

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

Absent: Mooney

Also Present: Village Manager, Murphy
Public Services Director, Spallasso
Assistant to the Manager, Pasieka
Director of Public Safety, Woodard
Building Official, Byrwa

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 Domzal, seconded by Schmitt, to approve the agenda as published.

Motion carried.

PUBLIC COMMENTS

Boy Scout Don Maxwell from Troop 1029 came forward and introduced himself stating that he is working on his Communication merit badge.

CONSENT AGENDA

Motion by Pfeifer, seconded by McCleary, to approve the Consent Agenda as proposed:

- a. Review and consider minutes of a regular Council meeting held on December 1, 2003.
- b. Review and file bills recapped as of Monday, December 15, 2003.

Motion carried.

DISCUSSION ITEM – SITE DEVELOPMENT ORDINANCE

Domzal reviewed that the Village of Beverly Hills developed and approved a Site Development Handbook in 1996 to establish standards for commercial development in the community. The Planning Board is now working to incorporate the provisions of the Handbook into specific enforceable zoning ordinance language. Domzal cited a recent example of the Village's lack of control over modifications being made to a commercial building. There is agreement that there should be more control over redevelopment that takes place in Beverly Hills.

The Planning Board has been working with the planning consultant on a new zoning ordinance article that will include regulations applicable to site development as well as revisions to other sections of the ordinance to address all elements of the Site Development Handbook. Council was given a presentation on the content of the ordinance amendment at a joint meeting with the Planning Board in October, 2003. Caryn Wenzara from LSL (Langworthy Strader LeBlanc & Associates) will provide Council with an update this evening on the fourth draft of the proposed ordinance to confirm that the Planning Board and Council are working towards the same end so that everyone understands the ordinance amendment when it comes before Council for action.

The plan is to bring the document in front of Council for consideration in January or February of 2004.

Caryn Wenzara explained that the objective is to convert the site design handbook from guidelines into ordinance language enforceable by the Village. The first portion of the material is a stand-alone section of the zoning ordinance consisting of all new text, Section 22.09 Site Development Requirements. These regulations are for the most part self-contained so that applicants can easily refer to this section to learn the Village's building and site requirements.

Another segment of the material presented is entitled "Items to be Included in Other Ordinance Sections to support the new Site Development Requirement Section". This includes a few miscellaneous zoning ordinance requirements that are consistent with the guidelines of the Site Development Handbook but are more easily incorporated into another section of the ordinance.

Wenzara highlighted the intent and content of each ordinance section and addressed questions and comments from Council. Members remarked that the Planning Board and consultant have done a fine job of codifying the site development handbook. They remarked on the necessity to control redevelopment in the Village.

The Planning Board anticipates conducting a public hearing in January to be followed by another public hearing at the Council level. Wenzara stated that there will be additional opportunities for the Planning Board and Council to offer comments and modifications to the ordinance.

BUSINESS AGENDA

REVIEW AND CONSIDER RESOLUTION REGARDING BALLOT LANGUAGE FOR MARCH 2004 ELECTION

Pfeifer stated that the proposed Charter Amendments were placed on the table more than 30 days ago. The four ballot proposals are before Council again this evening for approval after which time they will be submitted to Lansing for approval before appearing on the ballot in March. Pfeifer summarized the ballot questions and offered the following resolution.

VILLAGE OF BEVERLY HILLS RESOLUTION

At a regular meeting of the Village Council, Oakland County, Michigan, held at the Village Office, 18500 W. Thirteen Mile Road, Beverly Hills, Michigan, 48025, on Monday, December 15, 2003, at 7:30 p.m.

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

Absent: Mooney

The following resolution was offered by Pfeifer and seconded by McCleary:

WHEREAS, on the 10th day of November, 2003, Charter Amendments were proposed by the Village Council; and

WHEREAS, in accordance with the statute in such case made and provided, such resolution was published in the Observer-Eccentric, a newspaper circulated within the Village; and

WHEREAS, said resolution has been duly laid on the table for at least thirty (30) days:

NOW, THEREFORE, BE IT RESOLVED as follows:

That the following Charter Amendments be voted upon by the qualified electors of the Village of Beverly Hills at the regular Village Election to be held on Monday, March 8, 2004, to wit:

1. Shall Section 6.1, (REGULAR MEETINGS), of the Charter of the Village of Beverly Hills, be amended to delete the requirement for a meeting on the Monday following each regular Village Election?

New Section 6.1 shall be amended to read as follows:

REGULAR MEETINGS:

SECTION 6.1. The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least two (2) such meetings each month. If any time set for the holding of a regular meeting of the Council shall be a holiday then such regular meeting shall be held on the next secular day which is not a holiday. If the Council meets at a place other than its regular meeting place, then public notice to such effect shall be published in a newspaper circulated in the Village.

YES _____

NO _____

2. Shall Section 8.5, (ADOPTION OF BUDGET, TAX LIMIT), of the Charter of the Village of Beverly Hills, be amended to change the deadline for the adoption of the budget and tax levy for the next fiscal year of the Village from the second Monday in May to the second regular meeting of the Village Council in May?

New Section 8.5 shall be amended to read as follows:

ADOPTION OF BUDGET, TAX LIMIT:

SECTION 8.5. Not later than the second regular meeting in May, the Council shall, by resolution, adopt the budget for the next fiscal year and shall, in such resolution make an appropriation of the money needed for municipal purposes during the ensuing year of the Village and provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes subject to the limitations contained in Section 9.1.

YES _____

NO _____

3. Shall Section 9.16, (COLLECTION FEES), of the Charter of the Village of Beverly Hills, be amended to change the deadline for the payment of Village property taxes, without collection fee, from August thirty-first to September fourteenth, and to change the collection fee from

“four percent (4%) of the amount of said taxes” to one percent (1%) after September fourteenth and one percent (1%) per month thereafter?

COLLECTION FEES:

SECTION 9.16. All taxes paid on or before September fourteenth of each year shall be collected by the Treasurer without collection fee. On September fifteenth, the Treasurer shall add to all taxes paid thereafter a collection fee of one percent (1%) of the amount of said taxes, plus one percent (1%) per month thereafter. Such collection fee shall belong to the Village and constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added.

YES _____

NO _____

4. Shall Chapter 12, (PURCHASE AND SALE OF PROPERTY), of the Village Charter of the Village of Beverly Hills, be amended by deleting the following Sections:

12.1 which requires competitive bidding, approval of Council for all purchases and sales in an amount in excess of One Thousand Dollars (\$1,000.00);

12.2 which requires all contracts in an amount of One Thousand Dollars (\$1,000.00) or more shall be approved by the Village Council; and

12.3 Restrictions on Powers to Let Property, provides for renting or letting of public property for a period of longer than three (3) years will be subject to Council approval?

New Chapter 12 shall be amended to read as follows:

“The Village Council shall have the power to determine by ordinance the policy of the Village of Beverly Hills as it relates to the Purchase and Sale of Property; Contracts; and Restriction on Powers to Let Property.

YES _____

NO _____

That prior to the submission of the vote of the electors of the Village, such Charter Amendments shall be presented to the Governor of this State.

That before its submission to the electors of the Village, the Clerk shall give such notice thereof as is required by law.

Questions and comments on the Resolution were addressed by Murphy and Pfeifer. Pfeifer stated that it is being proposed to amend Chapter 12 of the Charter by adopting an ordinance to determine policy relating to the purchase and sale of property, contracts, and restriction on powers to let property. She suggested that Council draft this ordinance prior to the Election in order that the voters would then know exactly what Council is proposing. Pfeifer recommended establishing a subcommittee of Council at the first meeting in January to draft this ordinance.

Woodrow entered the meeting at 8:12 p.m.

Roll Call Vote:
Resolution carried (6 – 0).

REVIEW AND CONSIDER DTE ENERGY TREE PLANTING PROGRAM GRANT APPLICATION

Domzal stated that Village administration has brought forward a proposal to submit an application for a grant from the DTE Energy Tree Planting Program. The grant is for a maximum matching sum of \$3,000 to support the tree planting program in Beverly Park. With the identification of well over 100 diseased or dead trees in the park due to the Emerald Ash Borer, the grant will help pay for about 70 replacement trees throughout the park.

Resolved by Domzal, seconded by Pfeifer.
Motion that Village Council supports the application for a maximum \$3,000 matching funding from the DTE Energy Tree Planting Grant Program for approximately 70 trees to be strategically located in Beverly Park to replace trees lost to the devastating effects of the Emerald Ash Borer.

Domzal thanked administration for bringing this grant application forward. Tree replacement and maintenance will be an issue that Council will address further in the coming year. Domzal will be working with the Village Manager, Jack Harmon from the Parks and Recreation Board, and Judd Hart to develop a tree maintenance, removal, and replacement proposal for Council consideration during the first quarter of 2004.

Council members thanked administration for pursuing this grant money for the park. It was clarified that the money must be used for trees in the public rights-of-way. The grant application is being prepared to use the funds specifically in Beverly Park.

Roll Call Vote:
Motion carried (6 – 0).

REVIEW AND CONSIDER APPROVAL OF TRAFFIC CONTROL ORDER #524-PP-03 GROVES HIGH SCHOOL PARKING

Before Council for consideration is approval of a Traffic Control Order (TCO) issued as a result of a request from the Groves High School Principal to control parking within their private property by designating “permit parking only” spaces. Formal Council approval is needed to confirm the order.

Motion by McCleary, seconded by Pfeifer, to approve Traffic Control Order No. 524-PP-03.

Motion carried.

PUBLIC COMMENTS

None

REPORTS – MANAGER

The December 9th meeting of the Strategic Planning Development Committee went well. The subcommittee working on obtaining resident input made recommendations to: 1) conduct a series of focus groups using volunteer applicants for the group discussions; and 2) to prepare survey tools to collect information from all residents in the community, businesses, schools, and service providers. The focus groups will take place in January. It is anticipated that the surveys will be mailed near the end of January or the beginning of February.

The Committee also spent a considerable amount of time developing its mission statement, vision and core values. The group will concentrate its efforts on focus group work in lieu of holding a meeting of the whole in January.

The Village Woman's Club of Beverly Hills will hold its second Luminaria sale on Saturday, December 20th from 10:00 a.m. until 2:00 p.m. at the Village offices.

As a reminder, the last day of yard waste pick-up/leaf season was Thursday, December 11th. Residents may take their yard waste directly to the Troy SOCRRA facility until curbside collection resumes in the spring.

Murphy commented that residents should receive their Village calendar in the mail soon if they have not already. The calendar is full of information and is a handy resource throughout the year. He thanked Ellen Marshall and the staff for their hard work on this year's edition.

J. H. Hart Forestry expects to begin work removing diseased and dead ash trees in Beverly park starting tomorrow. The park will be closed for this work.

Murphy reminded everyone that this is the last regularly scheduled Monday Council meeting. Council meetings will be held on Tuesdays starting in January 2004.

Schmitt questioned the extent of the revenue sharing cut backs from the State. Murphy responded that it works out to a 20% cut in statutory state shared revenue. The dollar amount for the Village for this fiscal year is about \$45,000 and, in total, is about \$89,000 starting with the next fiscal year.

Schmitt commented that he is taking advantage of the service offered by the Water Department that allows water bills to be automatically deducted from a resident's checking or savings account. In answer to an inquiry, Murphy stated that the amount is taken out of the account on the date it is due. There is no charge for this service. Residents can call the Village office if they have a question on their bill.

COUNCIL

Council members wished everyone a very happy and safe holiday. The next regular Council meeting will be held on Tuesday, January 6.

Pfeifer stated that the BASCC Board meets tomorrow, December 16 at 1:30 p.m. at their offices. The Birmingham Area Cable Board will meet on Wednesday, December 17 at 7:45 a.m. in the

Village municipal building. Pfeifer emphasized that the Cable Ordinance and Franchise Agreement with Comcast does not cover high-speed Internet service. The Cable Board will take complaints on Internet service and refer them to Comcast, but it has no control over this service.

Pfeifer thanked Village residents who are currently living within construction zones for putting up with the inconvenience and noise. The ongoing improvements will benefit the Village.

Schmitt reminded everyone of the Woman's Club Luminaria Sale this Saturday, December 20 at the Village Hall from 10 a.m. to 2:00 p.m. The Parks and Recreation Board meeting scheduled for Thursday, December 18 has been cancelled. Schmitt thanked administration for seeking a grant to plant trees in the park. He thanked Spallasso for pursuing and receiving a \$316,185 grant to cover paving and drainage improvements to the municipal parking lot. Schmitt expressed the hope that Council will look into becoming a city in 2004 and also consider adoption of a landlord/tenant ordinance.

Domzal read in the recent edition of the Villager newsletter that Bob Bliven is going to be retiring from Village affairs. Bliven is a 41-year resident of Beverly Hills who has added much to the community. There will be big shoes to fill when Bob is no longer involved in Planning Board matters.

Domzal stated that Council and Planning Board members received a survey prepared by Seth Hirshorn, an individual selected to facilitate the development of a Southfield Road Corridor Study work program. Domzal requested that administration ask Mr. Hirshorn to attend a Council meeting to discuss the survey and plan for the corridor study.

Domzal commented on a complimentary article about Beverly Hills that appeared in the Free Press "Where We Live" column on December 12. It says that the Village has "charming, well-kept tree lined neighborhoods".

Woodrow announced that there will be a special meeting of the Retirement Board Tuesday, December 16 at 7:30 p.m. in the Public Safety building.

Woodrow stated that a subcommittee consisting of Domzal, Schmitt and himself as chair was created to review budget cuts from the State. This group has met with administration to determine where expenses and potential services can be reduced. The subcommittee hopes to have recommendations for the Council as whole in the next meeting or two.

Downey related that he received phone calls from residents last week complaining about the installation of underground conduits by SBC on the east side of the Village. The subcontractor was deemed by Village staff to be unresponsive and inconsiderate of the public. Downey wrote a letter on behalf of Council to SBC Communications, and it is his understanding that SBC has assigned a new contractor to that work.

Downey expressed his support for the Village Woman's Club Luminaria sale. He encouraged residents to volunteer to serve on Village boards and committees, which are an important part of the fabric of this community.

Downey thanked the Public Safety Department for working diligently to protect the Village.

Motion by Woodrow, seconded by Schmitt, to adjourn the meeting at 8:41 p.m.

Motion carried.

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary