madison Heights storm drains, construction of Ten Mile Road sanitary interceptor, and rehabilitation of existing regulators. These projects shall be constructed at an estimated cost of 144 million dollars, of which a portion shall be apportioned to the Village of Beverly Hills.

NOW THEREFORE BE IT RESOLVED THAT, recommendations contained in the Project Plan for Twelve Towns Combined Sewer Overflow Control Program are hereby approved as follows:

1. The Village of Beverly Hills adopts the Project Plan and authorizes the Office of Oakland County Drain Commissioner to implement the selected alternative of the Project Plan.
2. The Office of the Oakland County Drain Commissioner is authorized to make application to the Michigan Department of Environmental Quality for a low interest loan from the State Revolving Fund for financing of this project.

In answer to a question from Council, Spallasso clarified that the Village has committed to the timetable for this project by accepting the NPDES Permit issued by the Department of Environmental Quality. The Village's share of the project will be approximately \$500,000 over 20 years under SRF funding. The cost to the Village would be approximately \$780,000 without this funding. The Village's apportionment is .05614 of the total cost.

Roll Call Vote:
Resolution passes unanimously.

RESOLUTION SEEKING FEDERAL ASSISTANCE FOR MAJOR CAPITAL IMPROVEMENTS TO THE 12 TOWNS RETENTION TREATMENT FACILITY FOR THE GEORGE W. KUHN DRAIN

RESOLVED by Walsh, supported by Kennedy, to adopt the following resolution.

**RESOLUTION SEEKING FEDERAL ASSISTANCE FOR
MAJOR CAPITAL IMPROVEMENTS TO THE
TWELVE TOWNS RETENTION TREATMENT FACILITY
FOR THE GEORGE W. KUHN DRAIN**

WHEREAS, on October 22, 1998, the Michigan Department of Environmental Quality (MDEQ) issued a new National Pollutant Discharge Elimination System (NPDES) Operating Permit, which allows the fourteen (14) Twelve Towns municipalities to discharge treated combined sewer overflow into the Red Run Drain until October 1, 2003; and

WHEREAS, the new permit requires the Village of Beverly Hills and all other Twelve Towns municipalities, as co-permittees, to proceed with the construction of major capital improvements known as the George W. Kuhn Drain improvements to the Twelve Towns Retention Treatment Facility with completion of said improvements to be achieved by December 31, 2005; and

WHEREAS, the estimated cost for the major capital improvements to the Twelve Towns Retention Treatment Facility has been estimated to be approximately \$143,500,000; and

WHEREAS, the Village of Beverly Hills and all other Twelve Towns municipalities are committed to improving the environment by undertaking the major capital improvements required by the NPDES Operating Permit; and

WHEREAS, the estimated cost for the major capital improvements will create a significant financial burden on the citizens of all of the Twelve Towns municipalities; and

WHEREAS, Congressman Joseph Knollenberg and Congressman Sander Levin are leading an effort to obtain federal assistance to the Twelve Towns municipalities in the amount of \$5,000,000 per year for a period of six (6) years for a total of \$30,000,000 in federal assistance; and

WHEREAS, broad bipartisan political support is required in order to obtain federal assistance for the major capital improvements required by the NPDES Operating Permit.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Village Council of the Village of Beverly Hills hereby commends Congressman Knollenberg and Congressman Sander Levin for their efforts to obtain federal assistance for the major capital improvements to the Twelve Towns Retention Treatment Facility.

2. The Village Council of the Village of Beverly Hills hereby encourages Governor John Engler and Oakland County Executive L. Brooks Patterson to support the need for federal assistance for the major capital improvements to the Twelve Towns Retention Treatment Facility.

3. The Village Council for the Village of Beverly Hills, hereby directs Village Clerk, Ellen E. Marshall, to forward a copy of this Resolution to Congressman Joseph Knollenberg, Congressman Sander Levin, U.S. Senator Carl Levin, U.S. Senator Spencer Abraham, Governor John Engler, County Executive L. Brooks Patterson, all members of the Oakland County Board of Commissioners, Oakland County Drain Commissioner George W. Kuhn, and each of the other Twelve Towns municipalities.

Roll Call Vote:

Resolution passes unanimously.

AWARD CONTRACT TO OAKLAND EXCAVATING FOR PHASE II CRITICAL STRUCTURAL REPAIRS

Walsh stated that bids have been received for the last part of the critical structural repairs program which involves sewer pipe replacement. Bids were received from seven contractors for this work ranging from a low bid of \$243,507.20 to a high bid of \$641,902.86. The project involves three streets east of Southfield and west of Pierce: Birwood between Pierce and Bates; Kirkshire west of Pierce and east of Bates; and, Beechwood east of Birmingham Blvd. and west of Bates.

RESOLVED by Walsh, supported by Stearn, to award Contract #S-99-2 to the low bidder, Oakland Excavating Company, 31 Oakland Avenue, Pontiac, Michigan for the bid amount of \$243,507.20. The award is contingent upon the contractor submitting all of the insurance and bonds coverage per the contract specifications.

Kennedy stated that she will not support this resolution for the reason that she has yet to see a time line with financing figures attached to each sewer project. Her lack of support is not because the sewer rehabilitation plan in place is not being followed. Kennedy is reluctant to improve further expenditures until she sees in writing how the Village is going to finance the whole project.

Walsh reviewed that Council approved the engineering for the Amherst/Sheridan relief drain several meetings ago at a cost of approximately \$180,000. That engineering has started and will continue until approximately February of 2000. At that time, bids will go out for construction on this project which is estimated to cost \$600,000. The target date to award a contract is March of next year with the construction starting in April and concluding in August of 2000. The Amherst/Sheridan drain in conjunction with the North Arm relief drain, which will be completed within the same time frame, will provide relief to people on the east side of the Village with respect to flooding problems. Walsh emphasized that the Village is ahead of schedule and under budget with its sewer rehabilitation program.

Roll Call Vote:

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

Resolution passes (5 - 2).

FIRST READING OF AMENDMENT TO THE LAND DIVISION ORDINANCE

Craig stated that a public hearing is not required because this ordinance is under the police powers section of the Village ordinances.

Kennedy, liaison to the Planning Board, stated that the Planning Board has recently completed a comprehensive revision to the Village of Beverly Hills land division regulations. The proposed ordinance replaces the existing Section 23.16 in its entirety. The revisions are intended to address amendments to the State Land Division Act. These changes regulate all divisions of land except new, platted subdivisions. The proposed ordinance provides the local regulatory authority the right to review and approve land divisions. Further revisions were suggested by the Planning Board to make the regulations more clear and concise.

Kennedy addressed the more substantial changes in the proposed ordinance. Subsection b. Applicability states, "Divisions of property transferred between two adjacent parcels, where no new or additional lots are formed are now exempt as a land division requiring Village review. The resulting parcels, after the property transfer, must continue to conform to all Village Ordinance requirements. The property owners would be required to submit appropriate documentation verifying conformance to the assessor for review."

Kennedy emphasized that the Land Division Act has divorced the division of land from the use of that land, and has limited the procedural and review criteria which the Village can use to evaluate proposed land divisions. An applicant who proposes a land division which does not meet the minimum ordinance requirements of the Village must do one of two things. Before the land division is approved, they must either receive a variance from the Zoning Board of Appeals for standards that are not met, or the applicant must submit, with the application for division, an affidavit stating that the applicant is aware that the lot cannot be built upon unless combined with an adjacent parcel. This procedure will permit the Village to approve Land Divisions in accordance with the requirements of the Land Division Act with the assurance that the applicant is aware that the resultant non-conforming parcel(s) cannot be developed except in combination with adjoining property.

Village Attorney Ryan provided background on this ordinance. The State Subdivision Control Act which was in place for many years was amended a couple of years ago and named the Land Division Act. There were a lot of problems left up in the air by the Land Division Act which resulted in

further changes proposed by the legislature. Basically, the Village's regulations bring its ordinance in conformance with State law. State law sought to require the local units of government to make these decisions in a prompt and efficient manner and gives all local units of government, should they choose to enforce land division, 45 days in which to make their decisions.

The proposed ordinance has a purpose, applicability, and a definition section. There is an application process and a review requirement and fees. The ordinance talks about the criteria that the applicant must comply with. This is important because the timing device under the rights given to a person wanting to divide property does not go into effect until the Village has a completed application.

There is a land division review process and an optional process which is more informal. The information goes to the building official and consultant who meet with the applicant and review the information. The land division request does require a review and public hearing by the Planning Board with the final decision made by Village Council. There are escape provisions which allow an application to come right to Village Council if there is not time to meet the time requirements. All decisions have to be in writing and the reasons must be stated to protect the applicant.

Ryan outlined the Review standards. They are the criteria by which the Planning Board will make recommendations and by which the Council will decide whether land should be divided under our ordinance. This ordinance does not apply to land in a plat or a subdivision nor does it apply to acreage over 40 acres.

This concludes the first reading of the Land Division Ordinance. Ryan will draft the document in ordinance form for the second reading at the next meeting.

Council members commended the Planning Board and Birchler Arroyo for an excellent job of bringing Village regulations in compliance with State law and clarifying items that were confusing.

FIRST READING OF AMENDMENT TO PRIVATE ROAD ORDINANCE

Before Council for consideration is an amendment to the Beverly Hills Private Road Requirements to include a review and approval process for private roads. Currently the review and approval process references the process for approving land divisions. With the recent changes to the Land Division Regulations (23.16), this reference is no longer valid. A separate private road approval process will eliminate potential conflicts in the future as sections are amended.

Private road requirements are established as a three stage process with a preapplication meeting, preliminary review by the Planning Board, and final approval by the Council. Kennedy summarized the paragraphs in Section 23.17 Private Road Requirements to complete the first reading of the proposed ordinance.

DISCUSSION OF PROCEDURE FOR NEW APPOINTMENTS TO BOARDS AND COMMITTEES

Stearn is asking that Council consider revisions to the current procedure for appointments to boards and committees. He outlined proposed changes based on discussion at the last Council meeting. He limited the days from seven days to six days for the amount of time the selection committee would have to review applications. A paragraph has been included stating that the chairperson of the selection committee consults with the chairperson of the concerned on the applicants whenever practicable. He moderated the language in paragraph #5 relative to asking questions of the applicants. Stearn stated that the revised policy is not that much different from the original policy.

MOTION by Stearn, supported by Buterbaugh, to adopt the policy for new appointments to boards and committees as proposed this evening.

Council discussed the proposed revisions to the policy. There were reservations expressed by some members of Council on changing the original policy which may not have been followed closely but is fairly thorough. There was agreement that the major change from the current policy is that it provides that the selection committee receives information on the candidates six days prior to its committee meeting. This was considered a positive change. Other changes were viewed as word smithing.

Stearn pointed out that a paragraph that was questioned stating that the committee shall choose two or three candidates is identical to the current policy. He maintains that the policy in place is more restrictive than the policy he has drafted.

Roll Call Vote:

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

Motion fails (4 - 3).

SECOND ANNOUNCEMENT OF VACANCY ON THE PLANNING BOARD

Kennedy made the second announcement of a vacancy on the Planning Board. The application deadline is Friday, June 11 at 5:00 p.m. Kennedy, Buterbaugh and Craig will serve on a committee to review applications and select an individual to be recommended for appointment to the Planning Board. The committee will meet on Monday, June 21 at 7:00 p.m. in the Village municipal building. Committee members will receive the binder with applications six days before they meet.

SECOND ANNOUNCEMENT OF VACANCY ON THE PARKS AND RECREATION BOARD

Stearn announced that there is a vacancy on the Parks and Recreation Board. Applications for this position are available at the Village municipal offices until June 11 at the close of business. A committee of Stearn, Downey and Kennedy will meet to review applications and recommend a candidate to fill this position on Monday, June 21 at 7:15 pm in the Village municipal building.

Stearn asked how the selection committee will consult with the board chairperson on the chosen candidates on June 21 prior to the Council meeting at which the appointment will be made. Craig stated that the committee chair has 15 minutes before the start of the Council meeting to contact the board chairperson.

Craig urged interested residents to fill out an application to serve on the Parks and Recreation Board or Planning Board. The two departing members who have served the Village long and well will be honored at the next Council meeting.

APPOINT REPRESENTATIVE AND ALTERNATE TO SOCWA BOARD OF TRUSTEES

Walsh stated that the Southeastern Oakland County Water Authority requires that each municipality shall annually appoint a representative and alternate to its Board of Trustees.

RESOLVED by Walsh, supported by Lison, that the Village Council of Beverly Hills appoint Renzo Spallasso as representative and Tamara Hanlin as Alternate to represent the Village of Beverly Hills on the Southeastern Oakland County Water Authority Board of Trustees for the fiscal year beginning July 1, 1999.

Roll Call Vote:
Resolution passes unanimously.

APPOINT REPRESENTATIVE AND ALTERNATE TO SOCCRA BOARD OF TRUSTEES

RESOLVED by Walsh, supported by Lison, that the Village of Beverly Hills Council appoint Tamara Hanlin as representative and Renzo Spallasso as Alternate to represent the Village of Beverly Hills on the Board of Trustees of the Southeastern Oakland County Resource Recovery Authority for the fiscal year beginning July 1, 1999.

Roll Call Vote:
Resolution passes unanimously.

CONSIDER PROVIDING CHIPPING SERVICE TO THE VILLAGE RESIDENTS

Downey introduced a proposal from administration to offer chipping services to Village residents on a fee basis. Four bids were received with the low bid supporting a rate of \$25 for 15 minutes or \$50 for 30 minutes. A resident would call the Village office and arrange for a chipper truck to come to their home and perform that service. The chipper truck would chip branches longer than three feet but not more than six feet and at least one half inch and no more than six inches in diameter. Currently, residents cut up limbs and bundle them for collection by the refuse collection service.

Byrwa has suggested the possibility of the Village offering a clean up period of two weeks in May when chipping service is provided at no charge to residents.

Craig stated that residents have two options for disposing of limbs at this time. They can privately contract for the service or they can cut limbs into three foot sections, bundle them, and place them at the curb to be picked up with the trash. The Village Manager has indicated that quite a few people call and ask for this service. Craig thinks that this is the best way to provide a service without adding any cost to the Village. The rate includes a small amount to cover the administrative handling.

Craig is not ready to commit the Village to allocating money for a spring clean up. He would like to see the chipping service adopted and in operation for a year or two to determine its use.

Stearn supports both budgeting \$8,000 for the village-wide chipping service and a program whereby residents can arrange for chipping service at a cost.

Kennedy agrees to having a service available but is not ready to support a spring clean up at this time. It is something that should be considered after some history. She questioned why the emergency hourly rate of the recommended bidder is considerably higher than that of the other bidders. A storm emergency may be a time when elderly people need a chipping service.

Hanlin stated that this is a topic that was discussed administratively. The emergency rate would be in effect when the Village is picking up the cost of clean up after a severe storm. Administration did not see where there would be many occasions where a resident would have an emergency need for chipping.

Kennedy was concerned with the Village paying those emergency fees at that rate. She would like more information on that higher cost before she would vote to award the contract to the recommended contractor.

Craig suggested that Council could adopt a proposal to give Comeau Equipment Company the contract for normal chipping work and look into emergency rates further.

Lison expressed the view that the Village should be an information source but not a middleman between a contractor and a Village resident. This proposal will tie up the phones and people during a storm.

Walsh commented that chipping would be a nice service to offer residents but suggested that the contractor be responsible for handling the requests so as not to restrict Village resources.

Downey questioned the effectiveness of a village-wide clean up considering the restrictions on the size of branches. He would support a proposal at a rate that would include time required for village services.

Buterbaugh questioned whether this service is covered under the Home Chore Program administered by the Birmingham Area Seniors Coordinating Council. He noted that there are companies that provide this service in the area. Buterbaugh remarked that branches lost during a storm will not fall in the category specified in the bid.

Dorothy Pfeifer of 31287 Heath Court questioned the bid process for this service. Hanlin responded that the Village recently went out for bids on rubbish removal. Administration put together an exploratory bid for chipping services as part of that bid package. The Village received four bids for chipping services. Comeau Equipment Company is the low bidder for non-emergency hourly rates.

Pfeifer thinks it sounds like a nice service that residents would use but the Village should be clear on how it is going to operate. She suggested that administration review the history on costs incurred by the Village during an ice storm that occurred about three years ago.

Sharon Tischler of 21415 Virmar Court remarked that there was no discussion at Council budget sessions about providing any new service to residents. She had questions on the proposal including the administrative cost to the Village, an implementation plan, and any saving resulting from branches not being hauled to the landfill by the trash contractor. Tischler thinks that Council needs further information to determine whether spending \$8,000 to provide a village-wide service to the residents would be worth the cost.

Craig responded that the proposal is to offer prearranged chipping service to residents at \$25 for one-quarter hour. Comeau Equipment Company would charge \$23.01 for 15 minutes. The Village would appropriate \$1.99 per 15 minute charge in the first year for administrative fees. In addition to this, it was suggested by Dave Byrwa that the Village provide a community wide clean up for two weeks each May.

The recommendation before Council is to provide this pre-arranged service whereby a resident comes to the Village office to arrange for chipping service. The person is required to pay for the service in advance. Comeau will provide the service to that resident within 48 hours. If the prearranged time period is exceeded, there would be a follow up bill.

Byrwa stated that there have been dozens of calls about removal of branches in the last week or two. There is mature growth in this community and almost everyone does tree and shrub trimming throughout the year. He proposes that a two week spring clean up program at the cost quoted would be under \$2 a household. Craig asked Byrwa to start keeping a log on these requests.

Downey stated that it appears that Council is not prepared to move forward with this program. More information is required. He thinks administration needs to consider the restrictions placed on the current bid relative to the size of limbs and assess the practical need of the program.

APPROVAL OF BILLS RECAPPED AS OF MONDAY, JUNE 7, 1999

MOTION by Stearn, supported by Kennedy, that the amounts from the following accounts be approved for payment.

\$229,198.86	General Fund
18,213.14	Major Road Fund
7,802.50	Local Road Fund
331.70	Capital Projects Fund
12,974.43	Dedicated Millage
54,681.65	Water/Sewer Operation Fund
7,421.39	Trust & Agency Fund

Questions from Sharon Tischler of 21415 Virmar Court and from Buterbaugh were addressed by administration.

Motion passes unanimously.

LIAISON REPORTS

Stearn thanked the Lion's Club for sponsoring the Memorial Day Fun Run. He noted that the Beverly Hills Lion's Club also provided refreshments for the park clean up.

The 17th Annual Memorial Day Parade in the Village was sponsored by the Village Woman's Club of Beverly Hills. Stearn thanked the parade director Mary Ann Troy, carnival director Sheila Seaver and Master of Ceremonies Andy Acho.

Stearn announced that the Friends of Beverly Park will hold its first fund raising dinner at the Birmingham Country Club on September 22, 1999. The Friends of Beverly Park pamphlet will be mailed to all residents next week as part of a fund raising campaign to build a new park entrance and pave the parking lot.

Stearn informed Council and the audience that the Finance Committee will meet on Tuesday, June 15 in the Village office at 7:00 p.m.

Stearn expressed his condolences to the family of Carl Young, employee of Great Lakes Waste Service, who died in a tragic accident in the Village last week.

Kennedy stated that the regularly scheduled Planning Board meeting of June 9 has been canceled. She commented on the recent projects accomplished by the Planning Board and indicated that she is pleased with the work of planning consultant Dave Birchler.

Lison stated that this month the Public Safety Department has been on parade duty; they assisted with a motor vehicle accident involving a hazardous waste spill; they dealt with a terrible industrial accident; and, they had extra duty at Groves High School due to bomb scares. Public safety personnel handled all of these incidents in an expedient and professional manner.

Walsh reported that the Infrastructure Committee met on May 21 at the Village office. They discussed the current policy on improving gravel roads. Spallasso will provide the Committee with

cost estimates on paving with and without curb and gutters plus information on future environmental impact.

The Infrastructure Committee discussed the second phase of the critical structural repairs and the Amherst/Sheridan Relief sewer. A follow up meeting was held on May 24 with Downey, Walsh, Spallasso, Finance Director Wiszowaty and a representative from Hubbell, Roth & Clark. Downey received information necessary to prepare a project status plan. The next Infrastructure meeting is scheduled for Monday, June 28 at 5:30 pm.

Buterbaugh reported on the May 19 Cablecasting Board meeting held in the Village municipal building. The board reviewed the proposed Cable Ordinance and draft Franchise Agreement. There are open items that require further discussion by the negotiating committee and MediaOne.

MANAGER'S REPORT

Hanlin deferred to Village Attorney Ryan to give Council an update on the Linden Nelson building on Southfield Road.

Ryan has provided Council members with the name of the new tenant. However, property owner Linden Nelson asked that this information not be released this evening. Ryan thinks the new company will be a good fit for the Village.

The new tenant will be going to Council for site plan approval for adding parking at the back of the building. The front of the building will be remodeled and opened up. The applicant will be in this week to talk to Spallasso about the drainage situation. The look of the structure from Southfield Road will change substantially. Plans are being finalized.

Ryan informed Mr. Nelson that the Council is anxious for this building to return to a productive, tax-paying entity which is attractive to the Village. Nelson assured Ryan that, as the owner of the building, he has the same interest in returning that property to a productive state.

Ryan related that the owner and tenant have resolved the issue which held up signing of the lease. Nelson has assured Ryan that he will provide the Village with a copy as soon as he receives the lease from corporate headquarters and signs it. It is their intention to begin demolition of the front of the building within two weeks and go through site plan approval process.

Ryan concluded that the Village is close to having a very nice property in the community. The company wants to be a good citizen and will make a long-term investment in Beverly Hills.

Craig expressed concern with possible further delays. He was informed that the letter from Comerica Bank which protects the Village was extended until August. Craig commented that there has been discussion in the community about the improvement and beautification of Southfield Road. This is one of the bigger buildings about to undertake a major renovation with a major tenant. This may be an opportunity for quality redevelopment on the Southfield Road corridor between Beverly and 13 Mile Roads.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court commented that the list of bills approved this evening contained two payments for college reimbursement for public safety employees. She reiterated her suggestion that a policy be set whereby employees receiving reimbursement for college tuition remain in the Village's employ for a certain time frame after receiving a degree.

COUNCIL COMMENTS

Kennedy commented that she recently attended a board meeting of the Birmingham Coalition. She applauded volunteers from that group who participated in a booth at the Birmingham Shain Park Fair.

Kennedy thanked Sheila Seaver, Mary Ann Troy, and Heather Jenkins for their efforts in coordinating the Memorial Day Parade and Carnival and thanked special guest and fund raiser John Mooney who sat in the dunk tank to raise money for Beverly Park.

Kennedy mentioned that there will be a reception after the next Council meeting to honor Gerry Miley and Ann Woodman, long time volunteers of the Village.

Downey referred to a recent Detroit News article entitled "Are you getting your money's worth?". The newspaper surveyed and ranked 127 Metro communities relative to municipal taxes charged and services provided. It ranked communities on quality of life, public safety, and municipal services. Downey has not spoken to anybody who was not offended by that article. The people who live in Beverly Hills think it's a great place to live.

Walsh concurred that the article was flawed and commented on how the ranking was done. Buterbaugh also commented on the Detroit News article and talked about how statistics can be skewed.

Buterbaugh received a letter from a resident on Inglewood who asked if the Village would reimburse him in the amount of \$550 for the cost of spraying a tree in his backyard for Gypsy Moths. Buterbaugh stated that the Gypsy Moth was viewed as a major infestation in the area and the Village did conduct a village-wide spraying program in past years. The Village does not have the resources to spray individual trees. Pasiaka will respond in writing to this resident.

Craig stated that he appreciated the work of all the volunteers who made the Memorial Day parade and carnival a great success. He recognized Andy Acho who has been the voice of the Memorial Day Carnival for the last nine years.

Craig recognized Larry Sabbath, Bill Kondack and Bill Doherty, who have been active and involved in Boy Scout Troop 1024 out of Beverly school. They will be leaving the troop and Craig thanked them for their huge dedication of time.

Craig stated that two major incidents occurred in the Village since the last Council meeting. There was a serious traffic accident at 13 Mile and Evergreen Roads last Tuesday that started in the middle

of intersection. The Southfield Police Department took jurisdiction. The following day, an employee of the trash haulers, Great Lakes Waste Service, was killed in an accident near the Village office. Craig was on the scene at both incidents and was congratulated on the way the Beverly Hills Public Safety Department handled the incidents.

MOTION by Lison, supported by Buterbaugh, that the meeting be adjourned at 11:21 pm.

Motion passes unanimously.

Andrew Craig
Council President

Ellen E. Marshall
Village Clerk