

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

Absent: None

Also Present: Village Manager, Spallasso
Assistant to the Manager, Pasioka
Village Clerk, Marshall
Director of Public Safety, Woodard
Village Attorney, Ryan
Building Official, Byrwa

President Domzal called the regular Council 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

Woodrow asked that business agenda item (e) be removed, “Review and consider Finance Committee’s first assignment”. Domzal noted that the agenda should be modified to include the presentation by the Birmingham Youth Assistance representative in the business agenda item on that topic.

Motion by Woodrow, second by Pfeifer, to approve the agenda as amended.

Motion passed (7 – 0).

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 August 2, 2005.
b. Review and file bills recapped as of Monday, August 8, 2005.

Motion passed (7 - 0).

BUSINESS AGENDA

REVIEW AND CONSIDER ANNUAL FUNDING REQUEST FROM BIRMINGHAM YOUTH ASSISTANCE

Council is in receipt of an annual funding request from the Birmingham Youth Assistance Committee (BYAC) for fiscal year 2005/06 in the amount of \$4,794. Koss introduced past chairperson Mary Jo Dawson, who was present to outline some of the things that the BYAC does for Beverly Hills residents.

Motion by Koss, second by Taylor, that the Village of Beverly Hills approve the expenditure of \$4,794 to the Birmingham Youth Assistance Committee for fiscal year 2005/06.

Koss noted that the original request from BYAC for \$5,597 was reduced to reflect a Council decision made during the budget process for a 15% reduction in the amount of its support for services provided by non-profit organizations.

BYAC solicits support from each municipality relative to the operations of the office. The County provides BYA with a case worker, Julie Rosenbrock, who was present. Birmingham Schools provide BYA with space in Midvale School. The majority of the balance of their costs are defrayed by contributions from municipalities. Dawson added that the organization works to support itself through fund raisers and an ad book.

Dawson thanked Council for its generous support of Birmingham Youth Assistance. The Birmingham Youth Assistance Committee was described as a unique partnership of the municipalities of Beverly Hills, Birmingham, Bingham Farms and Franklin, their police and public safety departments, the Birmingham Public School system, the Family Division of the Oakland County Probate and Circuit Courts, and volunteers. The mission of the organization is the prevention and reduction of child abuse, child neglect and juvenile delinquency. BYAC pursues its mission through its case worker who works with children who are first time offenders to provide an alternative to official court involvement. Dawson outlined a number of programs offered by BYAC.

A question from Woodrow on the funding request was addressed by Dawson. Domzal emphasized that Beverly Hills is donating to this civic organization to the extent that BYA is providing direct services that assist the residents of the community. Pfeifer asked how many residents use the BYA program. Dawson responded that 20% of the case load comes from Beverly Hills when they know specifically where an individual is from.

Gladys Walsh of 20655 Smallwood Court agrees that the BYAC programs are extremely important and young people benefit from the program. She listed the organizations supported by Birmingham Community Education and indicated that the Birmingham Community Coalition is about preventing substance abuse.

Walsh related that, on February 1, 2005, Rich Durda, Principal of Berkshire Middle School and BYAC volunteer, was present at a Council meeting to talk about the unique partnership the group has with area municipalities. It was noted that the Beverly Hills Public Safety school liaison officer was involved in the program. Council had expressed concern about the expenses involved in the program and questioned whether it is lawful to include the funding of non-profits in the Village budget. Walsh inquired as to where the Village stands legally in terms of contributions to non-profit organizations. She noted that many Villagers contribute to their own non-profits.

Walsh stated that the topic was discussed at the March 25, 2003 Council meeting and was brought up again in February of 2005. Council discussed contributions made by the Village to charitable organizations in response to requests for money. Because a municipality cannot legally donate money to charities, the Village approves a contract based on an organization providing a service to the community. Some Council members do not agree with the practice of government funding charities with General Fund money. It was suggested by Domzal that

these organizations could be directed to an alternate funding mechanism if the Village would choose to initiate a community foundation. It was noted that a foundation would require start-up money. The Village Manager at that time was directed by a majority of Council to “hold the line” in terms of donations to all organizations that the Village currently supports.

Walsh questioned how it is determined which organization receives funding. She referred to Section 8.5 of the Village Charter regarding budget adoption. The Charter says that Council shall make an appropriation for the money needed for municipal purposes. Walsh inquired as to how Council defines municipal purposes and where it stands for the future. She asserted that Villagers want the Council to act in a fiscally responsible manner.

Walsh asked questions about the field services provided by BYA case workers assigned to the communities and who pays for the costs. She asked about the coordination with the Birmingham Community Coalition, which is engaged in preventing substance abuse. Walsh questioned how many people make up the 20% figure quoted as the percentage of youth being serviced in Beverly Hills and whether there are any funds expended by the families toward this effort.

Kathleen Berwick of 31381 Kennoway Court questioned if all nine communities in the Birmingham School District are asked to make donations to the Birmingham Youth Assistance Committee.

Village Attorney Ryan stated that this is a service being provided by an organization that happens to provide a unique community service to Beverly Hills. The Village is entering into an agreement with BYAC for an amount of money to provide Village youth with that service. He asked the BYAC representative how many families are involved in the 20% quoted in terms of the percentage of people in the Village that use this service.

Caseworker Julie Rosenbrock explained that files are systematically destroyed due to confidentiality when the children turn 17. In past years, there were no direct records kept in terms of percentages of individuals by city; BYAC is now retaining these records. There were 116 families serviced in 2004/05. BYAC knows where 87 of those families are from; 17 of those families were from Beverly Hills.

Ryan asked if there is one-time or ongoing counseling of youth. Rosenbrock responded that counseling is generally ongoing weekly to every few months for the entire year. Rosenbrock has a Masters Degree in Social Work and has been certified as a clinical social worker. She commented on the dollar value of her services provided to these youth and their families in the open market. Rosenbrock believes that the request made for funding is fair market compensation for services provided to Beverly Hills families and youths.

Ryan reinforced the point that this is not a donation and that BYAC is a community organization that can provide unique services to Beverly Hills residents. It is his opinion that this can be considered a municipal purpose if Council chooses to fund this organization.

Pamela Rijnovean of 32420 Evergreen stated that she made inquiries last year of Mr. Vandyke, BYA Treasurer, and was provided with information on the municipalities served. The 26 Youth Assistance programs that serve Oakland County are defined by the boundaries of the School Districts. The Birmingham Youth Assistance organization serves Birmingham, Beverly Hills, Bingham Farms and Franklin as well as other parts of six communities including Bloomfield Hills, Bloomfield Township, Southfield, Southfield Township, Troy and West Bloomfield. Rijnovean indicated the amount of the donations given by each of the communities who contributed.

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

REVIEW AND CONSIDER A REQUEST FROM MISCH INTERNATIONAL IMPLANT INSTITUTE AT 16231 W. 14 MILE ROAD FOR REVIEW AND SITE PLAN APPROVAL OF AN ADDITION TO DENTAL OFFICE BUILDING

Woodrow reviewed that Misch International Implant Institute of 16231 W. 14 Mile Road has submitted an application to construct an addition to an existing building for a classroom to be used only on weekends. The Planning Board and Village Building Official have reviewed the proposal.

A memo from Building Official Byrwa suggests that a Council resolution to approve the site plan be contingent on a master deed reflecting the limited use of the classroom addition to Saturday and Sunday with a copy of the recorded deed to be submitted to the Village prior to the issuance of a Certificate of Occupancy. Woodrow remarked that it appears that limiting the use of the classroom to weekends will prevent a shortage of parking if the classroom were to be used during regular business hours.

Motion by Woodrow, second by McCleary, to approve the site plan from Misch International Implant Institute at 16231 W. 14 Mile Road for an addition to a dental office building as reviewed and recommended for approval by the Planning Board, subject to the conditions set forth in the August 11, 2005 memo from the Village Building Official.

Jill Bertelson, personal assistant to Drs. Carl and Francine Misch, was present along with architect Garnet Cousins. Bertelson related that the Misches are currently out of the country teaching. The architect displayed an elevation of the building and the proposed 23' x 50' addition. The classroom addition will be approximately 1,000 sq. ft. with no basement.

Council members questioned how the deed restriction limiting the use of the addition to weekends will be enforced.

Attorney Ryan stated that this site plan approval would be conditioned on use of the addition only on the weekend. The master deed would be recorded at the Register of Deeds office. The Village would enforce the restriction if the Building Official or local residents complain that the property owners are not adhering to the conditions. The Village would have to go through

a judicial process if the violation could not be resolved informally with the owners. There are remedies and consequences if the violation continues after notice to the operator.

Domzal asked if there is a way of incorporating this restriction in the site plan approval where it becomes binding or enforceable without including it on the deed. Ryan thought that the restriction should be put on the deed to place the subsequent purchaser of this property on notice that there is restriction on the use of the addition.

McCleary commented that the next property owner would have the same restriction in order to maintain adequate parking during the week. He noted that this restriction devalues the property.

David Jensen stated that the Planning Board did not condition its recommendation on the use of this building on weekends. The parking issue was identified as a minor matter. He questioned how the Village would enforce this deed restriction.

Byrwa stated that the letter from the Misches accompanying their application states that the addition will be used on the weekends only, and the parking area would not be used concurrently. The parking situation was taken into account by the Planning Board. The 44-seat classroom addition eliminates 7 parking spaces, and another parking space may be lost by a parking island. Byrwa maintains that the master deed restriction protects all parties and is in the best interest of the Village.

Bunker Kelly of 21526 Corsaut expressed the view that the parking issue should be reviewed carefully.

Sharon Tischler of 21415 Virmar Court had reservations about adding onto a structure and eliminating parking places that were required for the current size of the building. Residents should not be asked to police the parking situation. Tischler questioned how the deed restriction will be regulated. She thinks it will cause problems with the parcel in the future.

The architect discussed parking calculations on the site and referred to the Village Zoning Ordinance. Bertelson commented that the Misches have talked to the adjacent building owners, who have no problem with the addition. She related that many of the doctors who attend the weekend seminars are bussed in by local hotels or transferred by the employees. Bertelson asked whether the deed restriction will place the Misches at a disadvantage if they decide to sell the building in the future.

Kathleen Berwick of 31381 Kennoway Court was concerned that the neighbors who abut this commercial property were not expecting noise and traffic on the weekend.

Pfeifer commented that she is familiar with the building and has observed that the parking lot is never fully utilized.

Domzal was concerned with diminishing the value of the property with a deed restriction on use, which could be a problem in subsequent years. He does not want to see this become an obsolete or deteriorated piece of property.

Koss asked if the Misches are aware that there is a deed restriction proposed as part of this site plan approval. Bertelson responded that she does not believe that the doctors are aware that Council is considering approval of the site plan contingent on acceptance of a deed restriction. Koss commented that she cannot support the motion as proposed without the building owners present.

McCleary commented that the application letter does not ask for a deed restriction. He clarified that a deed restriction would run with the property, not with the building.

Motion by McCleary, second by Downey, to table consideration of site plan approval for an addition to the Misch International Implant Institute at 16231 W. 14 Mile Road until the property owners are present to indicate their understanding and acceptance of any deed restriction proposed as a condition of the motion.

Roll Call Vote:

Motion passed (7 – 0).

Domzal commented that it would be helpful if there was additional review of the alternatives. Ryan remarked that a parking variance from the Zoning Board of Appeals is an option.

DISCUSS PLANNING BOARD MATTERS INCLUDING MASTER PLAN

Woodrow reviewed that Council has approved funds in the amount of \$10,000 for the 2004/05 fiscal year to begin the Village Master Plan update. Council indicated that it would revisit the optional tasks and costs at the beginning of the 2005/06 year and set a budget for completion of the plan update.

Planning Board chairperson David Jensen provided background information related to the Master Plan update process. In March of 2005, the Planning Board provided Council with an outline for updating the Master Plan at a cost of \$13,700, and Council authorized the expenditure of \$10,000 to begin work. As of this date, \$6,177.50 has been spent to update the existing conditions of the Village and conduct a public meeting. The Board is prepared to discuss the goals and objectives of the Master Plan and incorporation of appropriate elements of the Strategic Plan into the update.

The Planning Board is requesting the balance of the funds allocated in 2004/05 (\$3,822.50) and authorization for the remainder of the original cost to complete the Master Plan update (\$3,700). Jensen understands that there are Community Development Block Grant Funds available in the amount of \$4,215 for use in the 2005/06 budget for Village planning activities.

The Planning Board's Master Plan Update proposal included optional tasks. It is requested that Council consider authorizing funds for these items at this time. The task involving incorporation of the Strategic Plan into the Master Plan has been eliminated from the request

for the reason that the planning consultant has agreed to accomplish this work within the current budget. Jensen outlined the remaining optional tasks including:

Task #1 – One additional public involvement meeting – estimated fee of \$2,500

Task #3 – Housing and Neighborhood Plan – estimated fee of \$7,500

Task #4 – Southfield Road Corridor Plan – estimated fee of \$7,500

The Planning Board proposes to update the Master Plan, notify surrounding communities as required, and conduct an additional public hearing.

Jensen related that studies suggested by the Planning Board originate from discussions held with Council at joint meetings. The Housing and Neighborhood Plan will include a review of the existing conditions of neighborhoods in response to concerns about the impervious nature of buildable areas and setback requirements. The Village Zoning Ordinance does not acknowledge that approximately 80% of the homes in the area east of Southfield Road have non-conforming uses for the reason that they predate the adoption of the ordinance. It has been suggested that it is time to look at the housing stock of the Village and submit recommendations to Council for consideration.

The Southfield Road Corridor study originates from a concern about the appropriate, attractive and orderly redevelopment of the Southfield Road business district at such time as existing buildings are sold or change use.

Motion by Woodrow, second by Downey, to authorize administration to expend \$3,822.50, which is the balance of the \$10,000 allocated in 2004/05 for the Master Plan update, and to authorize the expenditure of \$3,700 to complete the plan update for a total cost of \$13,700.

Woodrow set forth three subsequent motions that would: 1) approve the expenditure of \$2,500 for one additional public involvement meeting; 2) approve the expenditure of \$7,500 for the Housing and Neighborhood Plan, which will include implementation of Key Strategic Issue #6, “Maintain and Increase Value of Property”; and 3) authorize expenditure of \$7,500 to complete the Southfield Road Corridor Plan and incorporate it into the Master Plan. Council discussed the action proposed on the Master Plan update and optional tasks. Questions and comments were addressed by Jensen.

Koss asked if the Planning Board would be working with the Zoning Board of Appeals on the study that focuses on non-conforming lots on the east side of the Village. Jensen responded that the issue will be to create mechanisms to motivate people and assist in helping them understand the potential for what they can do with these non-conforming houses. The Village should be able to create a way for people to apply for a building permit within the ordinance and not go through the Zoning Board of Appeals process for a non-conforming lot that pre-existed the Zoning Ordinance.

Jensen was asked if the study would produce recommendations for amendments to the Zoning Ordinance. He responded that the Planning Board study would identify the problems and potential solutions. The cost of study would cover both findings and suggestions.

Pfeifer questioned the Planning Board's window for submitting a revised Master Plan. Jensen responded that the Board could complete the Master Plan in the first quarter of 2006 if Council approved funding for a basic Master Plan update without the optional tasks.

Pfeifer stated that the Zoning Board of Appeals often allows for continuation of a non-conforming use. The Planning Board may propose a lot coverage ratio as part of its Housing and Neighborhood Plan. Pfeifer believes that there is a need for an overlay district and plan for the Southfield Road corridor.

Woodrow stated that he would like to task the Planning Board with implementing Key Strategic Issue #6 from the Village's Strategic Plan. He hopes that Council will not only receive suggestions from the Planning Board on solutions to problems in terms of housing stock, but recommendations in terms of amended ordinance language that will solve problems.

Jensen related that the Village's consultant LSL Planning does work for 85 communities in the State. The Village has the benefit of working with a company that assists communities with some of the same issues as Beverly Hills. LSL Planning has completed studies on some of those issues.

Woodrow noted that the Village received a letter dated August 16, 2005 from resident David Tillman endorsing the Village Master Plan update and the use of tax dollars to pay for the update. Woodrow highlighted sections of the letter. Tillman stated that a well conceived Village Master Plan would signal to the development community that Beverly Hills takes seriously the business of attracting new development projects that would make our community more livable and enhance its ambience. Tillman concludes that you either "fail to plan, or plan to fail", and he hopes that the Village will succumb to neither.

Woodrow would like to see a schedule from the Planning Board for the Master Plan update once the Council approves expenditures for 2005/06.

Domzal recognized five Planning Board members in the audience – Vince Borowski, Bruce Wayne, Elizabeth Landsman, Art Liberty and David Jensen.

Downey remarked that a portion of CDBG funds are routinely expended on planning projects. He is in favor of each of the optional tasks but questioned whether it is financially prudent to authorize expenditure of funds for every program.

McCleary expressed support of an expenditure of funds to complete the Master Plan Update. He had questions and concerns with respect to the intent and cost of the Housing and Neighborhood Plan and the Southfield Road Corridor plan studies.

Jensen stated that the Housing and Neighborhood Plan will encourage redevelopment by renovation and remodeling. It is the only way to retain the existing footprint of a non-conforming property, and it will not encourage tear-downs.

Jensen clarified that the Village engaged an outside consultant for a fee of \$2,000 to conduct a study to establish goals for the Southfield Road Corridor plan. The Planning Board had done all the data collection and information gathering on the existing conditions of the corridor. A corridor plan has not been undertaken by the Village. The Planning Board did not want to begin the project until the common goals were clear. Jensen talked about the issues on Southfield Road and the need to help shape the future in a way that is logical.

Taylor commented on the Housing and Neighborhood Plan and the cost of the work program. As liaison to the Zoning Board, he noted that the Chair of that Board has indicated that the ZBA would like to prepare a written recommendation and pass it on to the Planning Board.

Domzal questioned where the Village would be in terms of its budget if Council were to approve all four items presented by the Planning Board. Spallasso answered that there is \$19,000 in the 2005/06 budget for planning. All of the requested items could be funded within the approved budget, taking into account CDBG funds.

Domzal commented on the importance of planning noting that our competition is the surrounding communities and particularly those to the north of Beverly Hills. He suggested that the Southfield Road Corridor study could possibly be considered as a separate item.

Sharon Tischler of 21415 Virmar Court suggested that the Planning Board's first obligation should be to update the Master Plan with current data before undertaking optional tasks. The Village has the ability to conduct studies and include sub-plans into the Master Plan following completion of the current update.

Pamela Rijnovean of 32420 Evergreen commented on budget constraints and proposed that the Planning Board proceed with completing the Master Plan Update before moving on to the next project. She commented on the study done by Dr. Hirshorn and said that there appears to be little that the Village can control on Southfield Road. Beverly Hills completed the codification of the Site Development Handbook. Rijnovean mentioned that the Southfield Road corridor was designated as a low priority by residents who responded to the Village-wide survey. She does not think Council should approve this expenditure.

Greg Burry of 32742 Pierce commented on the lack of details presented for the optional tasks and the absence of a schedule for completion. Approval of the entire work program would result in an expenditure of \$32,400. He proposed that the Planning Board undertake some of this work in lieu of the planning consultant.

Bunker Kelly of 21526 Corsaut Lane stated that the cost to draft a basic Master Plan update is \$13,700 plus \$1,200 in expenses or \$14,900. He reviewed that Council took action two years ago to award a contract to LSL Planning to update the Master Plan at a cost of \$5,700; that contract was never completed. Council is now awarding additional funds to complete a

\$14,900 work plan to update the Master Plan. Kelly proposed that the Planning Board complete a Master Plan update before considering optional tasks.

Kelly questioned the need to change the Zoning Ordinance. He suggested that the proposal before Council in terms of the Housing and Neighborhood Plan is to loosen the rules so people do not have to come before the ZBA for a variance. Kelly thinks that codification of the Site Plan Development Handbook was a good first step in addressing Southfield Road corridor issues. Traffic issues are a next logical step. Kelly questioned the dollars being requested for this study, which is not a priority of Village residents.

Robert Walsh of 20655 Smallwood Court read excerpts from minutes of a joint Council/Planning Board meeting held in May of 2003 regarding updating the 1998 Master Plan. He noted that State Law does not require a major update of the master plan every five years. It was agreed in 2003 to proceed with a Master Plan program that would update existing conditions at a cost of \$5,700. In April of 2005, the cost of the contract to update the Master Plan increased to approximately \$15,000.

Edward Toth of 17500 Kirkshire commented on the funding request for updating the Master Plan and optional tasks. He asserted that the statement made that 80% of the housing east of Southfield Road is non-conforming is unsupported. Toth would be interested in knowing the percentage of all the lots in the Village that are non-conforming. He maintained that the marketplace is doing fine without a new study with an incomplete agenda conducted by a financially overburdened Village.

Frank Worrell of 32123 Bellvine Trail commented that he has lived in the village for over 50 years and does not believe that there is that much wrong with Beverly Hills. There is no need for the studies being proposed as part of the Master Plan work program. Worrell suggested that a decision on these expenditures be postponed until the new Council is seated in September because they may have a different way of looking at the Master Plan program.

Gladys Walsh of 20655 Smallwood Court pointed out that the State Act does not require that a municipality do a complete rewrite of its master plan every five years. It was determined by the Planning Board and Council in 2003 that the Village only needed to update census figures from the 1998 Plan. Walsh expressed the view that the Village revisits the same issues. As an example, she quoted meeting minutes from 2001, at which time “big foot” housing was addressed by the Planning Board. Walsh agreed that the public needs statistics supporting comments made relative to Zoning Board issues regarding non-conforming lots.

G. Walsh was concerned that there may be an attempt to change Village characteristics to be something other than what residents want. She is troubled with the direction that Council is taking and the haste with which it is proceeding. Goals and objectives were discussed at a joint meeting of the Council and Planning Board on June 22, 2005. Walsh questioned whether the master plan process should proceed without establishing final goals. She thought that people who are in tune with the entire Village should be involved in the process. Walsh asked Council to consider the proposal carefully and make a good decision.

Vince Borowski of 31115 W. Chelton, Planning Board member, recommended that Council approve the resolutions presented this evening. He commented on the nature of the Planning Board’s work and proposed moving forward on the work program.

Bruce Wayne of 25 Riverbank expressed interest in preserving the Village as a great place to live with beautiful homes and a tremendous environment. The Planning Board welcomes public input on Master Plan issues.

Soter Art Liberty of 20850 W. 13 Mile Road commented that the Planning Board is a recommending body to the Council. In the final analysis, Council has the ultimate authority.

Woodrow repeated his first motion:

Motion by Woodrow, second by Downey, to authorize administration to expend \$3,822.50, the balance of the \$10,000 allocated in 2004/05 to LSL Planning to conduct a Master Plan update, and to authorize the expenditure of \$3,700 to complete the plan update for a total cost of \$13,700.

Roll Call Vote:

Koss - yes
McCleary - yes
Pfeifer - yes
Taylor - no
Woodrow - yes
Domzal - yes
Downey - yes

Motion passed (6 – 1).

Motion by Woodrow, second by Pfeifer, to authorize the expenditure of \$2,500 to LSL Planning to conduct one additional public involvement meeting.

Roll Call Vote:

McCleary - no
Pfeifer - yes
Taylor - no
Woodrow - yes
Domzal - yes
Downey - yes
Koss - no

Motion passed (4 - 3).

Motion by Woodrow, second by Downey, to approve the expenditure of not more than \$7,500 to complete the Housing and Neighborhood Plan, which will include implementation of Key Strategic Issue #6, “Maintain and Increase Value of Property”.

Pfeifer assumed that this work program extends to offering new ordinance language for Council consideration.

Downey believes that this study relates to protecting the character of the Village. He thinks that looking at the housing stock is very important and is not intended to loosen restrictions.

Koss stated that she was not opposed to this study, but favors completing the Master Plan Update before considering optional studies.

Taylor expressed support of the Housing and Neighborhood Plan based on the way it was presented in terms of non-conformity of existing properties but objected to the high cost of the work plan.

Roll Call Vote:

Pfeifer	- yes
Taylor	- no
Woodrow	- yes
Domzal	- yes
Downey	- yes
Koss	- no
McCleary	- no

Motion passed (4 – 3).

Motion by Woodrow, second by Pfeifer, to authorize an expenditure not to exceed \$7,500 to conduct a Southfield Road Corridor Plan and incorporate it into the Village Master Plan.

Pfeifer questioned whether Council has the option of prioritizing these studies. She proposed delaying approval of this work program until the next budget year.

Jensen concurred that there is much work to be done by the Planning Board. He was amenable to coming back to Council at the beginning of the 2006/07 budget year to reintroduce this particular project.

Domzal agreed that perhaps the next Council should take a look at the Southfield Road corridor issue considering the Village's budgetary situation.

Roll Call Vote:

Taylor	- no
Woodrow	- no
Domzal	- no
Downey	- no
Koss	- no
McCleary	- no
Pfeifer	- yes

Motion failed (6 – 1).

Pfeifer mentioned that there will be a joint meeting of the Council and Planning on October 12, 2005.

REVIEW AND CONSIDER PROPOSALS FOR 2005/06 SEASONAL ROAD SALT

Quotes for bulk road salt were requested from the two major suppliers in the Detroit area, Morton Salt and Detroit Salt Company. Detroit Salt did not provide a quote indicating that its production was committed for the upcoming season as early as July. Morton Salt quoted \$31.68 per ton, which is \$2.45 higher than last year and is attributed to the increase in fuel costs. It was noted that the Village pays only for the salt that is used.

Motion by McCleary, second by Taylor, to accept the quote from Morton Salt in the amount of \$31.68 per ton for the Village's 2005/06 seasonal road salt needs.

Pamela Rijnovean mentioned that Cargill is a large salt company that services this area. She noted that Morton Salt provides a cash back bonus if the Village pays its invoices by credit card.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER RESOLUTION FOR WEST NILE VIRUS FUND EXPENSE REIMBURSEMENT

Motion by McCleary, second by Downey, to approve the resolution for West Nile Virus Fund Expense Reimbursement Request as follows:

VILLAGE OF BEVERLY HILLS
WEST NILE VIRUS FUND EXPENSE REIMBURSEMENT REQUEST

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS the Village of Beverly Hills, Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW THEREFORE BE IT RESOLVED that this Council authorizes and directs its Manager, Renzo Spallasso, as agent for the Village of Beverly Hills in the manner and to the extent provided under Oakland County Board of Commissioner Miscellaneous Resolution 05091, to

request reimbursement of eligible mosquito activity under Oakland County's West Nile Virus Fund Program.

Motion passed (7 – 0).

PUBLIC COMMENTS

Ed Williams of 16140 Reedmere stated that he spoke at the July 19, 2005 Council meeting about water accumulation in the ditch in front of his property. The ditch was made deeper as a result of the recent water main installation in his area. He questioned whether a conclusion has been reached on a possible solution to his problem. Spallasso responded that a representative from consulting engineering firm Hubbell, Roth & Clark is working with the contractor on the best and most cost effective way to alleviate the problem.

Soter Art Liberty of 20850 W. 13 Mile Road referred to misinformation that appeared in the Eccentric newspaper recently regarding a member of administration who said that there was a silent majority in Beverly Hills who did not agree with the residents who attend Council meetings and address their concerns. He cited some of the accomplishments of the vocal public including the defeat of a proposed charter amendment to establish a new spending authorization and the defeat of a sidewalk proposal. Liberty objected to the method used to select Finance Committee members.

Frank Worrell of 32123 Bellvine Trail expressed the view that the individuals who ran the Village for the last 50 years were good, dedicated people. Worrell disagreed with the statement that the Strategic Planning Committee is a citizen driven initiative. He referred to minutes of a June 24, 2002 Council meeting at which time Manager Murphy indicated that a strategic planning process would probably be the groundwork for a Headlee override amendment.

Rose McLennan of 19977 Sunnyslope asked Director Woodard about an incident that occurred in the Village last weekend involving a number of police and sheriff departments. She wondered if there was a way that an update on what was occurring could have been relayed to area residents. Woodard responded that automatic taped phone messages that notify area residents about a missing child are handled through an agreement with a missing person organization. The Department has no mechanism by which to notify residents of an ongoing situation of the type that occurred last weekend.

Sharon Tischler of 21415 Virmar Court commented that there are obvious instances where Village ordinances are violated and go uncorrected without notice given by public safety officers on patrol or members of administration. It should not be the responsibility of citizens to point out violations. Tischler stated that there is a van parked in the road right-of-way across the ditch on Embassy. There is a truck displaying a "for sale" sign parked on Evergreen Road. Tischler also requested that the Public Safety Department and residents continue to contact the Southfield Township office when they spot a dead animal on the road so that the animal control officer can pick it up.

Tischer asked for clarification on the Planning Board allocation for the completion of the Master Plan update, which was answered by Spallasso.

Bunker Kelly of 21526 Corsaut commented that we are all trying to work together to make the Village as good as it can be. It takes initiative to accept responsibility, follow through with comments made at meetings, and check facts. Kelly referred to a previous discussion relative to amending zoning regulations so that people with non-conforming houses will not have to come before the ZBA for a variance. He suggested that this would make it easier for overbuilding and developers. Kelly commented that Council liaisons should attend Board meetings.

Gladys Walsh of 20655 Smallwood Court commented that it would be helpful if there was feedback from Council liaisons at the end of meetings. She talked about committees selected by Council and whether they are representative of the citizens at large. Walsh believes that the selection process is more subjective than objective. Conflicts of interest should be considered. Walsh would like a legal ruling on the Village's stance when people on boards or committees may have a conflict of interest. Walsh asked if people who are appointed to committees are expected to follow a standard of conduct.

Walsh attended a Strategic Planning Committee meeting on August 10. It has been described as a citizen driven group, but the meeting was led by the Council President. There were four Council members present, which may have represented a violation of the Open Meetings Act. Walsh has reviewed the Charter regarding contracts. She is not comfortable with the Village's funding of non-profit organizations. Walsh questioned where the Village stands legally in terms of contributions to non-profit organizations and whether Council should be telling taxpayers that this occurs.

Chapter 6, Section 6.12 of the Charter allows the Council to have discussions with the Village Manager and allows Council to talk with any other member of Council on Village matters. Walsh believes that there is much discussed outside of Council meetings in lieu of open deliberation and discussion.

Tim Mercer of 17400 Locherbie commented that he is pleased that the Master Plan is being revisited. He commented that he and other people with families are not able to attend Council meetings but are still interested in watching the Village develop. Mercer suggested that there are ways to raise revenue in the Village other than increasing taxes. Building permit fees are one way. Encouraging people to improve their property will bring in more revenue. Mercer suggested that the Zoning Ordinance may need to be revised.

Mercer distributed copies of a survey he conducted to determine setbacks in his area of the Village. He noted that 86% of the 30 lots on his block are out of conformity with the Zoning Ordinance. Those individuals are likely to be granted a variance by the Zoning Board. Mercer maintains that this is unfair to people whose houses were within the setback before 1959 when the ordinance was adopted. It does not allow them the same equity in terms of remodeling homes as their neighbors. He is pleased that this situation will be studied by the Planning Board.

Robert Walsh of 20655 Smallwood Court asked Director Woodard about the status of the annual Our Lady of Albanians Church festival on Labor Day weekend. Woodard responded that there will be a two-day festival. He has approved an application for a liquor license; the Church has not heard whether the liquor license was approved by the LCC.

MANAGER'S REPORT

Spallasso announced that the next Retirement Board meeting is scheduled for Tuesday, August 23 at 7:30 p.m. in the Public Safety Building.

The contractor has completed work on the new and existing roof at the Beverly Park pavilion and will continue on electrical and other inside work. Bids for landscaping around the pavilion are due tomorrow, August 17.

The water main replacement project is now continuing west of Southfield Road. Affected property owners have been notified, and their patience is requested during the construction phase.

Bids for the municipal building parking lot reconstruction were opened on August 10, 2005. The low bidder was substantially higher than the estimated cost received from consultants Ayers, Lewis, Norris & May, Inc. The Village received a grant for this project covering 75% of the total cost based on the original estimate. The Village will have to figure out a way to increase the contribution or reduce the scope of the project while keeping it in compliance in order to receive the 75% grant. Spallasso will talk to the consultants and come back to Council with a recommendation hopefully at the next meeting.

Applications for absentee ballots are available on the Village's web site (www.villagebeverlyhills.com).

COUNCIL COMMENTS

Pfeifer announced that she attended a Birmingham Area Seniors Coordinating Council Board meeting today. BASCC will be sponsoring a bottled water concession in downtown Birmingham this weekend at the southeast corner of Merrill and Pierce in conjunction with the Woodward Dream Cruise.

The Birmingham Area Cable Board will meet tomorrow morning, August 17 at 7:45 a.m. in the municipal office. The chair of the Cable Board is scheduled to make a presentation of the Board's annual report at the next Council meeting.

Pfeifer referenced a section of the Sunday Detroit News that contained information on the endangered legacy of the Great Lakes.

Downey referred to comments made by the public this evening. He noted that initiative is probably one of the most difficult parts of being a Council member. People should not be quick to accuse individuals of not having good intentions and trying hard. Downey commented that volunteers are the heart of Beverly Hills, and he thanked them for their service to the community.

Downey informed Council that a replacement will be needed to take his place as Council liaison to SEMCOG (Southeast Michigan Council of Governments). Future Council members should keep this in mind.

The Retirement Board will meet on Tuesday, August 23. Two members of that Board will not be returning after the September Council election. There have been many good initiatives on that body.

McCleary referred to a Detroit News article that appeared today regarding city versus village status. The Parks and Recreation Board will meet this Thursday, August 18 at 7:30 p.m. in the park.

Taylor commented that he respects volunteers of the Village. He noted that he recently had the occasion to dial 9-1-1 and was very impressed with the training and capability of the Public Safety Department.

Domzal pointed out that Gary Grabowski prepared the board displayed in the Council chamber listing the Key Strategic Initiatives of the Village.

Domzal received a letter addressed to Council from Reverend Thomas Zuconi, Pastor at Ascension of Christ Lutheran Church. In his letter, Pastor Zuconi mentioned that his congregation includes members from the Village as well as people from other communities, all of whom love the Village and appreciate the ongoing attempts to make it a viable community, a place to grow a family, practice one's faith, and realize their hopes and dreams. The hard work of Council is recognized and appreciated.

Motion by Pfeifer, second by Taylor, to adjourn the meeting at 11:15 p.m.

Motion passed (7 – 0).

Dave Domzal
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary