

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

Absent: None

Also Present: Village Manager, Murphy  
Public Services Director, Spallasso  
Assistant to the Manager, Pasieka  
Village Attorney, Ryan  
Director of Public Safety, Woodard

President Stearn called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road. Pfeifer led those in attendance in reciting the Pledge of Allegiance.

### **APPROVE MINUTES**

A correction was made on page 5, under “Approval of Bills” to correct the General Fund amount to “\$186,203.83”.

MOTION by Walsh, seconded by Pfeifer, that the minutes of a regular Council meeting held on November 19, 2001 be approved as amended.

Motion passes unanimously.

### **PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA**

Leslie Wilson of 31055 Marlin Court lives in the area of 13 Mile Road and Lahser near the former Standard Federal Bank. She has observed vehicles from the County building parked in that parking lot since the bank closed. There are also cars with “for sale” signs on them parked in the lot. Wilson questioned the intention of the owner of that property.

Wilson also mentioned that leaves have accumulated in the ditches near the bank site and ground water is not draining properly, which is affecting her property.

Spallasso related that he has talked to the director of the Road Commission for Oakland County about County vehicles parking in the former Standard Federal bank parking lot. Spallasso was informed that County personnel have permission from the property owner to use that parking lot only during construction of a retaining wall at the County building. Spallasso will follow up on the drainage issue.

Phil Schmitt of 18103 Riverside, chairperson of the Parks and Recreation Board, stated that he learned at the November 19 Council meeting that Alan Cobleigh, a retired ten-year member of the Parks and Recreation Board, was recently honored in a ceremony at the Township of Southfield building. The Beverly Hills Lions Club purchased a new flag pole for the Township offices and dedicated it in honor of Alan Cobleigh. The Parks and Recreation Board supports this recognition of Cobleigh’s service to the community and his country and would have been there

to support him if they had known of the event. The board commends Cobleigh for the great job he did as a community volunteer, and he will be missed on the Parks and Recreation Board.

**CONSIDER RECOMMENDATION TO FILL VACANCY ON THE PARKS & RECREATION BOARD**

Domzal stated that a subcommittee consisting of Craig, Walsh and himself met prior to tonight's Council meeting to review applications for the vacancy on the Parks and Recreation Board. It was the subcommittee's unanimous recommendation to appoint Daniel Nelson of 32311 Sheridan to the position recently vacated by Alan Cobleigh for a term to expire on June 30, 2002.

MOTION by Domzal, seconded by Craig, to appoint Daniel Nelson of 32311 Sheridan to fill the unexpired term of Alan Cobleigh on the Parks and Recreation Board.

Motion passes unanimously.

**AUTHORIZE PREPARATION OF PLANS AND SPECIFICATIONS FOR PAVING SPECIAL ASSESSMENT DISTRICT ON HUMMEL COURT**

Residents of Hummel Court submitted a petition in March of 2000 requesting that the Village pave their street. Before Council for consideration tonight is an updated petition dated November 27, 2001 signed by the eight property owners on Hummel Court. Walsh explained that the delay in paving this area was due to water main work and drainage problems, which have now been corrected. Walsh proposes authorizing the expenditure of funds to prepare engineering plans and specifications for this paving project. The work would commence in the spring or early summer.

RESOLVED by Walsh, seconded by Pfeifer, to approve the proposal of Hubbell, Roth & Clark for engineering services for the Hummel Street Paving Special Assessment District not to exceed \$12,236.00.

In response to an inquiry, Spallasso clarified that the Village has participated in up to 20% of the construction cost of past paving projects initiated through a special assessment district. He suggests the same level of participation by the Village unless Council chooses to change its policy. This is not a budgeted item, but Council can allocate funds for its share of the project in the 2002/03 budget. The cost of the work is projected to be less than \$100,000 and it is estimated that \$20,000 will cover the Village's share.

Pfeifer noted that engineering costs for this paving work will be included in the total project cost to be recovered by the Special Assessment District.

Sharon Tischler of 21415 Virmar Court referred to the minutes of the Monday, November 19 Council meeting, at which time Council set a date for a Necessity Hearing on the Hummel Court paving for tonight, December 3.

Ryan explained that the ten day notice required for the Necessity Hearing was not met due to the Thanksgiving holiday. Council decided to proceed with preparation of plans and specifications and to hold the Necessity Hearing at a later date at which time the engineering plans will be available.

Roll Call Vote:

Resolution passes unanimously.

**REFER LOT SPLIT REQUEST FROM 32639 VALLEY RIDGE TO PLANNING BOARD FOR REVIEW, RECOMMENDATION AND PUBLIC HEARING**

Downey outlined a proposal before the Village for a lot split at 32639 Valley Ridge.

MOTION by Downey, seconded by Walsh, that Council refer a lot split request at 32639 Valley Ridge to the Village Planning Board for review and recommendation.

Walsh questioned whether the 45-day time limit mandated by State Law for review of lot splits will be met. Murphy responded that the Village will fall within eight days of the deadline by having a Planning Board public hearing on December 12 and a Council public hearing on January 7, 2002. Notices have been mailed for the December 12 Planning Board public hearing.

Motion passes unanimously.

MOTION by Downey, seconded by Walsh, to set a Council public hearing date for Monday, January 7, 2002 on the lot split request at 32639 Valley Ridge.

There were members of Council who preferred to set the Council public hearing date after a recommendation is received from the Planning Board on the lot split proposal. Time constraints would allow this.

Roll Call Vote:

Pfeifer	- no
Stearn	- yes
Walsh	- yes
Craig	- no
Domzal	- yes
Downey	- yes
Munguia	- no

Motion carries (4 – 3).

**REVIEW AND CONSIDER BUILDING PERMIT FEE STRUCTURE**

Downey reviewed that some months ago the Village Council requested administration to compare a proposed Village building permit fee structure against the requirements of the Construction Code Act and to contrast the fees against those charged by neighboring communities. State of Michigan Code allows a municipality to recover the costs of rendering services without making a profit. Administration has determined that the direct and indirect costs of construction permits in 2000/01 exceeded construction permit revenue by \$32,517.

Downey commended administration on its comprehensive review of building department fees. Village Ordinance requires that Council adopt a resolution approving a permit fee structure. He asked Manager Murphy to outline the proposed changes in the fee structure.

Murphy explained that the report was broken down into five different categories; Building Permits, Electrical Permits, Plumbing Permits, Heating Permits and Other Permits. There were 171 building permits issued in fiscal year 2000. Of the 171 permits, 39 were for additions and 43 covered remodeling projects. This makes up the significant majority of types of permits issued, and this is what was used as the basis of our analysis. The typical family room addition averaged about \$60,000. Remodeling projects involving kitchens or bathrooms averaged \$15,000. These costs were used to compare what Beverly Hills charges versus what its neighbors charge.

Murphy outlined the results of the comparison of fees with neighboring communities. The review shows that the proposed Plumbing, Heating and Electrical permit fees are appropriate and in compliance with the Construction Code Act. A review of the Building permit fees indicates that the proposed fee structure is below market. The review also shows that the Village is well in keeping with the Construction Code Act. The Village could further increase building permit revenues by adopting the flat rate suggestion to charge \$45.00 for the first \$1,000 valuation and \$10.00 per \$1,000 thereafter and still be in compliance with the Construction Code Act.

Murphy stated that adoption of the recommended fee schedule would enable the Village to reduce the \$32,000 annual shortfall to about a \$10,000 annual shortfall using fiscal year 2000 permit data. He maintains that this is a reasonable increase.

It is the recommendation of administration that the Village Council adopt the proposed changes to the Plumbing, Electrical, and Heating fee structure. With regard to the Building Permit fees, Village staff recommends that Council adopt the proposed Building Permit fees using the flat rate suggestion. It is recommended that Council approve charging actual direct cost for site plan and other zoning review requests. All proposed fees are in keeping with the Construction Code Act and would help to reduce the Village's annual shortfall to the Building Department.

RESOLUTION by Downey, seconded by Walsh. Whereas, the Village of Beverly Hills Council finds that the Village's costs for providing construction permits far exceed the revenue received for services based on the current fee schedule, it is resolved to adopt the proposed fee schedule outlined in a letter dated November 26, 2001 from Village Manager Brian Murphy to Council.

Questions from Council and the public on the new fee schedule were addressed by Murphy.

Roll Call Vote:  
Resolution passes unanimously.

**CONSIDER PURCHASING ELECTRIC EYE FOR OVERHEAD FIRE HALL DOORS**

Funds in the amount of \$2,500 were budgeted for the 2001/02 fiscal year for installation of photo-electric sensors on three of the six fire hall doors. The pneumatic tubes on the rear doors have deteriorated over time and have been deactivated. Competitive quotes were received from three vendors and range from \$1,260 to \$2,100.

RESOLVED by Craig, seconded by Pfeifer, that the Village Council approve the purchase of three photo-electric door sensors from Overhead Door Company of Shelby Township, the lowest price quote meeting specifications. This contractor has performed satisfactory work for the Public Safety Department in the past. The parts and labor quote is for \$1,260, and funds are available in Account #101-345-934 Public Safety: Building and Grounds. This purchase represents a \$1,240 savings over the budgeted amount.

Roll Call Vote:

Resolution passes unanimously.

**SECOND READING AND CONSIDERATION OF ORDINANCE #307 AMENDING THE ZONING MAP OF CHAPTER 22 OF THE MUNICIPAL CODE**

Downey reviewed that Council considered a request from Charrington Associates for a land division, rezoning, and approval of an amended site plan involving a 0.54 acre parcel adjacent to the Charrington Crossing condominium development on Greenfield Road just north of 13 Mile Road. Council held a public hearing on October 1, 2001 and approved a proposal to split a lot from existing property at 15705 Amherst, rezone it from R-2 to R-3, and amend the Charrington Crossing site plan to include that property in the condominium development. The property was rezoned from R-2 to R-3 in order to develop the land in conformance with the existing development.

It is proposed to adopt Ordinance #307 that would amend Chapter 22, being the Zoning Ordinance for the Village of Beverly Hills, to amend the Zoning Map to change the designation of Parcel No. 24-01-477-002 from R-2 to the R-3 zoning district.

RESOLVED by Downey, seconded by Domzal, that the Village of Beverly Hills Council adopt Ordinance No. 307.

Roll Call Vote:

Resolution passes unanimously.

**ORDINANCE NO. 307**

AN ORDINANCE TO AMEND CHAPTER 22, BEING THE ZONING ORDINANCE FOR THE VILLAGE OF BEVERLY HILLS.

The Village of Beverly Hills Ordains:

Section 1.01. That Chapter 22 of the Village of Beverly Hills Code, being the Zoning Ordinance, the same is hereby amended by amending the Zoning Map attached hereto, incorporated by reference and made a part hereof, that the following described property is changed from:

R-2 to R-3, Parcel Identification  
No. 24-01-477-002

Section 2.01. Public hearing having been held by the Planning Board and Village Council, the provisions of this Ordinance shall take effect 20 days after publication.

Made and passed by the Village Council of the Village of Beverly Hills this 3<sup>rd</sup> day of December, 2001.

**REVIEW AND CONSIDER PUBLIC SAFETY PENSION EXPERIENCE FACTORS**

Walsh reviewed that Council authorized Gabriel, Roeder, Smith and Company to perform an actuarial review of valuation assumptions and funding policies for the Public Safety Officers' Retirement System. The review was conducted for the purpose of updating actuarial assumptions used in valuing the Retirement System actuarial liabilities establishing employer contribution rates. The annual actuarial valuation report is based on these assumptions. Walsh noted that a five year experience study has not been performed in ten years. The investigation was based upon statistical data during the period of January 1, 1996 through December 31, 2000.

The findings of the Five Year Experience Study were presented to the Retirement Board at its November 20 meeting. The actuaries looked at the people in the plan in the last five years and considered rates of withdrawal or quits, disability, salary increases for members, retirements, mortality among active members, retirants, and beneficiaries. They looked at investment returns to be generated by assets in the plan. The actuaries are recommending adjustments to the experience data for assumptions relative to rates of quit, pay increases, retirements and mortality figures. Alternate economic assumptions were also recommended, which would increase the spread between the investment return and inflation assumption from 2.0% to between 3.0% and 3.5%.

Walsh explained that the suggested changes in the experience data technically increase the recommended contribution. The new assumptions increase the cost of the plan. However, less conservative economic assumptions are recommended that will bring the plan back in the other direction. The recommended contribution is still zero at this time.

Walsh proposes that Council approve the Five Year Experience Study and adopt the recommendation of the Retirement Board with respect to a change in the economic assumption used to conduct the annual actuarial valuation report.

RESOLVED by Walsh, seconded by Pfeifer, to approve the Gabriel, Roeder, Smith and Company Five Year Experience Study for the Village of Beverly Hills Public Safety Officers Retirement System covering a period from January 1, 1996 through December 30, 2000 and to adopt Alternate 1 as the economic assumption to be used in the annual actuarial valuation reports.

Council discussed the results of the Experience study.

Roll Call Vote:  
Resolution passes unanimously.

**APPROVE BILLS**

MOTION by Pfeifer, supported by Craig, that the bills from a period of 11/20/01 through 12/03/01 be approved for payment in the following amounts:

\$283,012.97	General Fund
14,141.61	Major Road Fund
25,840.65	Local Road Fund
15,508.33	Capital Projects Fund
13,613.97	Dedicated Millage
31,813.13	Water/Sewer Operation Fund
48.48	Trust & Agency Fund
<u>\$383,979.14</u>	Total

Motion passes unanimously

### **LIAISON'S REPORTS**

Munguia reported that the Zoning Board of Appeals will meet on Monday, December 10.

Walsh related that the Retirement Board met on Tuesday, November 20 and received a presentation on the Five Year Experience Study for the Public Safety Officers Retirement System. Another agenda item was a review of the quarterly investment report to determine the investment performance of the fund. Walsh commented on the loss experienced in the fund in the last quarter. The fund is currently at approximately \$13.1 million as of 9/30/01.

At the recommendation of fund manager Tom Mudie, the board took action by a unanimous vote to transfer funds from the Munder Bond Fund in the amount of approximately \$4.6 million into the Munder Intermediate Bond Fund.

Pfeifer attended a Birmingham Area Seniors Coordinating Council (BASCC) meeting at which time the organization dedicated its second van for transporting seniors who are not able to provide their own transportation.

Pfeifer reported on a Birmingham Area Cable Board meeting held on November 20. The board spent a great deal of time addressing customer complaints with Comcast representatives. It is understood that the cable company is going through a year of transition. The Cable Board took action at that meeting to formally notify Comcast that it is in default of certain sections of the Cable Ordinance and Franchise Agreement.

Comcast has announced a new channel lineup effective December 18. Pfeifer outlined changes in the analog and digital cable services. Comcast representatives can be contacted at 1-888-Comcast.

Downey stated that there was further discussion at the last Planning Board meeting of November 28 on the Evergreen Road portion of the Pathways Plan, and a recommendation will be forthcoming. He commented that a point was made by a member of the board that the current map in the Pathways Plan has not been updated to reflect Council action to remove the pathway on Evergreen Road.

Downey stated that Council has received for its review a copy of the 14 Mile Road Corridor plan prepared by the Planning Board and planning consultant. This report will come before Council for consideration in January.

The Pathway Advisory Committee will hold its first meeting in January. Educational and background material is being compiled for committee members.

Domzal stated that the Finance Committee will meet next Tuesday, December 11 at 7 p.m. to work on the five year capital plan.

On behalf of public safety, Craig asked everyone to please use good judgment during the upcoming holiday festivities.

### **MANAGER'S REPORT**

The Road Commission for Oakland County is holding an informational meeting regarding the proposed 14 Mile Road improvements on December 4 from 4:00 p.m. to 7:00 p.m. in the Media Center at Pierce Elementary School.

The Finance Committee is moving its December meeting up one week to December 11 at 7:00.

Murphy reminded everyone that the luminaria sale will take place on December 8 and December 15 at the Village Hall.

### **PUBLIC COMMENTS**

Sharon Tischler of 21415 Virmar Court commented that most jurisdictions she is aware of are served by Comcast. She questioned how much of southeastern Michigan Comcast serves and if Comcast has become a monopoly in this area.

Craig related that the cable industry was fragmented in its early years. Through consolidation, there are now a few large companies providing cable services. Those corporations are swapping customers in an attempt to acquire contiguous service areas. Craig emphasized that the Village's franchise with Comcast is not exclusive. The Village could consider a franchise agreement with another provider that wanted to offer service to its residents.

### **COUNCIL COMMENTS**

Munguia commended the staff for the resurfacing accomplished on Pierce and Beverly, and thanked Spallasso for his usual good work. Munguia congratulated Dan Nelson on his appointment to the Parks and Recreation Board. Nelson is the President of Greenfield-Beverly Homeowners Association, which covers about 800 homes on the east side of Southfield. He will make a fine addition to the Parks and Recreation Board.

Members of the Beverly Hills Lions Club are posted at various Village businesses as part of its annual candy cane drive, the proceeds of which go towards programs that the Lion's Club supports for the visually challenged.

Pfeifer announced that the Road Commission for Oakland County will hold an information meeting on the 14 Mile Road improvements tomorrow, December 4 from 4-7:00 p.m. at Pierce Elementary School. She emphasized that this will be an informal open-house type of meeting with displays available and personnel in attendance to answer questions.

Downey reminded residents that the Village Woman's Club of Beverly Hills is selling posters and cards available at the municipal office with the proceeds going towards improvements to Beverly Park. The posters and cards feature a photograph of a winter scene in Beverly Park taken by local artist Chuck Krause.

Downey observed that the retaining wall at the Road Commission building at 13 Mile and Lahser Roads has been rebuilt.

Domzal commented that he received a note from Haven thanking Council for its contributions. Haven is appreciative of the support from Council and throughout the community. Domzal welcomed Dan Nelson to the Parks and Recreation Board and looks forward to working with him. The next board meeting will be held in January.

Domzal related that he talked to people in his subdivision, Nottingham Forest, about a couple of issues. The homeowner association has funded all new street signs within the neighborhood. This is being done by other Village subdivisions and adds value to the community. Domzal would like to see some level of uniformity, particularly on main roads, as subdivisions undertake upgrading their street signs.

Spallasso asked that the Nottingham homeowner association submit its proposal for this project to his office for review as the other subdivisions have been doing.

Domzal stated that the residents he spoke with have concerns about the condition of their roads. Some of the streets are breaking up. He questioned whether there is a policy decision to be made as to whether the Village should replace sections of concrete with concrete or with asphalt. Domzal thinks that Council needs to address this issue as part of its budget discussion of local road improvements.

Spallasso related that the current policy established by Council a number of years ago is that urgent repairs are done in kind in the case of concrete streets. The Village will cap a concrete road with asphalt when a large segment of road is being repaired. Council could revisit this issue during budget deliberations to determine what the Village can afford. Spallasso will provide updated cost comparisons at Domzal's request.

Craig stated that luminaria sales are from 10-2:00 at the Village office on this coming Saturday and Sunday. Craig reminded residents that these are the last two weeks to put leaves out at the curb for pickup. He wished those of Jewish faith a Happy Hanukkah at the start of the holiday on December 10.

MOTION by Pfeifer, seconded by Walsh, to adjourn the meeting at 8:43 p.m.

Motion passes unanimously.

**Todd Stearn**  
**Council President**

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