

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

Absent: Woodrow

Also Present: Village Manager, Murphy
Public Services Director, Spallasso
Assistant to the Manager, Pasieka
Public Safety Director, Woodard
Village Clerk, Marshall
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 Pfeifer, second by Koss, to approve the agenda as published.

Motion passed.

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

Kathleen Berwick of 31381 Kennoway Court questioned the status of noise and light issues at Groves High School athletic fields. Murphy responded that Mr. Spallasso, Director Woodard and he met on August 9 with members of the Birmingham Board of Education to discuss concerns raised by residents regarding the use of athletic fields at the high school.

It was learned that the School Board has already undertaken a study of the sound system at the Groves stadium and plans to implement changes this school year. The loudspeaker sound will be redirected away from neighboring residences. The School District is arranging for those renting the fields to keep the public address system sound at a lower level than used at home athletic contests for Groves students. The portable public address system used for baseball and softball games will be used only for varsity games by high school players and not for community use. Sporting events will start earlier with the goal of turning the stadium field lights off no later than 10:30 p.m. The School District is studying the current placement of the batting cage to determine if it can be moved to a better location. The direction of the soccer fields has been reoriented to keep balls from being kicked into neighbors' yards.

The Superintendent of Birmingham Public Schools has mailed a letter to all households abutting the athletic fields to explain the factors that led to an increased use of the fields and to make people aware of the steps that have been taken to address their concerns.

Domzal stated that a further meeting may be scheduled between representatives of the neighborhood and the School Board to address open issues with the Village acting as a

facilitator. It was suggested at the last meeting that each of the affected neighborhoods appoint a designee to represent homeowners in their area. Domzal affirmed that the Village intends to stay involved in this process as the dialog continues between the neighbors and the School Board.

Pamela Rijnovean of 32420 Evergreen Road stated that she attended the last Strategic Planning Development Committee meeting and is disappointed in the performance and accomplishments of the group. She understood that feedback from the community wide survey was to be the guiding influence of the strategic planning process. Rijnovean commented on the makeup of the committee and the function of the facilitators. She expressed dissatisfaction that sidewalks were a topic of conversation.

Murphy summarized the status of the program undertaken by the Strategic Planning Development Committee. The group recently completed its Strengths, Weaknesses, Opportunities and Threats (SWOT) exercise after conducting focus groups, a community-wide survey, business survey, service provider survey and educational survey. After reviewing all the data that has been gathered, the committee has named five major categories as key strategic issues of the Village: financial, infrastructure, environment, aging residential and commercial properties, resident participation and awareness.

Letters have been sent to all original applicants to the Strategic Planning Committee asking for their participation in the key strategic issue exercises. Interested individuals will be invited to serve on one of the five subcommittees and work with the committee to define the key strategic issues.

Domzal remarked that Council has had no involvement in the strategic planning process. It selected the committee members and directed the group to prepare and recommend a strategic plan to the Village Council. To the extent that further action is required after receipt of the plan, Council will consider that course.

Domzal emphasized that the voters have spoken clearly on the sidewalk issue, and there is no veiled attempt by the Strategic Planning Committee to impose sidewalks on the community. He expects that the issue may come up again in future years. If neighborhoods come to the Village with a request for a special assessment district to install sidewalks, pave roads, or improve drainage, Council will consider those proposals. Domzal remarked that the Village has so many pressing issues in terms of balancing the budget that the last thing it is concerned with is a sidewalk program.

Norm Downey of 23042 Nottingham Drive stated that an explanation is still needed for the eight percent increase in Village water and sewer bills. Downey distributed handouts to make a case that the cost to the Village for water and sewer service is less than eight percent. Manager Murphy offered to go over the computation of water and sewer rates in detail with Mr. Downey at his convenience.

Lawrence Needham of 15588 Kirkshire voiced disappointment with the activity of the Strategic Planning Development Committee. He would like to see the study group

complete its work and send its results to Council for consideration. Needham is not in favor of forming an implementation committee.

Sharon Tischler of 21415 Virmar Court stated that she has information on a municipal calendar web site if Council is interested in learning more about it. Domzal responded that administration will review the web based calendar idea and provide Council with a recommendation. A question from Tischler on an item on the list of bills was answered by Spallasso.

Pauline Millichamp of 18630 Chelton stated that she attended the last SPDC meeting and was discouraged with the progress made by the group. As the process continues with the expanded committee, she hopes that factual material will be examined relative to the five key strategic areas.

Art Liberty of 20850 W. Thirteen Mile Road quoted from newspaper articles to make the point that the sidewalk issue was defeated in the Village and further discussion of the topic should not be pursued. He questioned the makeup, objectivity, and priorities of the Strategic Planning Development Committee.

Norman Rubin of 31020 Rivers Edge Court questioned the explanation given for the computation of Village water and sewer rates.

In order to fully address questions raised by residents, administration will make a presentation at an upcoming Council meeting to explain the operation of the water and sewer fund and the elements that go into computing water and sewer rates.

Bunker Kelly of 21526 Corsaut Lane submitted comments and questions on water and sewer rates, a bid advertisement for printing the 2005 Village calendar, report on geological study of an occurrence on Riverside, the strategic planning process and performance of the Strategic Planning Development Committee.

Domzal requested that members of the public who comment at Council meetings try to keep a positive tone in an effort to get things accomplished.

CONSENT AGENDA

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

- a. Review and consider minutes of a regular Council meeting held on August 3, 2004.
- b. Review and file bills recapped as of Monday, August 9, 2004.

Motion passed (6 - 0).

BUSINESS AGENDA

SET PUBLIC HEARING DATE OF SEPTEMBER 7, 2004 TO REVIEW PROPOSED AMENDMENT TO CHAPTER 22 OF THE MUNICIPAL CODE – SITE DEVELOPMENT HANDBOOK

Motion by Taylor, second by Pfeifer, to set a public hearing date of September 7, 2004 to review proposed amendment to Chapter 22 of the Municipal Code – Site Development Requirements.

A handout providing a synopsis of the ordinance content will be distributed at the second reading.

Bob Walsh of 20655 Smallwood Court received clarification that the business owners will be notified of the public hearing.

Motion passed (6 – 0).

REVIEW AND CONSIDER PROPOSALS FOR SEASONAL SALT REQUIREMENTS

Bids have been received for the Village's 2004/05 road salt needs. Quotes were received from Morton Salt and Detroit Salt Company. It is the recommendation of administration to accept the low bid from Morton Salt at \$29.23 per ton (\$0.19 per ton less than last year).

Motion by McCleary, second by Taylor, to accept the quote from Morton Salt in the amount of \$29.23 per ton for the Village's 2004/05 seasonal road salt needs.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER SITE PLAN APPROVAL FOR DEMOLITION OF BUILDING LOCATED AT 31645 SOUTHFIELD ROAD (INVISIBLE FENCE) AND NEW CONSTRUCTION

Before Council for consideration is site plan approval for demolition of the building at 31645 Southfield Road (formerly Invisible Fence Co.) and construction of a new building. It is proposed to build a one-story 2,604 square foot commercial building to replace the existing one-story frame building on the 0.26 acre site. It is intended to use the building as a rentable space for two retail tenants that are unknown at this time. The Planning Board and planning consultant have conducted a review of the site plan and made suggestions to the applicant, which have been addressed in a revised site plan. It was noted that signage will come before the Planning Board for approval at a later date.

Motion by Downey, second by McCleary, that the Village Council approve the site plan submitted by Rosenthal Commercial Development for demolition of the existing building at 31645 Southfield Road and construction of a new building

subject to the following conditions outlined in a letter dated August 12, 2004 from planning consultant firm Langworthy, Strader LeBlanc & Assoc.

- The juniper shrubs are changed to a large upright deciduous shrub such as viburnum or burning bush for more effective screening and better salt tolerance.
- The two tenants must be confirmed prior to occupancy in order to establish whether a special approval is required.

Architect Michael Wolk, representing the developer Bernard Rosenthal, displayed the site plan and responded to questions from Council and residents.

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

REVIEW AND CONSIDER CONTRACT FOR PAGERS FOR THE PUBLIC SAFETY DEPARTMENT

The 2004/05 budget contains funds to cover the cost of a contract for text message pagers for Public Safety Department personnel. The Department currently has a contract with Verizon Wireless Messaging Services which is due for renewal on October 1, 2004. Quotes were received from three vendors for paging services. The low bid was from SBC Paging Services in Farmington Hills.

Motion by Koss, second by Pfeifer, that the Village of Beverly Hills Council award the purchase of a text messaging contract for up to 35 pagers to SBC Paging Services of Farmington Hills in the amount of \$1,995. Funds are available for this purchase in Account #101-345-851, Telephone Services.

Questions from the audience and Council were answered by Director Woodard.

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

DISCUSSION ITEM – LIBRARY SERVICES

Domzal stated that the purpose of this agenda item is to update the public on what is being discussed in terms of Village library services. The issue has come up from time to time over the years. The contract with Baldwin Public Library signed in 1992 obligates the Village of Beverly Hills to pay one mil to the library annually, as reduced by Headlee. Domzal stated that approximately 10-11 percent of the Village's total operating budget is dedicated to library service.

Domzal reviewed that the Village levied a separate millage a number of years ago for payment of library services. When that dedicated millage expired, library costs were picked up by the general operating fund of the Village. It is common knowledge that municipalities have experienced revenue cutbacks in terms of state revenue sharing, sales tax revenue, and real estate property value attributable to Proposal A. Council is dealing

with serious financial and budget matters. Another issue of concern is the demand that will be placed on our operating budget in future years due to rising health care costs, personnel costs, and potential increased contributions to the Public Safety Retirement System. It is apparent that the Village's operating budget will not generate enough money to fund the library system on a long-term basis.

Domzal suggested that the Village look at this issue now before it becomes a crisis situation. A subcommittee of Council is looking at what the community should do on a long-term basis in terms of library services. There are a couple of questions that need to be answered in order to make intelligent decisions as elected officials.

- What kind of library services do the residents of Beverly Hills want?
- What do residents want to spend on a library system, and do residents want to fund a library system on a long-term basis?

Council has decided to survey residents in the community and ask them what, if any, library services they want to have in the future. This survey will be prepared and circulated within the next three to six months. Domzal thinks that residents may want to have access to quality library services. The question is what are residents willing to pay for recognizing that it will entail additional taxes to fund a library system on an ongoing basis.

Beverly Hills could go out for proposals for library service from various library systems throughout the area. It is Domzal's view that the Village's contract with the Baldwin Library is a competitive arrangement considering the quality of service.

Ralph Lohrengal of 18346 Beverly Road said that it is his position that residents who use the library should pay for it.

Bunker Kelly commented on the cost of library service per household. He questioned the terms of the contract with Baldwin Library. He understands that Baldwin Library has not shared information with the Village as to how much Beverly Hills is using the library. Kelly suggested that Council investigate other local library facilities and go out for bids for library services.

Bob Walsh believes that Baldwin Library is in a good financial position due to a recent Headlee override vote. He noted that there are other libraries in this area that are accessible to the Village. Walsh suggests that a Village-wide survey should be conducted because we are talking about a lot of money and a huge impact on the community.

Sharon Tischler understands that the law does not permit the library to make public the names and addresses of people who use the facility. She questioned why the number of Beverly Hills residents who use the library couldn't be revealed.

Domzal related that the Village has received circulation figures from Baldwin Library. Beverly Hills represents 20% of the usage by circulation and contributes about 15% of their budget. The figures exclude use of the Bloomfield Township Library.

Art Liberty stated that he understands that individuals who belong to any library in this area have the use of all libraries within that consortium. He suggested that the Village accept proposals for library service from local libraries.

Domzal stated that Council will keep the residents posted on this important topic.

REPORTS – MANAGER

Murphy reported that the next Retirement Board meeting is scheduled for 7:30 p.m. on August 24th at the Public Safety Department building. Village Council will hold a study session at 6:00 p.m. on August 31st in the Village Council chamber.

The Village has scheduled a neighborhood meeting on the 14 Mile Road overlay zoning proposal to take place on September 13th at 7:30 p.m. at Ascension of Christ Lutheran Church. The purpose of the meeting is to review and discuss the merits of the overlay zoning district and gather resident input on the proposal.

The Village has been working with Independent Bank to arrange for better than average home improvement loan programs for eligible residents through the Community Reinvestment Act. The bank staff will attend the September 13th meeting to unveil the program and answer questions. They will also send out a mailing to all Village households outlining details of the program.

COUNCIL

Koss commented that she understands the tension generated by discussion of sidewalk issues. The Beverly Hills electorate voted against initiating a sidewalk program. There are still people in the Village who want sidewalks. Koss is a member of the Strategic Planning Development Committee and acknowledged that sidewalks were mentioned by a member of the committee as being part of the Village infrastructure. Koss reassured people that the SPDC does not have a hidden agenda to pursue a sidewalk program.

Pfeifer announced that the Birmingham Area Cable Board will meet in the Beverly Hills Council chamber tomorrow morning, August 18, at 7:45 a.m.

Pfeifer stated that she has attended recent Zoning Board of Appeals meetings and finds it reassuring to see that residents are upgrading their homes. It speaks well for the community that people want to stay in Beverly Hills. Her concern is that the Village's restrictions in terms of front, back and side yard setbacks may not protect the Village from big foot development. Pfeifer is concerned that, because the Village has no open space requirements, overbuilding of lots could result in destroying permeable property and cause runoff problems. She asked that Council discuss this at a study session and consider referring the issue to the Planning Board for review.

Pfeifer questioned the surcharge on taxes that are paid online with a credit card. Murphy stated that a 2.75% fee will be charged against the credit card holder to cover the cost of processing the payment both at the bank and at the County. It was emphasized that the County program that allows residents to pay taxes online with a credit card is strictly voluntary.

With regard to water rates, Pfeifer attended public hearings initiated by the Michigan legislature to investigate water rates that the Detroit Water and Sewer Department is charging suburbs. She commented on the complicated process of determining the suburban markup, which varies by community making it difficult to compare rates. Assurances were given by the DWSD that they are not overcharging the suburbs. At the same time, the Oakland County Commissioner has indicated that that the County is looking at alternate providers.

Pfeifer attended a meeting of the Birmingham Area Seniors Coordinating Council (BASCC) today and heard a Franklin representative report on technology that allows a cell tower antenna to be placed on top of an existing telephone pole. She questioned whether this is something the Village should research.

Taylor expressed support of Dave Domzal's leadership and respect for all Council members as well as residents who speak at meetings. He believes that negative comments are detrimental to the community.

McCleary reported that the Parks and Recreation Board will meet on Thursday, August 19 at 7:30 p.m. He commented on the diverse backgrounds and viewpoints of people who serve on Village boards and committees.

Downey stated that the Retirement Board will meet on Tuesday, August 24. He thanked Birmingham Public Schools for being responsive to Beverly Hills citizens by sending a letter to affected residents addressing problems and offering solutions to lighting and noise issues associated with the use of Groves athletic fields. He thinks that the School Board should be given an opportunity to carry out the measures outlined in that correspondence.

Domzal urged interested residents to attend the September 13th meeting to learn about the plan to improve the 14 Mile Road Corridor.

Motion by Pfeifer, second by Koss, that the meeting be adjourned at 9:32 p.m.

Motion passed.

Dave Domzal
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary