

Present: Council President Domzal; President Pro-Tem Woodrow; Members: Downey, Koss, McCleary and Taylor

Absent: Pfeifer

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

President Domzal called the meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Woodrow, second by McCleary, to approve the agenda as published.

Motion passed.

PUBLIC COMMENTS – CONSENT AGENDA AND ITEMS NOT ON THE BUSINESS AGENDA

Domzal reviewed that there were a number of residents from Kennoway and Ronsdale in attendance at the last Council meeting expressing concern about the Groves High School athletic fields being rented for outside use. There has been further discussion with representatives of the School Board since that time. A meeting has been scheduled for August 9 between representatives of the School Board, the Village Manager and department heads with a goal of arriving at practical solutions that address concerns raised by residents. The results of that meeting will be communicated to Council and the public.

Kathleen Berwick of 31381 Kennoway Court thanked Council for working towards resolving the concerns of residents on Kennoway and Ronsdale. Berwick recalled addressing Council at a recent meeting about the Village prohibition against construction work on Sundays. She was advised by administration that this ordinance requirement would appear on Village building permits the next time they were printed. Building official Byrwa has informed her that the Building Department is now stamping this information on building permit applications in red ink. Berwick thanked Spallasso and Byrwa for their prompt attention to this matter.

Berwick stated that she has made past applications to become a member of at least two Village boards. Perhaps more talkers would become doers if board members had term limits.

Berwick remarked that she attended the last two concerts in the park and observed that the performances were very similar in content and style while the audience covered a broad spectrum of ages. If the Village can afford to repeat the concert series next summer, Berwick suggested that there be a wider variety of music styles. It was her view that the cost of the concerts per person was high based on the attendance.

Norman Rubin of 31020 Rivers Edge Court asked why public comments following the business agenda have been eliminated from Council meeting agendas. Domzal responded that an administrative decision was made to provide an opportunity for the public to comment at the beginning of the meeting and to accept public comments on each agenda item. It was thought that this provided ample opportunity for public comments. Domzal noted that most communities do not afford two or three opportunities for the public to speak.

Norm Downey of 23042 Nottingham Drive applauded Council's action to follow up on the Groves High School athletic field situation and on including construction regulations on building permits.

Downey expressed the view that there is a need for better communication between Council, administration and residents. He was surprised to learn that Council authorized two people to attend the Michigan Municipal League annual meeting in Mackinac, which he feels belies Council's commitment to reduce costs. Downey questioned the necessity of both a representative and alternate attending this meeting and why any attendance at this conference is necessary.

Downey questioned the 8% increase in the Village's water and sewer bills. Residents were told that this increase was a pass through of an increase in rates from the Detroit Water and Sewer Board. He noted that Birmingham reports only a 5.4% increase in its water rates. He questioned whether the Village's information on the DWSD charges is current.

Downey stated that residents want better communication on funding of the Acacia sewer. He questioned the current projected under funding of the project and what the Village is going to do about it.

Downey related that residents want a report on the results of the hydro geological analysis of property on Riverside Drive. He asked for a status report on the Public Safety Department efficiency analysis.

Downey questioned the lack of action on the community-wide surveys returned by residents four months ago. The survey indicated that the number one priority of residents was balancing of Village expenses with income. Downey questioned Council's intention to wait for a report from the Strategic Planning Committee before taking action on this item.

Murphy responded to issues raised by Norm Downey. The Village's water rate increase for this fiscal year is 8%, which corresponds to the 8% increase in water rates and sewerage charges from DWSD. Murphy explained that there are other administrative costs associated with the water and sewer fund and, if those remained even, there should be a lower rate. However, there have been a couple of line items that have increased, including the operation of the Combined Sewer Overflow facility, which rose by 46%. The net effect is an 8% increase to our residents that commences on August 1, 2004.

Murphy reported that the Village received a draft copy of the Public Safety Department efficiency study only yesterday, and it will come before Council soon. The hydro geological study results for a location on Riverside Drive were provided to Council after review by the Village Attorney. It has been determined that the Village was not responsible for occurrences on that site.

The Strategic Planning Development Committee continues its work on the strategic planning process. The community-wide survey results were reported in articles published in the Eccentric and Eagle newspapers. The group is working towards developing key strategic initiatives for the Village. With regard to budget amendments, the Village Council will receive proposed budget amendments from administration for its consideration in September.

Domzal commented on the decision to send a Council member and the Village Clerk to the Michigan Municipal League conference. There will be valuable information available at the conference relative to new State election laws that will change the sequencing of Village elections. Domzal remarked that there are advantages in attending conferences in terms of networking and gaining new information.

Robert Walsh of 20655 Smallwood Court inquired about an item on the consent agenda. He was informed that the Public Safety Department proposes to apply for a grant for the purchase of taser devices. If the grant is available, the item will come before Council for approval of matching funds to purchase six taser devices.

Walsh remarked that tonight's Council meeting agenda was not posted on the municipal building bulletin board last night or today. Murphy responded that he will follow up on this while mentioning that the notice was posted last week.

In answer to an inquiry, Walsh was informed that the next meeting of the Strategic Planning Development Committee will be on Tuesday, August 10. The agenda will be posted in advance of the meeting.

Leanne Toth of 21605 W. 13 Mile Road inquired about the change in Village election dates. Murphy responded that the options are to hold elections in November of even numbered years or September of odd numbered years. This will impact Council terms of office. Council can take action to select a two-year term or a four-year staggered term. Domzal stated that Council and administration will be studying this issue. A vote on one of the options will be taken by the end of the year.

Toth commented that it is likely that changing the election from March to November may result in higher participation.

Bunker Kelly of 21526 Corsaut Lane asked for clarification on the 8% increase in water and sewer rates, which was addressed by Murphy. Kelly was informed that a cost comparison will be part of Council's consideration in its decision on when to hold Village elections.

Kelly understands that strategic planning is a continuing process. Results from a community-wide survey initiated by the Strategic Planning Committee are available. At the last meeting of the Committee, members chose sidewalk/infrastructure as the number one weakness and need of the Village.

Kelly questioned whether the Village has been awarded federal funding for cutting down ash trees. Murphy responded that the Village did not receive a grant for removing ash trees but has received funds for planting replacement trees. Kelly commented on his view of Village finances and fund balance.

Domzal commented that this Council is focused on budget matters and that there will be a report on budget amendments in September. Council and administration have already achieved some cost savings and have other things that are in the process of being worked out.

Janet Mooney of 19111 Devonshire understands that the new election law will be covered in some depth at the Michigan Municipal League conference. It would be premature to make any decisions until the Village has more information. Murphy added that Council has to take action before December 31, 2004.

Mooney thanked Council, administration and the Parks and Recreation Board for sponsoring the concerts in Beverly Park. She thought that the wet weather this summer has impacted attendance. Mooney suggested that the concerts receive more publicity.

CONSENT AGENDA

Motion by McCleary, second by Taylor, to approve the consent agenda as follows:

- a. Review and consider minutes of a regular Council meeting held on July 20, 2004.
- b. Review and file bills recapped as of Monday, July 26, 2004.
- c. Review and consider Michigan Municipal Risk Management Authority grant for Taser purchase for Public Safety Department.

Motion passed (6 - 0).

BUSINESS AGENDA

FIRST READING OF AN ORDINANCE TO CODIFY THE VILLAGE SITE PLAN DEVELOPMENT HANDBOOK

Council held a public hearing and first reading of the proposed Site Development Requirements Ordinance in February of 2004. Following that meeting, there were issues raised by business owners relative to specific ordinance language and the impact it may have on businesses in the Village. The planning consultant indicated that minor modifications could be made to the ordinance language in the spirit of compromise without jeopardizing the integrity of the ordinance. Council asked that the Planning Board take another look at the ordinance considering the comments and concerns from business owners.

Woodrow related that there were numerous conversations and meetings between interested business owners and the Planning Board, which resulted in a number of revisions to the proposed ordinance. The Planning Board is recommending adoption of Draft #8 of the Site Development Requirements ordinance. The proposed ordinance is on file at the Village office for public review. The document outlines a variety of development requirements for commercial buildings sites.

Domzal remarked that there was an extensive presentation of this ordinance by the planning consultant at a Council meeting in February of this year. He asked Planning Board chair David Jensen to outline what has changed since that time.

Jensen reviewed that the Village developed a Site Development Handbook in 1995 to establish standards for commercial development in the community. The Planning Board has been working on incorporating provisions of that document into specific enforceable zoning ordinance language with the idea that the Village would like more input into redevelopment of commercial sites that will occur over time. Jensen cited recent examples of the Village's need for more control over modifications to commercial buildings.

Jensen stated that the Planning Board was primarily concerned about redevelopment and new construction. The document brought to Council earlier this year addressed what redevelopment would look like. The business owners were interested in what would happen with existing businesses in the corridor.

All business owners were invited to meet with the Planning Board in March. There were six to eight business owners who attended meetings. The Planning Board reviewed and discussed all of their comments and suggestions and responded with a number of revisions to the document over a three month period. At its last meeting, the interested business owners indicated that they had no objections to the final draft. The Planning Board voted unanimously to recommend that Council adopt this ordinance. Jensen believes that the Village needs the kind of guidelines and discretion outlined in the Site Development Guidelines Ordinance.

Council members expressed support of the ordinance and thanked Jensen and the Planning Board for its work on the document. Questions from Council were addressed by Jensen and Ryan. In answer to an inquiry about the section of the ordinance that addresses signage, Ryan stated that the ordinance prohibits electronic changeable message signs. It is a policy decision by Council not to allow these types of signs. A person who disagrees can come before the Zoning Board of Appeals to request a variance.

In response to an inquiry, Jensen stated that the sign at the Beverly Hills Club is grandfathered to an extent. If the sign were destroyed in excess of 60% of the total value, it would have to comply with the ordinance. Up to that point, the owner can repair the sign.

Murphy stated that a public hearing on this ordinance will be required since the process is being reinitiated with a revised ordinance. A public hearing date will be scheduled at the next Council meeting.

Gladys Walsh of 20655 Smallwood Court asked that highlights of the proposed ordinance be presented for the benefit of the general public.

Domzal recalled that there was a public presentation of this ordinance by the planning consultant in February. He asked Jensen to review the ordinance content.

Jensen stated that the Site Development Requirements Ordinance has to do with design guidelines for commercial property. The document includes specific recommendations in terms of architectural standards, roof design, materials and colors, safety issues, landscaping, lighting, parking and access management for non-residential development. New buildings will be required to be in 100% compliance with the regulations. Incremental compliance is required depending on the size of an expansion or extent of a façade improvement.

Modifications to the ordinance made since the first reading in February were all about the concerns of existing commercial owners. Their concern was whether business owners had the right to rebuild their structure as it was if the building were destroyed by fire or weather.

Building Official Byrwa stated that the proposed ordinance represents a minimum set of guidelines based on a level of improvement to a commercial site dealing with remodeling or expansion of a building. The ordinance provides a well defined set of requirements and different thresholds of compliance based on the intensity of improvements on a site. Byrwa provided background on incidents that led the Planning Board to work on the preparation of an ordinance for commercial site development regulations to upgrade the appearance of buildings, parking and circulation, green space and plantings, and improve the community image along the corridors.

Domzal stated that a handout summarizing the ordinance will be prepared for distribution at the public hearing on the Site Development ordinance.

Jill Sickles of 17171 Kinross understands that existing buildings do not have to comply with the ordinance. Byrwa responded that the ordinance states that, should a structure be destroyed by any means where replacement costs total 60% or less of the total value of the building, improvements may be made without conforming to the requirements of the ordinance.

REVIEW AND CONSIDER APPLICATION FOR SMART FISCAL YEAR 2005 MUNICIPAL AND COMMUNITY CREDIT AGREEMENT

Before Council for consideration is the contract from the Suburban Mobility Authority for Regional Transportation (SMART) for financial assistance to support public transportation programs in Beverly Hills. This contract is for fiscal year 2005 (July 1, 2004 through June 30, 2005). The amount of funding available to the Village from the SMART program is approximately \$22,000 allocated under two separate programs, the Municipal Credit Program in the amount of \$9,833 and the Community Credit Program in the amount of \$12,642.

Council is considering action authorizing the Village to enter into a contract with SMART to accept the funds and allocate them in accordance with the terms of the contract. The funds are proposed to be allocated to the Birmingham Area Seniors Coordinating Council (BASCC) to be used for transportation related services. The amount of funding available to Beverly Hills through the Municipal Credit Program is \$9,833. It is recommended that \$2,499 be designated to the BASCC transportation program and \$7,334 be allocated to the SMART Connector and Dial-A-Ride services (\$3,667 is mandatory).

The amount of funding available to the Village through the Community Credit Program is \$12,642. It is recommended that this entire amount be allocated to BASCC for its transportation program. This brings the total allocation for BASCC up to \$15,141.00. BASCC uses this money for operation, maintenance and repair expenses as well as wages for its Senior Citizen Van Program. BASCC estimates that its annual costs for operating the Van Program are \$47,000 and their current records indicate that 25% of their van users are Beverly Hills residents.

Motion by Woodrow, second by Downey, to authorize the Village Manager to enter into a Municipal Credit and Community Credit Contract for fiscal year 2005 between the Suburban Mobility Authority for Regional Transportation (SMART) and the Village of Beverly Hills under which contract the Village would accept \$9,833 in Municipal Credits and \$12,642 in Community Credits to be allocated as set forth in the contract. For the amount of funding that will be allocated to the Birmingham Area Seniors Coordinating Council, BASCC will provide the appropriate insurance coverage as required by SMART.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER AMENDMENTS TO PERSONNEL POLICIES AND PROCEDURES MANUAL

The Village of Beverly Hills Personnel Policies and Procedures Manual is reviewed on an annual basis. Before Council for consideration are proposed amendments to that document.

The first amendment deletes items in Section 7.70 Dress Code on pages 23 and 24. The second item clarifies Section 11.10 Credit of Vacation Leave to indicate that vacation time is credited each year on the employee's anniversary date of hire and not at the beginning of each calendar year.

Motion by Downey, second by Woodrow, that the Village Council adopt the amendments to the Personnel Policies and Procedures Manual as outlined in a memo to Council dated July 28, 2004.

Motion passed (6 – 0).

REVIEW AND CONSIDER AGREEMENT WITH OAKLAND COUNTY FOR PAYLOCALTAXES.COM

Before Council for consideration is a PayLocalTaxes.Com Agreement between Oakland County and the Village of Beverly Hills. This is the first of three contracts requiring Council approval in order to execute the on-line credit card payment option. The County expects to have an agreement soon with Verisign for the PayflowPro payment gateway and with National City Bank for an individual merchant account.

Taylor read the following descriptive paragraph from the contract: “The County will provide, host, and maintain a Website and its connection to the Internet where Municipality Taxpayers can pay the current property taxes due on their property by means of a credit card utilizing the Internet. This includes ensuring that any data stored or transmitted is accurate, complete and securely collected.”

Village Attorney Ryan has reviewed the contract that will allow Village residents to pay their taxes online at no cost to the Village. It is a voluntary program, and any fees for this service will be borne by the person accessing the use of the service. This is a policy matter for Council as to whether it wants to offer residents this opportunity.

Motion by Taylor, second by McCleary, that the Village Council accept and sign the PayLocalTaxes.Com Agreement with the County of Oakland.

Norman Rubin of 31020 Rivers Edge Court asked if Council is comfortable that Village residents' credit card numbers will be adequately protected in this age of increasing sophistication of Internet hackers. Ryan responded that the County will be bearing the burden of that liability.

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

REPORTS

MANAGER

Downey inquired as to the progress of the Rummell Drain construction. Spallasso stated that the project is being wrapped up and will probably be completed within the next few weeks. Minor punch list items are being addressed. He will look into whether the project is on budget.

Downey asked Murphy if there have been any reported outbreaks of West Nile Virus in the Village of Beverly Hills. Murphy and other department heads present were not aware of any such reports. Downey stated that residents should report dead crows and blue jays to Oakland County. Murphy mentioned that larvacide “donuts” have been placed into catch basins within the Village as well as other areas such as the Beverly Park pond.

COUNCIL

Taylor thanked the Planning Board for the time that it puts forth on behalf of the Village. He stated that the Southfield Township Board will meet on August 10 at 8:00 p.m. The Zoning Board of Appeals will meet on Monday, August 9 at 7:30 p.m.

Downey commented that the Retirement Board continues with its asset allocation study and analysis under the guidance of consultants from Asset Strategies. The Retirement Board is in the process of implementing a new investment mix with the goal of increasing the performance of the Public Safety Officers’ Retirement System. They are working on evaluating investment managers. The Retirement Board plans to make a presentation before Council in September to provide information on investment activities and the Village’s contribution to the fund.

Downey related that it may be appropriate to increase communication with residents on disaster awareness and preparedness.

Downey remarked on recent acrimony between some members of the public and Council. He sincerely suggested that members of the public interested in community activities and programs consider joining the Council. Downey asked that everyone try to work together in the governing process and pursue answers to questions rather than being accusatory.

Koss commented that Council is interested in hearing input from residents on the topic of revitalization of a portion of the 14 Mile Road corridor. A public forum will be held on Monday, September 13 at 7:30 p.m. at Ascension of Christ Lutheran Church at 14 Mile and Pierce to discuss the 14 Mile Road corridor study and overlay district concept with interested residents. Flyers will be distributed to residents on 14 Mile Road and on Kirkshire to notify them of this meeting.

The Strategic Planning Development Committee will meet on Tuesday, August 10. Koss commented on the intense process that the group is going through and asked people to patiently await the results from the Committee. She would rather provide Council with a valuable product than to rush the document.

Woodrow commented that the summer concerts in the park were a success, and he hopes that they continue next year. He thanked Cynthia Nagle for all the work she did to organize the concerts. Woodrow commented on the Retirement Board's efforts in terms of taking a hard look at the investment mix of the Public Safety Pension Plan.

Domzal reiterated that the Retirement Board will update Council and the public in September on changes in the investment portfolio and the status of the Retirement System. The next Council study session is scheduled for Tuesday, August 31.

There will be a meeting on August 11 between representatives of Beverly Hills and Baldwin Library administration to talk about library issues. A community survey will be conducted soon to learn what Beverly Hills residents want in terms of library services.

Domzal asked Pasieka for an update on the tree sale in the Village. Pasieka reported that it is anticipated that two programs will be offered to the public to purchase trees for their own property or to be donated for planting on public property or road rights-of-way. Administration will be moving forward with these plans following confirmation from Council. The target date to implement and communicate the programs to the public will be with the newsletter mailed in mid-September.

Motion by Taylor, second by Koss, to adjourn the meeting at 9:12 p.m.

Motion passed.

Dave Domzal
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary