

Present: President Pro-Tem Pfeifer; Members: Craig, Domzal, Downey, Munguia and Walsh

Absent: Stearn

Also Present: Village Manager, Murphy
Public Services Director, Spallasso
Assistant to the Manager, Pasioka
Village Attorney, O'Brien
Director of Public Safety, Woodard

President Pro-Tem Pfeifer called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

APPROVE MINUTES OF MONDAY, AUGUST 6, 2001 COUNCIL MEETING

On page 5 under "Approval of Bills", correct the Major Road Fund amount to read "\$17,949.88".

MOTION by Downey, supported by Walsh, that the minutes of the August 6, 2001 Council meeting be approved as amended.

Motion passes unanimously.

PUBLIC COMMENTS

There were no public comments at this time.

REFER REVISED SITE PLAN, LOT SPLIT AND REZONING REQUEST FROM CHARRINGTON CROSSING CONDOMINIUMS TO THE PLANNING BOARD FOR REVIEW AND RECOMMENDATION

The Charrington Crossing detached condominium development is located on Greenfield Road just north of 13 Mile Road. Council is in receipt of a request from developer James Merritt, President of Charrington Associates, for review and approval of a revised site plan that would incorporate additional land into the boundaries of Charrington Crossing for the purpose of adding two building sites. The proposal includes a lot split application and request to rezone the R-2 parcel to R-3 to be consistent with the zoning of the condominium development.

The original 18 units approved for the condominium community in 1998 have been completed. Prior to seeking site plan and rezoning approval for the original 18 lots, the developer unsuccessfully sought to purchase the property that is the subject of this lot split, rezoning, and site plan request.

Mr. and Mrs. Nowicke now own the house and property at 15705 Amherst, which includes land abutting Charrington Court. They came before the Village Planning Board in July of this year requesting a lot split in order to create a buildable lot on a landlocked parcel. The lot split would result in a flag lot with a long asphalt driveway coming from Amherst. The

Planning Board conducted a preliminary review of the proposal and tabled the request in order to receive a complete application.

Since that time, the Nowickes have come to an agreement with the developer of Charrington Crossing that would allow him to acquire the parcel abutting Charrington Court and complete the development as originally intended. This represents a significant deviation from the original site plan that will involve a lot split and rezoning of property.

MOTION by Downey, supported by Walsh, that the Village Council refer the revised site plan, lot split, and rezoning request from Charrington Crossing Condominiums to the Planning Board for review and recommendation.

Pfeifer stated that, at the time the Village was in receipt of a lot split request for 15705 Amherst, she indicated that she would recuse herself from taking action as a Council member because this parcel is adjacent to her property. However, Pfeifer did not want to give up her right as a citizen to be able to speak on this topic.

Pfeifer noted that there is now an official Charrington Crossing Condominium Association, and she sits on the Board of Directors. Pfeifer assured Council that if they or she feels that there is a conflict of interest, she will recuse herself from voting on this item.

It was mentioned that both the Planning Board and Council will hold public hearings on the lot split, rezoning request, and site plan review. Council is aware that there is a 45 day review period mandated for lot split requests as outlined in the Beverly Hills Subdivision Ordinance. It was noted that the requirement to respond to a lot split request in 45 days is not applicable until a complete application has been submitted and accepted by the Village.

Motion passes unanimously.

CONSIDER COMMITTEE RECOMMENDATIONS TO FILL VACANCY ON THE ZONING BOARD OF APPEALS

Munguia stated that a subcommittee of himself as chair, Pfeifer and Downey met at 7:15 p.m. prior to the Council meeting to review an application to fill a vacancy on the Village Zoning Board of Appeals. It was the unanimous recommendation of the subcommittee to appoint Jon Oen of 32061 N. Verona Circle to fill this position.

MOTION by Munguia, supported by Craig, to appoint Jon Oen of 32061 N. Verona Circle to the Zoning Board of Appeals for a term to expire on June 30, 2004.

Motion passes unanimously.

APPROVE PURCHASE OF PATROL CAR FOR PUBLIC SAFETY DEPARTMENT
Funds were allocated by Council in the 2001/02 fiscal year budget to purchase one new patrol vehicle to replace vehicle #114, which is expected to exceed 70,000 miles this year. Unfortunately, there was an accident in July involving patrol vehicle #121, which sustained

enough damage for the insurance carrier to total the vehicle and provide the Village with a pay off amount of \$14,080. The Department is currently one patrol vehicle short.

The alternate plan proposed is to use the budgeted amount of \$24,000 to purchase a replacement vehicle for #121 while retaining #114 in the fleet until the next budget year if possible. The \$14,080 from the insurance carrier will be set aside in this fund. Plans for annual vehicle purchases will be re-evaluated next year in light of fleet issues that exist. It is anticipated that both vehicles #114 and #117 will have over 70,000 miles and be eligible for replacement at that time.

RESOLVED by Craig, supported by Downey, that the Village Council award the purchase of one new 2002 Ford Crown Victoria patrol vehicle to Signature Ford of Perry, Michigan in the amount of \$21,374.30 through the extended Macomb County cooperative bid arrangement. Funds are available for this purchase in Account #101-900-979, Capital Purchases: Vehicle Purchases.

Roll Call Vote:
Resolution passes unanimously.

APPROVE AMENDMENT TO THE WATER MAIN CONTRACT

Before Council for consideration is a Change Order to the contract for the Village's water main replacement program that will authorize additional quantities to replace a water main on Sylvan Lane. The six inch main on Sylvan Lane between Warwick and Bedford has experienced four breaks in approximately ten days.

RESOLVED by Walsh, supported by Craig, to approve Change Order #1 to Contract W-01-02 Water Main Replacement Program to replace the water main on Sylvan Lane at a cost of \$66,585.00.

Questions from Council were addressed by Spallasso. The original contract price for the current water main replacement program was approximately \$450,000. This addition will result in a revised contract price of \$515,305. Spallasso remarked that sufficient funds are available in the Water and Sewer Improvement Fund to cover this additional work.

Roll Call Vote:
Motion passes unanimously.

APPROVE BILLS

MOTION by Pfeifer, supported by Walsh, that the bills from a period of 8/07/01 through 8/20/01 be approved for payment in the following amounts:

\$245,607.03	General Fund
7,779.91	Major Road Fund
3,505.96	Local Road Fund
1,341.65	Capital Projects
96,279.79	Water/Sewer Operation Fund

2,335.46 Trust & Agency Fund

\$356,849.80 Total

Questions on the bills were addressed by administration.

Motion passes unanimously.

LIAISON'S REPORT

Domzal stated that the Village Finance Committee will meet tomorrow, August 21 at 7:00 p.m. in the Village municipal building. The principle item on the agenda is a review of Village investment policies. The Finance Committee looks forward to a joint meeting with Council in September.

The Parks and Recreation Board met last Thursday, August 16, 2001. There was discussion on park pavilion rental rates and fees for reserving the ball diamonds. A recommendation on park fees for 2002 will come before Council for consideration.

A plywood sign has been erected at the park entrance to announce that park improvements are coming soon.

Domzal stated that Hubbell, Roth & Clark has been retained by the Village to do the engineering work for the park improvement program. He outlined the scope and cost of the current contract work with HRC and the estimated cost of developing engineering and construction documents for the entire five-year program.

This is an important and visible project for the community. Phil Schmitt, chairperson of the Parks and Recreation Board, Council members Stearn and Domzal, Village Manager Murphy, and members of the administrative staff are working together on this undertaking.

Domzal announced that there is a Concert in the Park this Sunday, August 26 at 4:00 p.m. that will feature the Birmingham Concert Band.

The regular Planning Board meeting scheduled for Wednesday, August 22 has been cancelled. Downey reported that the Planning Board will hold a public discussion on the 14 Mile Road Corridor Plan on Wednesday, September 26, 2001 at 7:30 p.m. in the municipal building. A public hearing on the Pathway Plan is scheduled for October 1, 2001 at Berkshire Middle School at 7:30 p.m.

Munguia stated that the next Zoning Board of Appeals meeting will be held on Monday, September 10.

Walsh announced that the Retirement Board meeting scheduled for Tuesday, August 21 was rescheduled to Tuesday, August 28, 2001 at 7:30 in the Public Safety Department building.

Pfeifer commented that the Birmingham Area Cable Board (BACB) welcomed new member from Beverly Hills Carol Woodard at its August 15 meeting. She reported that the Cable Board is in the process of developing a web site with the assistance of the Birmingham Schools. The BACB is inviting all public and private high school students in the consortium area to participate in a contest to create an identity logo for the Municipal/Library Access Channel 15. The new logo will be used on the mobile production van and have other applications.

Pfeifer informed Council that the Cable Board approved a \$75,000 grant to the Birmingham Public Schools to be used for the purchase of cable related equipment.

MANAGER'S REPORT

Murphy reminded everyone that the October 1, 2001 Council meeting will be held at Berkshire Middle School to accommodate the Pathway Master Plan public hearing. The Planning Board is having a public information meeting on its 14 Mile Road Corridor study on September 26, 2001 at the Village municipal building. The next Concert in the Park will be held this Sunday, August 26 at 4:00 p.m.

Murphy stated that design specifications and bid documents as well as overall design concepts for park improvements will come before Council for review and approval before further action is taken. Depending on the timing of Parks and Recreation Board review of CMI grant related plans, Council approval of those plans, DNR authorization to go forward with the project, and the weather, it is likely that the Village could see work begin on the front end of the park as early as this fall.

Murphy noted that there will be a Council study session on Monday, August 27, 2001 for the purpose of discussing strategies and visions for the Village. This public meeting will be held in the conference room at the offices of Hubbell, Roth & Clark located at 2001 Centerpoint in Pontiac.

Murphy addressed a question from Walsh on the schedule for public hearings for the Charrington Crossing site plan, lot split, and rezoning proposal. It may be necessary to hold a special meeting to meet the mandated 45 day response time for a lot split request.

PUBLIC COMMENTS

Norm Downey of 23042 Nottingham Drive voiced concern about the poor quality of the concrete road repairs in Nottingham Forest. There are cracks in the concrete poured last summer in some locations. He asked what is being done about repairing last year's work and what is being done this year so that there will be quality and cost effective concrete replacement.

Spallasso stated that the Village entered into a long term contract last year to generate better prices. The contractor has agreed to include repair of cracked concrete in locations that were replaced last year as part of this year's project at no cost to the Village. The field inspector is assessing the situation and repairs are being made. Spallasso related measures being taken

to assure a quality operation. He emphasized that there is a certified concrete inspector on the job during this year's program

Bob Golden of 30625 Stellamar Drive stated that his property backs up to the Our Lady of Albanians Church on 13 Mile Road. The people in his neighborhood do not look forward to Labor Day Weekend because of the three day festival held by the church, which generates excessively loud music, litter of adjacent property, and driving through people's yards. There is no consideration shown to area residents. Golden asked if the church is granted a permit every year to serve alcohol.

Pfeifer responded that Council realizes that this has been a problem. Public Safety Director Woodard has been in contact with church representatives in an attempt to alleviate problems associated with this event. Woodard outlined changes that have been worked out with the church this year. The music at the festival has been limited to two days, Sunday and Monday only. The Beverly Hills Public Safety Department is committing four officers on Sunday and Monday to the site, unless there is another significant event in the Village that requires their response. The officers will be on foot in the area and will deal with issues along with the security people provided by the church to control the situation. Woodard stated that the church is instituting its own campaign within the parish to educate its members on the issues. He anticipates that there will be a different result with better communication at the site and a constant presence of a public safety officer.

Thelma Golden complained that the noise is excessive and disruptive to area residents. She asked if there is an acceptable decibel range for how loud music can be played outdoors. The Golden's were informed that there is an ordinance stating that the music cannot start before 7 a.m. and must end by 10 p.m. There is a decibel level limit that cannot be exceeded during those hours. It was noted that the Village does not have a decibel reader.

Pfeifer stated that the Village can consider withholding the liquor license next year if there continues to be problems with this event. A festival cannot be denied to a non-profit organization that is exempt from the assembly ordinance.

Craig added that the Village has discussed problems with the church including parking along 13 Mile Road, failure to use the Groves parking lot as promised, excessive noise, and drunk and disorderly behavior of participants. The church has addressed these complaints and agreed to make changes that should result in improving this situation this year. He agreed that the Village has the option of withholding the liquor license if there are continued problems.

Sharon Tischler of 21415 Virmar commented on the parking problems that were experienced in past years during this festival. Parking on 13 Mile Road creates a hazard, particularly at night. She does not believe that there was strict enforcement of the "no parking" signs posted on 13 Mile Road last year. Tischler recalled that, at the time the church requested Village approval for construction of the pastor's residence on the site, church representatives agreed to use Groves High School parking lot for overload parking and to shuttle people back and forth.

Woodard stated that public safety officers will address parking violations and will have cars towed when appropriate. There are no plans in place to barricade streets in that square mile. The participants will be encouraged to use the Groves parking lot.

COUNCIL COMMENTS

Council members had further comments and questions on the Our Lady of Albanian Church festival held on Labor Day weekend.

Munguia commended Murphy on providing Council members with written status reports during weeks when Council does not meet. He suggested that these reports could be e-mailed to Council members. Munguia welcomed Jon Oen to the Zoning Board of Appeals.

Craig gave tribute to two individuals close to this community who were killed in a car accident last Friday. Suzanne Rustoni of Rochester Hills and Jeffrey Valade of Birmingham were Birmingham Groves High School swim coaches en route to a whitewater rafting trip in Pennsylvania. The Birmingham School District will have grief counselors on hand this week to help students and friends of these individuals. There are a lot of saddened hearts at Groves High School.

Craig related that Pat and Rick Valade moved into Westwood Estates in 1986 with their son Jeff and daughters Jennifer and Julie. They resided there until they moved last December after their kids were grown. Craig mentioned that Jeff Valade was also the manager of Beverly Hills Swim Club last year. Craig speaks for the whole community in expressing our deepest sympathies to Jeff's family and friends and personal condolences to his parents, Pat and Rick Valade.

Domzal commented that his daughter is on the swim team and was on the bus traveling to Pennsylvania last weekend. He commended the school system for its support of the administration at this difficult time.

Domzal observed that there is brush obstructing the line of site of a motorist making a left turn to go eastbound on 13 Mile from the Standard Federal Bank at 13 Mile and Lahser Roads. Spallasso will have the DPW staff take a look at this tomorrow and correct the situation.

Domzal questioned whether Council meeting agendas could be posted on the Village web site. He also suggested including at least one substantive, long-term planning issue on lighter Council meeting agendas.

Domzal announced that there will be a special meeting of the Parks and Recreation Board on Thursday, August 30 at 7:30 p.m. in Beverly Park for the purpose of reviewing plans for CMI grant related projects.

In response to an inquiry, Murphy stated that the joint Council and Finance Committee meeting is tentatively scheduled for September 18.

As an advocate of continuous improvement, Downey would also like to see Council address looming issues when there is not a full agenda.

Downey referred to the public hearing on the Pathway Plan scheduled for October 1. He understands that the Village has not decided whether it will proceed with any additional sidewalk construction. Downey noted that the Village is in the process of conducting an extensive study of ditching needs in the community which involves surveying of properties and assessing priorities. Because both projects require similar engineering details, he asked administration to consider whether there may be an opportunity to integrate the ditching study with future projects that may take place.

Downey commented that he appreciates the manager's regular reports to Council on the state of the Village. He requests that Council receive a similar report from the Public Services Department on the status of current projects.

Downey reviewed that he has demonstrated interest in the past about ground water retention ordinances or policies on the part of the Village. It has been brought to his attention by Planning Board member John Smith that SEMCOG has "boiler plate" ground water retention ordinance language. He would be interested in this material.

Downey remarked on what the community has lost with the passing of Suzanne Rustoni and Jeffrey Valade. He extended condolences to their families and the members of the Village who have suffered by this loss.

Pfeifer brought to the attention of Village residents that the Community House and the Birmingham Community Coalition are co-sponsoring their second annual Michigan Father's Conference to take place on Saturday, October 6, 2001 from 8:30 a.m. to 12:00 p.m. Additional information can be received by calling the Community House at 644-5832.

MOTION by Downey, supported by Walsh, to adjourn the meeting at 8:54 p.m.

Motion passes unanimously.

Dorothy Pfeifer
President Pro-Tem

Ellen E. Marshall
Village Clerk