

Present: Council President Downey; President Pro-Tem Woodrow; Members: Domzal, McCleary, Mooney, Pfeifer and Schmitt

Absent: None

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

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. Downey expressed heartfelt sympathy on behalf of the Village to the family of Public Safety Lieutenant Eric Ottney on the tragic loss of his son. A moment of silence was observed in honor of the passing of Brian Ottney.

ADDITIONS TO AGENDA – APPROVE AGENDA

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

Motion carried.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court understands that 13 Mile Road was closed to both eastbound and westbound traffic last Sunday at about 10:00 p.m. in the area of Our Lady of Albanians Church due to the annual festival that took place this weekend. The inconvenience of the road closing was exacerbated by the fact that traffic was allowed to proceed along 13 Mile Road to that point and then required to turn around. Tischler questioned why the Public Safety Department did not stop 13 Mile Road traffic at Lahser and Evergreen Roads in order to avoid U-turns in the area where the road was closed.

Director of Public Safety Woodard responded that closing the road was deemed to be an appropriate safety measure at the time by those who were dealing with increased pedestrian and vehicle traffic and the lack of visibility due to rain. He understands the complaint but does not fault the action taken.

A question from Tischler on a bill from the list of invoices to be approved by Council was addressed by Pfeifer.

Downey read a letter he received via e-mail this week from Kelly Korte of 30879 W. Lincolnshire. Korte indicated that she was disturbed by the orange cones and other markers along the side of 13 Mile Road as many people were walking on the roadside in the dark and rain from Groves High School to Our Lady of Albanians Church. It was not safe for drivers or pedestrians. She questioned whether it is the responsibility of the Village or the Road Commission to provide safe passage of vehicles and pedestrians.

Korte noted a number of issues with the traffic light at Lincolnshire and 13 Mile Road as follows: Cars run the red light frequently and block the intersection; Foliage blocks pedestrian visibility; The blinking light confuses drivers and encourages speeding; Placement of the light confuses drivers as to where they need to stop. Korte asked the Village Council to address these safety issues.

CONSENT AGENDA

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

- a. Review and consider minutes of a regular Council meeting held on August 18, 2003.
- b. Review and file bills recapped as of Monday, August 25, 2003.

Motion carried.

BUSINESS AGENDA

REVIEW AND CONSIDER 2004 CALENDAR BID RESULTS

Three bids were received for typesetting and printing the 2004 Village Calendar as follows:

Craig Richards, Inc.	\$10,650.00
Spectrum 3	\$7,580.00
Select Graphics	\$6,189.00

A memo from Village Clerk Marshall indicates that the low bidder has not proven to do timely work for other communities nor have they kept costs within their original price quote. Spectrum 3 has done a very satisfactory job of preparing the Village Calendar for the last seven years. Marshall recommends awarding the bid again this year to Spectrum 3 for the amount of \$7,580.00, which is \$270 less than their quote last year.

Motion by Pfeifer, seconded by Mooney.

Resolved that the Village of Beverly Hills Council award the contract for typesetting and printing the Village of Beverly Hills 2004 Calendar Project to Spectrum 3 in the amount of \$7,580 to be budgeted to account #101-747-881.

Mooney mentioned a problem with the paper used for the calendar last year in that writing goes through to the next page. Murphy will follow up on this concern.

Roll Call Vote:

Motion carried (7 – 0).

REVIEW AND CONSIDER 2004 COUNCIL MEETING DATES

Pfeifer announced that the proposed dates for 2004 Council meetings reflect the first and third Tuesdays of each month. This is a deviation from the previous Monday Council meeting dates. The suggestion has been made to move regular Council meeting dates to Tuesdays in order to avoid conflicts with a number of holidays that fall on Monday.

Pfeifer noted that the Village Charter states that the Council shall meet on the Monday following the Village Election. In response to an inquiry, Village Attorney Ryan stated that Council would have to meet on the Monday following the Election unless a Charter Amendment was passed to allow that meeting date to be changed. Pfeifer stated that second meeting in March would have to be held on Monday, March 15.

Pfeifer posed a question with respect to the proposed Council meeting date scheduled for the day of the Presidential Election on Tuesday, November 2, 2004. The Village has traditionally accommodated the Township of Southfield by allowing its Counting Board to use the Beverly Hills Council chambers during a Presidential Election. Pfeifer wondered if it is wise to hold a Council meeting on a national election day. She recommends that Council meet on Monday, November 1, 2004.

Schmitt suggested that the date of Council's joint meeting with the Parks and Recreation Board be scheduled for June 17 next year in Beverly Park rather than on the proposed September 16 date. This will be discussed following approval of regular Council meeting dates.

Motion by Pfeifer, seconded by Domzal.

Resolved that regular Council meeting dates for 2004 be scheduled for the first and third Tuesdays of each month with the exception that the second meeting in March be held on Monday, March 15 and the first meeting in November be held on Monday, November 1.

Norman Rubin of 31020 Rivers Edge Court understands that the Charter requires the Village to hold a Council meeting on the Monday after the March Election. He asked if a Charter amendment could be placed on the ballot for the next election. Pfeifer responded that Council cannot approve the Tuesday, March 16 date to appear in the Village calendar before a Charter Amendment is passed by the voters.

Bunker Kelly of 21526 Corsaut Lane questioned the cost of placing a question on the ballot. Downey stated that a ballot question could be added to the ballot of a regularly scheduled election.

Roll Call Vote:

McCleary	- no
Mooney	- yes
Pfeifer	- yes
Schmitt	- yes
Woodrow	- no
Domzal	- yes
Downey	- yes

Motion carried (5 – 2).

Council members commented on the suggestion to hold a joint meeting with the Parks and Recreation Board in June rather than in September. Pfeifer believes that a September meeting

date was chosen so that both bodies could review the activities that took place in the park during the summer and discuss winter activities. She finds the September date appropriate.

Motion by Schmitt to schedule the date of the joint meeting of the Council and Parks and Recreation Board for Thursday, June 17, 2004 and to schedule a joint meeting of Council and the Planning Board for Wednesday, October 13, 2004.

Motion failed for lack of support.

Motion by Pfeifer, seconded by Domzal.
Resolved to schedule joint Council meeting dates on Thursday, September 16, 2004 at 7:30 p.m. with the Parks and Recreation Board and Wednesday, October 13, 2004 at 7:30 p.m. with the Planning Board.

Roll Call Vote:
Motion carried (7 – 0).

REVIEW AND CONSIDER SUBCOMMITTEE'S RECOMMENDATION TO FILL VACANCY ON THE PLANNING BOARD

Domzal stated that a subcommittee of Downey, McCleary and himself met this evening to consider applications to fill a vacancy on the Village Planning Board created by John Smith's resignation. The term will extend through June 30, 2006. The subcommittee reviewed applications from six qualified candidates and recommended George Ostrowski as the number one candidate for the position and Fred Porter as the second candidate for appointment to the Planning Board. Domzal mentioned that he reviewed the candidates with Planning Board chairperson Dave Jenson earlier in the day, and he concurs with this recommendation.

Motion by Domzal, seconded by McCleary, to appoint George Ostrowski to the Planning Board for a term to expire on July 1, 2006.

Roll Call Vote:
Motion carried (7 – 0).

SECOND ANNOUNCEMENT OF A VACANCY ON THE ZONING BOARD OF APPEALS

McCleary made the second announcement of a vacancy on the Village Zoning Board of Appeals for a term to expire on June 30, 2005. The deadline for submitting applications will be Wednesday, September 10 at 5:00 p.m. A subcommittee consisting of McCleary, Mooney and Pfeifer will meet on Monday, September 15 at 7:15 p.m. to review applications and make a recommendation to Council on an appointment.

FIRST ANNOUNCEMENT OF STRATEGIC PLANNING DEVELOPMENT COMMITTEE VACANCIES

Woodrow made the first announcement that the Village is seeking approximately 15 volunteers to serve on a Strategic Planning Development Committee. Council has approved a proposal to develop a strategic plan for the Village and has engaged the consulting services of Detroit

Executive Service Corps (DESC) to facilitate the process. The Committee will be responsible for overseeing and steering the process of developing a three to five year strategic plan. Designating key issues in the Village and preparing the plan will involve focus groups, surveys, or a town hall meeting to enlist participation from residents in all areas of the Village for the purpose of achieving a balanced perspective of the input being gathered. It will be the charge of the Strategic Planning Development Committee with the guidance of DESC to draw the key strategic issues from that information and report on those findings to the Council and the community at large.

It is proposed that this committee will meet an average of one evening a month for about eight months. Applications are available at the Village offices and will be posted on the Village web site. The deadline for accepting applications will be September 30, 2003. The Personnel Committee consisting of Domzal, Downey and Pfeifer will review applications and make a recommendation to Council.

A suggestion was made to add an optional question on the application that would achieve a correlation between the percentage of people in various age groups in the Village as reported in the 2000 census and the age groups represented on the committee for the purpose of creating a body that would reflect the Village's population. There was not a consensus among Council to add this question to the application.

It is the intent of the Personnel Committee to begin reviewing applications for the Strategic Planning Development Committee prior to the first Council meeting in October.

REVIEW AND CONSIDER AMENDMENT TO THE ORGANIZATIONAL POLICIES AND PROCEDURES MANUAL

At its August 4, 2003 meeting, Council directed administration to establish specific qualifications for individuals serving on Village Boards and Committees. Before Council for consideration are suggested amendments to the Board appointment policy to be included in the Organizational and Council Policies and Procedures Manual.

Eligibility for Service on Boards and Standing Committees as appointed by the Village Council

- Shall have resided in the Village for at least one year
- Shall be a qualified and registered voter of the Village of Beverly Hills
- Shall expect to have a 70% annual attendance record
- Shall agree to abide by the "Ethical Standards of Conduct" as recorded in the Village of Beverly Hills *Organizational and Council Policies and Procedures Manual*
- Removal for Cause – Members of any board or standing committee may, after a public hearing, be removed for cause by the Village Council

Motion by Pfeifer, seconded by Domzal.

Resolved to amend the Village of Beverly Hills Organizational and Council Policies and Procedures Manual to include the above language under the heading "Eligibility for Service on Boards and Standing Committees as appointed by the Village Council".

Council members commented on the language and made a couple of suggestions that were incorporated into the wording as friendly amendments.

Downey stated that he will withhold his support for the resolution on the basis that he takes exception to the requirement that a board or committee member must be a qualified and registered voter in the Village of Beverly Hills. He thinks it is appropriate that this should be a qualification for a member of Council. While Downey believes that everyone who can vote should vote, his experience is that there is a high number of people who are not registered to vote in the Village. He thinks that involvement in the Village through board membership would encourage people to become electors.

Sharon Tischler of 21415 Virmar Court, Southfield Township Clerk, maintains that there are many residents in the community who are registered to vote. The 2000 census indicates that there are 14,000 people living in Southfield Township and almost 11,000 registered voters.

Tischler suggested that any information related to Village Board selection, eligibility, or responsibilities should be distributed to all board members as a matter of policy and should be included with the application for board members.

Norman Rubin of 31020 Rivers Edge Court took exception to Downey's objection to requiring a board member to be a qualified and registered voter in the Village. Rubin views these as minimal qualifications that do not state that the individual has to have voted.

Roll Call Vote:

Schmitt	- yes
Woodrow	- yes
Domzal	- yes
Downey	- no
McCleary	- yes
Mooney	- yes
Pfeifer	- yes

Motion carried (6 – 1).

REVIEW AND CONSIDER RECOMMENDATIONS FROM RETIREMENT BOARD

Woodrow reviewed that the Retirement Board's recommendation to contribute to the Pension Plan this year was discussed at the Monday, June 16 Council meeting. Based on the annual actuarial valuation report for the Beverly Hills Public Safety Department Retirement System, the Retirement Board at its May 20, 2003 meeting recommended that the Village Council contribute to the Pension Plan in the amount of \$54,203 within this calendar year. Council deferred consideration of a Village contribution until September in order to review the progress of the investment portfolio at the end of the next quarter.

Woodrow understands that the performance of mutual fund investments in the Retirement System portfolio has increased 10% over a seven month period. Council has indicated that it would consider a contribution if the System did not achieve a 12% gain. While the Pension Fund

is approximately 120% fully funded at this time, the actuarial report indicates that there is a need for a contribution based on performance expectations and actuarial credits of the surplus against the fund's actual performance.

Motion by Woodrow, seconded by Domzal.

Resolved that the Village of Beverly Hills make a contribution to the Public Safety Department Retirement System in the amount of \$54,203 within this fiscal year.

Council members discussed whether to contribute \$54,203 from the General Fund to the Public Safety Retirement Fund at this time. Downey referred to the Actuarial Report and summarized the Asset Valuation Method, which spreads gains and losses over a five year period in an attempt to provide a steady recommended contribution rate to the Retirement System.

A suggestion was made to revisit this issue in another three months to determine whether the contribution is necessary based on market growth. There were members of Council who did not view this as an urgent matter because the Pension Fund is fully funded at this time.

Questions from Bunker Kelly of 21526 Corsaut Lane on contributions to the Pension Fund were addressed by Downey and Murphy.

Downey mentioned that the Village contributed this year to the Public Safety Retiree Health Care Fund in the amount of about \$30,000.

Domzal requested that Council ask the Retirement Board to make its recommendation for funding for the next fiscal year in time for budget preparation. Murphy expects to receive the actuarial report in the first quarter next year.

Roll Call Vote:

Woodrow	- yes
Domzal	- yes
Downey	- yes
McCleary	- no
Mooney	- no
Pfeifer	- no
Schmitt	- no

Motion failed (4 – 3).

Motion by Pfeifer, seconded by Mooney, to review the Retirement Board recommendation again in three months.

Motion carried (7 – 0).

DISCUSSION ITEM – RENTAL INSPECTION ORDINANCE

Mooney reviewed that there was enough interest on Council to move forward with drafting a landlord-tenant ordinance and to hold a first reading. Since that time, Council appears to be divided on this issue.

Mooney listed key elements to be considered by Council. Is Council satisfied that enough is being accomplished with the advent of a Village code enforcement officer? Is it necessary to get inside a rental property? Is there enough rental property in the Village to warrant an ordinance? Will the Huntley Square apartment complex realize undue hardship as a result of a landlord/tenant ordinance? Is the potential for added tax revenue sufficient to warrant an ordinance? Will an ordinance discourage investors?

At Mooney's request, Murphy related fees charged to landlords by the City of Birmingham for inspection of rental property. A single family rental unit is charged \$50 for an initial inspection and \$20 for each subsequent inspection. A duplex is charged \$75. A multiple unit (three units or more) is charged \$100 for three units and \$25 for each unit up to five units, at which point it drops to \$20/unit thereafter.

Schmitt remarked that a disadvantage to a rental inspection ordinance is the government intrusion aspect and landlord costs that will probably be passed on to tenants. It appears that the Village would not experience increased costs, because administrative costs would be passed on as part of the licensing fee. The advantage of adopting a landlord/tenant ordinance would be increased safety for tenants and improvement of the housing stock.

Domzal concurs with safety issues but thinks Council should take a close look at the process. He suggested that Council focus on a process by which data and input are obtained from the community in a studied manner with respect to non-homestead property and the conditions observed before proceeding with an ordinance. He would be willing to work on a process to obtain data on which Council can make an informed decision.

Woodrow questioned the necessity for an ordinance to improve the housing stock in the community. A tenant has other legal remedies if a rental property is inhabitable because it is unsafe. Tenants can stop paying the rent, file an action with the courts, and escrow their rent with the courts until the problems are addressed. He questioned whether the goal of a rental inspection ordinance is to improve the housing stock of Beverly hills. He does not agree that an owner occupant cares more for the condition of their house than an absentee landlord. Woodrow does not see a real need for this ordinance on the basis of their being other remedies available to a tenant.

McCleary questioned whether the goal of the ordinance is to improve the exterior of the housing stock or improve the safety of the interior. He understands that a tenant can give the Village building official access to the home for an inspection and questioned whether residents are aware of this. McCleary stated that he is not opposed to an ordinance but has questions about what Council wants from an ordinance and the advantage to Beverly Hills.

Pfeifer supports Domzal's suggestion to arrive at a process to obtain more data. She commented on problems with ordinance enforcement. Pfeifer does not want to see the Village in a position of being intrusive if a tenant has other recourses to correct safety issues. She expressed concern with placing the Huntley Square Apartments at a disadvantage with the adoption of rental inspection ordinance. It has been her experience that these apartments are well maintained.

Downey commented that the number one issue in his view is to ensure the safety of a tenant. He affirmed that any tenant can call the Village and invite the building official into the home. The building official can write a ticket on any safety violation pointed out to him. Downey suggests that the Village inform tenants of their rights through the Villager Newsletter.

Downey urged caution with selective enforcement of an ordinance. Liability is also an issue to be considered. Downey stated that statistics indicate that there are approximately 320 non-homestead properties in the Village with 200 being the Huntley Apartments. There are about 120 rental homes out of 4,000 homes in the Village, and they are not clustered in one area of the community.

Mooney commented that the number of rental properties in the Village cannot be determined by the number of non-homestead properties that are listed. She thinks that the focus should be on the residents and not undue hardship on the landlord. Mooney expressed the view that a rental inspection ordinance is a way to maintain the housing stock in the Village. The Village's Code Enforcement Officer is working to improve the aesthetics of the Village, but he is not getting inside the property. Beverly Hills is the only community in the area that does not have a rental inspection policy. Mooney does not think that a landlord/tenant ordinance has enough support to proceed to a second reading, but she would like Council to give this topic further thought.

Domzal would support a renewed process to obtain public input and additional data and see where that leads.

Sharon Tischler of 21415 Virmar Court commended Council for taking on this issue. In answer to an inquiry, Tischler was informed that the 320 non-homestead properties number was derived from the 2000 census report. Tischler clarified that taxable value and SEV deal with the value of the parcel while the term 'homestead' refers to taxes for school issues.

Bunker Kelly of 21526 Corsaut related his experience dealing with city inspectors and safety issues. He stated that tragedies occur in communities where there are inspection laws in effect. State and local codes need to be met by people who own property. He believes that tenants have an equal responsibility in making sure that codes are met by letting the community know when the landlord is not taking care of things. Kelly agrees that obtaining input from everyone involved is wise as well as getting the word out to tenants on how to approach safety problems.

PUBLIC COMMENTS

Bunker Kelly of 21526 Corsaut brought up a few issues relative to Comcast service. He related his experience after the August power outage in terms of attempting to obtain credit from Comcast for no telephone, cable television or Internet service during the outage. Kelly also noted a change in Comcast Pay-Per-View movie service requiring customers to subscribe to digital

service in order to receive movies. He views Comcast practices as frustrating and monopolistic. Kelly related that people in his neighborhood are interested in changing from cable to a satellite dish, which would not provide the Village with the revenue it receives from the cable company.

REPORTS

MANAGER

The State held its public hearing on the proposed list of projects scheduled to receive Drinking Water Revolving Funds on August 27th. The Village's project is among the proposed list of projects. Administration expects to receive word on the Village's funding status in the coming weeks.

Murphy offered his thoughts and prayers to Eric Ottney and his family at this difficult time.

Pfeifer stated that she contacted Leslie Helwig from Bloomfield Community Television (BCTV) and was assured that the change in the Village's Council meeting schedule would not be a hardship on BCTV in terms of cablecasting meetings on Tuesdays. Pfeifer requested that administration send a formal letter to BCTV informing them that Beverly Hills will be changing its Council meeting dates to Tuesdays and provide them with the schedule.

Mooney noted on the Village web site that Beverly Hills is now providing the service of issuing passports to its residents. Murphy stated that residents can make application with the Village Clerk for a passport at the Village offices.

COUNCIL COMMENTS

Members of Council offered their condolences to Public Safety Lieutenant Eric Ottney on the tragic loss of his son Brian.

Schmitt added that the Village is offering the option to have your water bill automatically deducted from your checking or savings account. A direct payment enrollment form can be obtained by visiting the Village web site (www.villagebeverlyhills.com) and clicking on the "Village News" tab.

Schmitt stated that dogs are allowed in Beverly Park, but there are rules and restrictions. People must pick up after dogs, and dogs must be tethered at all times. Dogs are not allowed in the pavilion or playground areas. Schmitt asked the Public Safety Department to keep an eye on those areas and remind people that dogs are not permitted in the pavilion or playground.

The Township Board will meet on Tuesday, September 9 at 8:00 p.m.

Schmitt remarked that there appeared to be more difficulties resulting from the Albanian Festival this year than in the last few years. The situation warrants further review by Council.

Council is in receipt of a code enforcement summary prepared by Dan Gosselin. Domzal has a number of questions on the activities and observations of the code enforcement officer. He

suggested that the report be placed on the agenda as a Council discussion item with Officer Gosselin invited to be in attendance.

Domzal has observed a decline in driving habits, which he attributes in large part to cell phone use. Inattentiveness of motorists in the morning is a problem now that kids are in school. Drivers should be attentive to people who walk in the community in the evenings.

Woodrow questioned the status of the Retirement Board with respect to retaining an outside consultant to oversee pension investments. Murphy responded that the Board at its last meeting directed staff to develop and distribute a Request for Qualifications for consulting firms that provide municipal investment advisory services and to invite qualified applicants to be interviewed at the next Pension Board meeting of November 18.

McCleary stated that the Zoning Board of Appeals will meet next Monday, September 8 at 7:30 p.m. in the Village municipal building.

Mooney congratulated George Ostrowski on his appointment to the Planning Board. She commented that this was a busy August for the Public Safety Department beginning with the power outage. No major issues occurred in the Village as a result of the blackout. Mooney commended the Department for its extra hours and vigilance. Other events that engaged the services of the Public Safety Department were the Albanian Festival last weekend and a fire at the old Headmaster's house at Detroit Country Day School.

Mooney stated that she would like to revisit Council's approach to selecting Board members. She does not think that scheduling 15 minutes prior to a Council meeting allows enough time to interview applicants who attend the meeting. She would be willing to receive input on this process and prepare a proposal for consideration by Council next month.

Pfeifer stated that, not only did the Public Safety Department perform splendidly during the August blackout, but the Public Works Department also performed very well in its posting of stop signs throughout the Village.

In response to Bunker Kelly's comments, Pfeifer informed residents that the Cable Board has no control over telephony or Internet service provided by Comcast. The Cable Board has no say in cable programming. Pfeifer urged customers with complaints to write letters to Comcast. She stated that the Cable Board is aware of many of the subscribers' problems, which are items of discussion during its monthly meetings on the third Wednesday of the month at 7:45 a.m.

Downey observed members of the Groves High School track team running through traffic in a haphazard manner on the day of the blackout, August 14. He urged anyone with contacts to the Groves track team or school officials to make them aware of this.

Downey expressed distress at the unkempt condition of the local Taco Bell and McDonald's restaurants. Others are noticing this, which is a poor reflection on Beverly Hills.

The Rouge Green Corridor Committee will meet on September 24, 2003 at the Southfield Public Library to discuss ways in which area communities might work together to improve water quality.

As liaison to the Southeastern Michigan Council of Governments (SEMCOG), Downey noted a booklet he received entitled, “Fiscal Capacity of Southeast Michigan Communities – Taxable Value and Implications”. Downey also received an interesting report from the Oakland County Drain Commissioner called “Water and Sewer Rate Analysis – Spring 2003”. Plante & Moran was engaged to survey communities relative to competitive water and sewer rates.

Motion by Pfeifer, seconded by Schmitt, to adjourn the meeting at 9:53 p.m.

Motion carried.

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary