

Present: Council President Downey; Members: Domzal, McCleary, Pfeifer and Schmitt

Absent: Mooney and Woodrow

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

President Downey called the meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

#### **ADDITIONS TO AGENDA – APPROVE AGENDA**

Motion by Pfeifer, seconded by Schmitt, to approve the agenda as published.

Motion carried.

#### **PUBLIC COMMENTS**

Sharon Tischler of 21415 Virmar Court commented that the annual festivities at Our Lady of Albanians Church on 13 Mile Road will take place on Labor Day weekend. She questioned whether concerns from last year's event are being reviewed by Council and if additional steps will be implemented to handle the crowds who attend the event. Parking occurs along 13 Mile Road in conjunction with the festival even though "no parking" signs are posted.

Downey responded that the Public Safety Department and Village Administration have improved their management of the event over the last couple of years. Director Woodard remarked that the Department is looking forward to a festival much along the lines of last year. They have had success with blocking access to Billington Court for parking. In answer to an inquiry, Downey stated that there was an agreement with the Church last year that it would pay for additional Public Safety staff.

Questions from Tischler on items included in the list of bills to be approved were answered by Pfeifer and Murphy.

Norman Rubin of 31020 Rivers Edge Court questioned whether there were lessons learned by the Village during last week's power failure that should be considered in emergency planning or in the upcoming strategic plan with respect to public safety needs and guidelines for the Village's water supply.

#### **PUBLIC HEARING ON REQUEST FROM JAHN CONSTRUCTION FOR FINAL SITE PLAN AND PRIVATE ROAD APPROVAL**

Downey opened the public hearing at 7:41 p.m. on a request from Jahn Construction for final site plan approval of a six-unit cluster housing development at 32549 Lahser Road. Developer Jim Merritt, principal of Jahn Construction, presented his proposal for a six-unit detached residential development on a 3.59 acre site west of Lahser Road and south of 14 Mile Road. Merritt has received Council approval to develop the site under the Cluster Option of the Zoning Ordinance.

He chose cluster development in order to eliminate an additional curb cut on Lahser Road and to preserve trees on the site. Access to the homes will be from Orchard Place onto Village Pines Drive, which has access to Lahser Road.

Merritt noted that there is one tree that will be removed from the Conservation Agreement because it is dying. The roots from a large Sugar Maple were exposed when the old house on the site was razed.

Merritt related that the Planning Board approved a temporary sales sign for the site. Construction of the infrastructure is anticipated to commence this fall. Clearing of trees for building may begin by the end of this week. He proposes to have the streets paved and the site cleaned up before winter.

There were no comments from the public; therefore, the public hearing was closed at 7:46 p.m.

### **CONSENT AGENDA**

Motion by Domzal, seconded by Schmitt, to remove review of bills from the consent agenda and consider approval of bills at the end of the Business Agenda.

Roll Call Vote:

Motion carried (5 - 0).

Motion by Pfeifer, seconded by Domzal, to approve the Consent Agenda as follows:

- Review and consider minutes of a regular Council meeting held on August 11, 2003.

Motion carried.

### **BUSINESS AGENDA**

#### **REVIEW AND CONSIDER APPROVAL OF FINAL SITE PLAN AND PRIVATE ROAD FOR CONSTRUCTION OF A SIX-UNIT HOUSING DEVELOPMENT FROM JAHN CONSTRUCTION**

Domzal highlighted the review process including public hearings that this proposal has undergone to reach the stage of requesting final approval from Council on a site plan and private road for construction of a six-unit detached residential development on a 3.59 acre site at 32549 Lahser Road. At its August 13, 2003 meeting, the Planning Board recommended approval of the final site plan and private road, and it approved a temporary project sign to be erected at the site for a period no longer than three years from the date the permit is issued.

The planning consultant firm has reviewed the preliminary site plan, and their suggestions were incorporated into the final site plan. Spallasso commented that he has not completed his review of the final engineering plans due to the power outage that occurred last week. He does not expect his review to result in a request for major changes.

Motion by Domzal, seconded by McCleary.

Resolved to approve the final site plan as submitted with the following conditions:

1. The developer shall meet additional (if any) requirements when final review of engineering plans is completed by Administration.
2. The developer shall submit a total cost, when available, for the construction of the underground utilities (sanitary sewer and water mains) and provide Maintenance and Guarantee Bond by a recognized Surety Company licensed in the State of Michigan. The bond shall be for a period of five years from the date of final acceptance of the underground utilities by the Village of Beverly Hills in the amount of not less than 15% of the total construction cost. (This is an addition to the standard bond coverage provided by the contractor.)
3. Final acceptance of the underground utilities by the Village will not take place until the “as built” drawings sealed by a professional engineer are submitted.

Pfeifer questioned the third condition of this motion, which is to require “as built” drawings before final acceptance of the underground utilities. Spallasso suggested making this a standard condition because of the Village’s experience with past developers. Merritt indicated that he has no problem with these conditions as a developer and as a resident of Beverly Hills.

Pfeifer referred to the Conservation Easement paragraph on page 3 of the Easement and Maintenance Agreement. Specific trees are listed, and the developer is under obligation to pull a permit to change anything presented in that plan. Spallasso stated that the developer is required to give notice to the Village if it is determined that the preservation of a listed tree interferes with the development of the parcel in accordance with the site plan. The Village would review the matter for approval or a compromise.

Pfeifer asked if it is necessary to pull a permit to remove a tree specified in this paragraph if a tree should become damaged or die. Spallasso responded that a tree can be removed without a permit and replaced with the same species of tree if it is diseased or damaged to the point that it will not survive.

Merritt commented that it is important to note that the Conservation Easement provision survives the developer.

Helga Loewenstein of 22005 Village Pines commented that traffic from the new subdivision will come past her house. She questioned the path of construction traffic. Spallasso answered that there will be a dedicated driveway for construction traffic. The final access to the development will be clearly posted to allow no construction traffic.

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

**REVIEW AND CONSIDER APPROVAL OF AGREEMENT BETWEEN JAHN CONSTRUCTION AND THE VILLAGE REGARDING ORCHARD VILLAS**

Domzal stated that the Easement and Maintenance Agreement is a three-party agreement between the Developer, the Village of Beverly Hills, and the Homeowners Association. A cluster

development is a condominium-type development in that there are common elements. There is a private road and landscaped open areas. The Agreement offers assurances to the Village and the homeowners that the developer will build the common areas, and it provides for a transfer of responsibility to the homeowners association after the project has been completed.

It has been indicated that a tree listed in the Conservation Easement is dying and will be removed by the developer. Domzal assumes that there will be a satisfactory arrangement between the developer and the Village regarding substitution and replacement of that tree. Spallasso stated that he has discussed this with Mr. Merritt.

Motion by Domzal, seconded by Pfeifer.

Resolved to approve the private road as proposed in the final site plan for Orchard Villas and also to approve the Easement and Maintenance Agreement as submitted to Administration with the understanding that arrangements will be made for replacement of a tree listed in the Conservation Easement that will be removed.

Roll Call Vote:

Motion carried (5 – 0).

**ACCEPT JIM KAMP'S RESIGNATION AND MAKE THE FIRST ANNOUNCEMENT OF A VACANCY ON THE ZONING BOARD OF APPEALS**

Zoning Board of Appeals member James Kamp has submitted his resignation as a member of the Board due to a move out of the Village. McCleary thanked him for his years of service to the community.

Motion by McCleary, seconded by Pfeifer, to accept the resignation of James Kamp from the Zoning Board of Appeals.

Motion carried.

McCleary made the first announcement of a vacancy on the Zoning Board of Appeals. Applications for this position can be obtained at the Village offices or on the Village web site ([www.villagebeverlyhills.com](http://www.villagebeverlyhills.com)).

**SECOND ANNOUNCEMENT OF A VACANCY ON THE PLANNING BOARD**

Domzal announced a vacancy on the Planning Board created by the resignation of John Smith. After approximately 20 years of service, Smith is going to take a sabbatical and will be teaching at two Indian Reservations in North Dakota for the fall 2003 term.

Domzal encouraged interested residents to submit an application to the Village for this position, which will expire on June 30, 2006. The deadline for receiving applications is Wednesday, August 27 at 5:00 p.m. A committee of Domzal as chair, Downey, and McCleary will meet on Tuesday, September 2, 2003 at 7:15 p.m. to review applications and make a recommendation to Council on an appointment. Domzal suggested that consideration be given to consulting with the Planning Board chairperson on this appointment in accordance with the Village's policy on board appointments.

**REVIEW AND CONSIDER PURCHASE OF FIRE TURNOUT GEAR FOR THE PUBLIC SAFETY DEPARTMENT**

Before Council for consideration is a request from the Public Safety Department for the purchase of three sets of fire turnout gear for public safety officers to wear during firefighter training and incident responses. This purchase will complete the Department upgrade in turnout gear, which began in fiscal year 1999/2000. Westshore Fire Equipment was awarded the original bid and has continued to honor the original quote amount with incremental annual adjustments in the delivery price. The Public Safety Department budget contains \$3,600 for this purchase. The Department can purchase the specified product within these parameters with a savings over the budgeted amount of \$81.00.

Motion by Pfeifer, seconded by McCleary.

Resolved that the Village of Beverly Hills Council award the purchase of three sets of Globe PBI fire turnout gear from Westshore Fire Equipment in the amount of \$3,519. Funds are available for this purchase in Account #101-900-980, Capital Purchases: PS-Equipment.

Roll Call Vote:

Motion carried (5 – 0).

**REVIEW AND CONSIDER CHANGE ORDER #1 ON R-03-03A CRACK SEALING CONTRACT**

Joint and crack sealing is a necessary maintenance item that helps extend the service life of both asphalt and concrete pavements. The 2003 program was completed in late June of this year, and the contractor has agreed to extend the same unit price for the 2003/04 program.

Motion by McCleary, seconded by Pfeifer.

Resolved to approve Change Order #1 to contract R-03-03A Joint & Crack Sealing. This is a budgeted item in fiscal year 2003/04 account #203-451-938.00 Local Streets.

Roll Call Vote:

Motion carried (5 – 0).

**REVIEW AND CONSIDER CONTRACT WITH DETROIT EXECUTIVE SERVICE CORPS**

Murphy related that staff met with representatives from the Detroit Executive Service Corps (DESC) to discuss the relative merits of conducting a Community Wide Strategic Plan in Beverly Hills. It appears that the Village may be well suited by having a partnership with DESC to help facilitate its strategic planning process.

The DESC is a non-profit organization of retired business executives who have a background in strategic planning in the corporate world. These civic-minded professionals volunteer their time to provide counseling and facilitation services to Detroit area non-profit organizations. DESC has submitted a proposed fee to assist the Village with its strategic planning program.

Murphy stated that a review of their proposal finds it to be responsive and responsible. The \$3,000 fee for services to the Village requested by DESC is based on covering their administrative costs and not the number of hours needed to complete the program. They are committed to the process regardless of the hours involved. It is estimated that the program will take six to eight months in total. Administration highly recommends approval of this contract with DESC for conducting a Community Wide Strategic Plan.

Motion by Pfeifer, seconded by Domzal.

Resolved to approve the contract with the Detroit Executive Service Corps to provide facilitation and consulting services for the Village's Community Wide Strategic Plan. Funds are available in account 101-747-890.04.

Council members voiced questions and comments on the contract and the strategic planning process, which were addressed by Murphy.

Schmitt said that he will support the proposal but is less optimistic than others in terms of the outcome and benefits to be realized by a strategic plan. He noted that an element of the process is to establish an ad hoc Strategic Plan Development Committee composed of approximately 15 individuals. Schmitt thinks that there are more than 15 qualified people in the Village who would be interested in participating on the committee. He proposes changing the contract to have no limit on the number of people who can participate in the process.

Murphy emphasized that the Development Committee is a steering committee. This committee will use a number of approaches to engage the entire community including interviews, focus groups and other mechanisms.

Schmitt offered a motion to amend the contract to eliminate the provision for a limited number of participants. The motion failed for lack of support.

Domzal clarified that the contract with DESC indicates that the fee for services is not to exceed \$3,000 in total. He is assuming that the Village would provide half of the payment at the time the contract is signed and the other half when the project is completed. Murphy stated that this is the payment option that will be used.

Domzal expressed the view that it would be difficult to accomplish the tasks outlined if the steering group became unwieldy. He thinks it is important to have an opportunity to speak with the person who will be the facilitator early in the process to assure that there is a good match.

McCleary offered full support for conducting a community wide strategic plan for the Village.

Pfeifer understands that the Development Committee will decide how residents will be involved in the planning process. Input from the community is an important part of this exercise.

Downey voiced the opinion that the strategic planning process will offer the prospect for Council to determine the interests and concerns of the residents in order to better serve the community.

Norman Rubin of 31020 Rivers Edge Court questioned the mechanics of the contract with DESC. In answer to an inquiry, Murphy indicated that there will be a single primary facilitator with two other individuals on the team.

Bunker Kelly of 21526 Corsaut stated that he spoke with a number of people in the Village, and everyone agrees that it makes sense to attempt to gauge the pulse of the community.

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

### **REVIEW AND FILE BILLS RECAPPED AS OF MONDAY, AUGUST 11, 2003**

Domzal referred to an invoice from Attorney Tom Ryan's law firm for legal services. Pfeifer and Murphy provided information on the various charges included in the bill.

Domzal requested a report from administration on what the Village spent overall on legal fees during the last fiscal year and, secondly, what the Village has been able to recapture from third party sources. Murphy will provide this analysis.

Motion by Pfeifer, seconded by Schmitt, that the bills from a period of 7/28/03 through 8/11/03 be approved in the total amount of \$504,236.50.

Motion carried.

### **DISCUSSION ITEM – SOCWA AND SOCRRA REPORT**

Administration has been providing Council with updates on some of the Village's larger funds and expenses including presentations on the General Fund and the Water and Sewer Fund. Because of Beverly Hills' involvement with SOCWA and SOCRRA, Jeffrey McKeen, General Manager of both organizations, has been invited to present a status report to Council.

McKeen presented a brief history of the Southeastern Oakland County Water Authority. SOCWA is an organization that was formed in the mid-1950's to provide Detroit water to its 11 member communities through its distribution systems. SOCWA purchases water from the City of Detroit at five different locations at a fairly constant rate during the day regardless of the demands of the customers. It stores the water in a number of storage facilities throughout the consortium and delivers that water to its customers at the rates they want it, providing a more advantageous rate of water purchase. McKeen highlighted the components of Detroit's water rates.

When the power outage occurred at 4 p.m. last Thursday, the water supply from the City of Detroit was immediately lost. Most communities in Oakland County also lost all their water at that same time. McKeen related that the SOCWA communities implemented a plan in place and were able to maintain water for all its customers for 23 hours until Detroit reinstated the supply. All of the SOCWA communities had water pressure and had safe, reliable drinking water throughout that 23-hour period. McKeen noted that it was fortunate that people were cutting back on their water usage, which allowed SOCWA to meet the demand from its storage facilities. He noted that SOCWA was within two to three hours of running out of stored water.

McKeen stated that there will be a meeting of key people involved in the emergency situation tomorrow to review what occurred and learn from the experience.

A primary issue for SOCWA is that it is totally dependent on the Detroit water system for its water supply. That is a problem as evidenced by what happened this weekend during the power outage. SOCWA has been working closely with Detroit over a number of years to make sure there is a good mutual understanding of their system and the SOCWA system and that our organization is receiving advantageous pricing and service from Detroit. These are ongoing issues as costs continue to increase. SOCWA also needs to look at its costs as well and do whatever it can to keep costs under control.

SOCWA will probably be dependent on Detroit for a long period of time. SOCWA will be working with the Oakland County Drain Commissioner's office to establish a strategic plan for Oakland County's water supply.

The Southeastern Oakland County Resource Recovery Authority is a 12-member community consortium that provides a full range of solid waste services including collection and disposal of trash, yard waste, and handling of recyclables. SOCRRA handles an electronics recycling program and a household hazardous waste recycling program. It provides a full range of solid waste services for all its member communities. McKeen outlined a number of issues facing the organization including use of old landfills in Rochester Hills and the loss of Madison Heights as a member.

McKeen related that the SOCRRA Board is working on a strategic planning process. The key issue is that all of the organization's member contracts and waste disposal contracts expire on July 1, 2007. The task of the organization is to develop a future for SOCRRA that will convince all 12 communities that it is the right thing to do in a time frame that will allow membership agreements and waste contracts to be extended.

McKeen stated that there are a number of things that SOCRRA can do better, and it will work on improving the overall effectiveness of the organization. SOCRRA is focusing on increasing the amount of recycling in its communities. Beverly Hills is a good example of what a community can accomplish with recycling. McKeen related that recycling saves about \$50/ton for every ton of material recycled. A pilot program has been initiated in Huntington Woods for curbside pick up of junk mail and office paper. If successful, it may be expanded to other communities.

McKeen thanked Brian Murphy, member of the SOCRRA Board, and Renzo Spallasso, SOCWA representative for Beverly Hills, for their assistance. Questions and comments from Council and audience members regarding SOCWA and SOCRRA were addressed by McKeen. Council thanked McKeen for SOCWA'S action during the recent power outage and asked to be kept informed on the results of long term planning for both organizations.

#### **PUBLIC COMMENTS**

Bunker Kelly of 21526 Corsaut Lane complimented the professionalism of the Public Safety Department last week on their response to a false alarm system at a neighbor's home.

### **MANAGER'S REPORT**

The final concert in the park will be Teen Band Night scheduled for this Wednesday, August 20. Cynthia Nagle from the Parks and Recreation Board has arranged an impressive medley of local talent for this showcase.

Work on the sled hill railing system is underway and is anticipated to be completed within the next couple of weeks. Following the installation of the railing, local Eagle Scout candidates will be installing the sled hill steps this fall.

Schmitt commented that a provision of the alarm ordinance adopted last December was that audible alarms are not to last more than 15 minutes. He received calls from residents who reported that one alarm was sounding for about 12 hours last weekend. Schmitt asked how ordinance violations are being handled.

Director Woodard responded that the Public Safety Department issued a violation to the homeowners in this instance after the alarm had been sounding for six hours. Public safety officers arrived at the same time as an alarm company representative and a responsible person, who entered the house and shut off the alarm. Woodard stated that there were a number of reactivations that sounded when the power returned, but there was only one incident of the magnitude relayed by Schmitt. Typically, there are only a few false alarms a year that go off for an extended period.

Schmitt asked if the Village could notify a homeowner that they can plant a replacement tree at their own expense after the Village removes a diseased or dead tree from the public right-of-way in front of their property. It is not the Village's policy to replace those trees. There is no charge for the permit required to plant a tree in the right-of-way. Homeowners should contact MISS DIG before digging a hole for the tree. Murphy responded that this notification can be made.

Schmitt requested an update on the status of an ordinance regulating flashing electronic signs in the Village. Murphy stated that the planning consultant has included additional requirements for signs into ordinance sections as part of the Planning Board work program to incorporate standards from the Village's Site Development Handbook into a new site development requirement section of the Ordinance. Schmitt asked that the new sign regulations be expedited.

### **COUNCIL COMMENTS**

Schmitt asked that Council not forget that it has a responsibility to be fiscally prudent, and that means looking into becoming a city. He suggested a two-step approach. First, a determination is made as to whether significant money can be saved. The second question is whether there is a compelling reason not to become a city. Schmitt requested that administration provide Council with a rough estimate of potential savings if Beverly Hills were a city.

On Thursday, August 21, the Parks and Recreation Board will meet in Beverly Park at 7:30 p.m. The final concert, Youth Band Night, will be held in the park on Wednesday, August 20.

Domzal reported that the Planning Board is currently working on the codification of the Village's Site Development Handbook. He commented on the importance of this document to

the successful redevelopment of commercial buildings in the Village. The planning consultant will present the Planning Board with ideas and conceptual drawings for the 14 Mile Road Corridor in September. The Master Plan update will take place at the end of this year.

Domzal commented favorably on the resurfacing that has been done in the Village in Precinct 7. He has also observed major renovations in the Village and is encouraged to see so much investment in the community.

McCleary thanked Village staff for the fine job they did posting traffic signs on the roads after the power outage occurred on Thursday.

Pfeifer stated that Tuesday's BASCC Board meeting was canceled due to events related to the power outage. The picnic on Wednesday is still on. The Birmingham Area Cable Board will meet on Wednesday, August 20 at 7:45 a.m. in the Village municipal building. Pfeifer thanked the Public Safety Department and Administration for doing a great job during the power failure last week.

Downey mentioned that Manager Murphy attended a Michigan Municipal Risk Management Authority (MMRMA) conference last week and that Murphy is a member of that organization's Finance Committee.

Downey thanked staff for their response to the power outage. He commented on the importance of emergency planning for communities and households and urged Village administration to remain actively engaged in emergency response planning.

Motion by Pfeifer, seconded by Schmitt, to adjourn the meeting at 9:13 p.m.

Motion carried.

**Doyle Downey**  
**Council President**

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

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