

Present: President Stearn; President Pro-Tem Pfeifer, Members: Berndt, Koss, Oen, Peddie and Woodrow

Absent: None

Also Present: Village Manager, Spallasso
Director of Public Safety, Woodard
Building Official, Byrwa
Village Attorney, Ryan

President Stearn 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

Stearn requested to move item (h) “Review and consider funding 2007 Winter Family Fun Day” to the consent agenda. He proposed moving the Discussion Item on the Zoning Enabling Act to the business agenda so that action could be taken.

Motion by Oen, second by Pfeifer, to amend the agenda as proposed.
Motion passed (7 – 0).

Motion by Pfeifer, second by Koss, to approve the agenda as amended.
Motion passed (7 – 0).

PUBLIC COMMENTS

Andy Craig of 31239 Sunset commented that it is Thanksgiving week and Beverly Hills residents are thankful that they live in such a grand community. He expressed his thanks to past Council members for their service and congratulated the new members of Council.

George Contis of 19135 Walmer stated that he was pleased to see his neighbor Ron Berndt become a member of Council. He thanked the prior Council for doing its duty. Contis expressed thanks that the current Council is seated and will take the Village in a new direction. He looks forward to a great two years.

Bob Walsh of 20655 Smallwood Court made reference to a flyer distributed by a political action committee that endorsed the current members of Council. He noted that the flyer stated that the candidates that group endorsed were committed to no new taxes. Walsh anticipates no change in the millage rate over the next two years. He hoped that this Council would continue a pattern of open discussion.

Gladys Walsh of 20655 Smallwood Court stated that she ran unsuccessfully for a seat on Council. She thanked those in the community who supported her. Walsh explained that she did not choose to accept recognition of her service from the seated Council for the reason that she does not want to accept appreciation under false pretenses. Walsh voiced her thoughts on a number of topics including comments made at the recent Council organizational meeting as

well as previous Council meetings, the recent election including material distributed and lawn signs, her perception of the newly elected Council, and the role of Council liaisons. She suggested that Council be alert to conflicts of interest.

Dave Taylor of 16950 Buckingham congratulated the new Council and indicated that he intends to support and encourage the Council as a citizen of the community.

CONSENT AGENDA

Motion by Pfeifer, second by Koss, to approve the consent agenda as published.

- a. Review and consider approval of minutes of a regular Council meeting held November 7, 2006.
- b. Review and consider approval of minutes of a Council meeting held on November 14, 2006.
- c. Review and file bills recapped as of Monday, November 13, 2006.
- d. Review and consider funding 2007 Winter Family Fun Day

Motion passed (7 – 0).

BUSINESS AGENDA

HALLOWEEN HOOT UPDATE

Patricia Greening of 18289 Riverside Drive stated that Council members are in receipt of a report prepared by the Village Finance Director detailing the final cost of the 2006 Halloween Hoot. The accounting denotes funding received both from the Village and from private donations and the cost of the event, which resulted in a \$138 surplus.

Greening thanked everybody who helps with the Halloween Hoot including homeowner association members who build kiosks along the trail and assist with many other tasks, the boy scouts who unload the truck and top and gut the pumpkins, Groves High School students who help out all day, and Villagers who come and help every year. She thanked the Hoot sponsors who donate towards the event. She expressed appreciation to the Village Council for its support. Greening stated that this will probably be her last Halloween Hoot after organizing the event for 11 years. Terri Stearn will be taking over for her next year, and Greening hopes that she will receive the same support that has been demonstrated over the years.

It was noted that the expenditures for the Halloween Hoot this year were \$7,088, of which the Village donated only \$2,500. The balance of the funding came from private donations.

Pfeifer stated that the Village owes Mrs. Greening a great deal of gratitude for undertaking and developing this wonderful community activity. The Halloween Hoot has turned into a premier event that is recognized throughout the area. The audience applauded Pat Greening for her efforts.

RECOGNITION OF PAMELA RIJNOVEAN AND DAVE TAYLOR

Stearn stated that Pamela Rijnovean could not be present tonight to receive her recognition. Stearn publicly recognized Dave Taylor, who served on the Village Council for several years

and spent the last year as President of the Village. It is a position that takes many hours of hard and sometimes frustrating work. Taylor has also served as liaison to the Finance Committee, the Retirement Board, the Personnel Committee, the Southfield Township Board and Zoning Board of Appeals. On behalf of this Council and the entire Village, Stearn presented Dave Taylor with a plaque in grateful appreciation for his dedicated service as Council President and Council member from March 2004 until November 2006.

Dave Taylor stated that it was a pleasure to have the challenging position as Council President, serving with six diverse people with distinct ideas. It was also a pleasure to serve the Village of Beverly Hills. Taylor was pleased to say that he now has more time to devote to an organization that he helped found about two years ago, The Family Rights Coalition of Michigan. He will resume a position on their board.

Taylor acknowledged people whom he worked with during his time on Council including members of Village administration and staff members. He personally thanked neighbors, friends, and family for their support as well as the 1,600 people who voted for him.

FIRST ANNOUNCEMENT OF THREE VACANCIES ON THE ZONING BOARD OF APPEALS

Peddie made the first announcement of three vacancies on the Village Zoning Board of Appeals due to the recent election. A second announcement will be made on December 5, 2006. A subcommittee of Council will meet on Tuesday, December 19 at 7:00 p.m. to review applications and make a recommendation to Council for consideration that evening. There are currently four applications on file for a position on the ZBA. The deadline for receiving applications is Friday, December 8 at 4:30 p.m.

Applications are available on the Beverly Hills web site (www.villagebeverlyhills.com) or at the Village offices.

REVIEW AND CONSIDER REQUEST FROM THE PLANNING BOARD TO AMEND LANGUAGE IN THE VILLAGE MUNICIPAL CODE CHAPTER 22 ACCESSORY STRUCTURES

The Planning Board was directed by Council to review current ordinance regulations with respect to garage sizes as they relate to the size of the house and property. The study also focuses on what we want the community to look like and what should be prohibited or encouraged.

Over the course of several months, the Planning Board has compiled information on this topic including a summary of current Village requirements and a table indicating how other communities deal with accessory buildings and structures in their ordinances. Following much discussion, the planning consultant working together with the Planning Board has developed draft amendments to the Village Zoning Ordinance affecting Section 22.04 Definitions and Section 22.08.100 Accessory Buildings, Structures and Uses in Residential Zone Districts. The intent in forwarding this draft ordinance language to Council at this time is to provide members with an opportunity to comment on the work done to date and determine how Council would like to proceed on the proposed amendments.

The definition for “building, accessory” is proposed to be updated, while that for “garage, private” is proposed to be removed. The Board felt that it was important to include attached garages within the definition of an accessory building, which is a common practice. As a result, the Board did not feel that the definition for “garage, private” was necessary as this definition currently describes attached accessory buildings.

With regard to accessory building regulations, the Board determined that it was important to distinguish between regulations for detached buildings and those for attached. Additionally, there is currently no regulation related to the size of an attached garage. As a result, the draft amendment proposes a maximum floor area for all accessory buildings. Paragraph (e) states: “The total floor area of accessory buildings shall be limited to 50% of the ground floor area of the principal building except that a minimum of 500 square feet is permitted by right where this requirement would result in a lesser area.” The Board also wanted to include a limitation on the size of garage doors facing the street and the promotion of side-loaded garages. Council has received copies of the proposed ordinance language.

David Jensen, chairperson of the Planning Board, provided background on the Board’s review of current ordinance regulations relative to accessory buildings and the issue of garage size in the community. It was determined during the study that the Village’s ordinance provisions having to do with accessory buildings needed updating. The Planning Board thought that there was a potential to build oversized garages in the community. They conducted a comparison of zoning ordinance provisions regulating accessory structures in surrounding communities. Jensen outlined the proposed ordinance amendments and presented examples of what the revised standards mean in terms of regulating accessory structures based on the size of the ground floor area of the principal building.

Woodrow referred to the chart entitled “draft summary of accessory structure and garage regulations for Beverly Hills and other communities”. It lists six communities that have lot coverage requirements in single family residential districts and size regulations pertaining to attached garages, noting that Beverly Hills has no lot coverage requirements or size regulations for attached garages. Woodrow questioned whether there are other municipalities in the area that have restrictions similar to those of Beverly Hills.

Jensen responded that the Village’s planning consulting firm works with 80 communities, and our planner does not know of any municipalities that do not have a lot coverage definition. The Planning Board is currently dealing with accessory buildings and has not made a recommendation on maximum lot coverage, because it has not had a chance to study the issue. The Planning Board can look at lot coverage issues and make a recommendation to Council if so directed. Jensen suggested that Council think about this draft language and bring their comments and input to the joint meeting of the Planning Board and Council scheduled for early next year.

Questions and comments from Council on the proposed ordinance amendments and their effect on the size of accessory buildings were addressed by Jensen. Members of Council voiced an interest in addressing the lot coverage issue in conjunction with restrictions on accessory

buildings in residential districts. A concern was expressed that the draft amendments might be too restrictive and not allow for a three-car garage to be built on a large lot in some situations.

Berndt stated that the Planning Board is not only looking at the accessory building issue but they are looking at this from a lot coverage standpoint. There are a variety of home and lot sizes in the community. The challenge of the Planning Board is to try to write the law in a way that is going to equitably deal with the wide range of homes in the Village.

Stearn asked for a sense of Council on whether it would like the Planning Board to look at maximum lot coverage. There was a consensus of Council to direct the Planning Board to study the issue of maximum lot coverage and provide Council with information at the upcoming joint meeting.

Kathleen Berwick of 31381 Kennoway Court thought that it was a good idea for the Planning Board and Council to work on regulations for accessory structures and garages. She expressed concern about people constructing outbuildings on their property and what she views as the lack of adequate code enforcement occurring in the Village.

Byrwa responded that the Village employs a code enforcement officer who patrols the streets every day. In addition, the Village office is generally informed of nonconforming structures being erected by phone calls from concerned neighbors. The code enforcement officer or building official will promptly inspect the site when a call is received about a suspected ordinance violation.

Sharon Tischler of 21415 Virmar Court appreciated the fact that the Planning Board has done due diligence as far as recommending draft amendments to the ordinance that afford everyone an option. She does not want to see structures being built where there is a disproportionate amount of non-living space.

Bob Walsh of 20655 Smallwood Court stated that he liked the trend of the draft ordinance amendment as far as setting up the maximum square footage of accessory buildings including attached and detached structures.

Berndt summarized that the direction to the Planning Board is to expand upon the work it has done, continue working on the neighborhood study, and look into lot coverage standards, including comparisons with other communities.

REVIEW AND FILE INVESTMENT REPORT

Pfeifer stated that Council is in receipt of the Village of Beverly Hills Annual Investment Report as of June 30, 2006 in keeping with the State municipal reporting requirements. The report shows where funds have been invested and their performance over the previous fiscal year. The Village's investment income is significantly higher than in the previous year due to improved market conditions. Returns are consistent with other municipalities.

The Village earned \$362,246.41 in interest for the fiscal year ended June 30, 2006. This compares to \$166,175.41 earned in 2005. Investment returns are currently averaging 4.639%

(June 2006) compared to 2.927% in calendar year 2005. At this point, the Village's investments total \$8,519,091.69. The investments are divided between cash and checking accounts, savings accounts, certificates of deposit, commercial paper, repurchase agreements and mutual funds.

The informational annual investment report was accepted by Council and filed.

REFER A REQUEST TO THE PLANNING BOARD FROM TIMLIN GROUP, INC. TO OPERATE A EUROPEAN SPA AT 31815 SOUTHFIELD ROAD

Berndt stated that the Village has received a request from the Timlin Group, owners of Medical Village, to operate a European spa that will include massage service. In accordance with Village Ordinance 22.03.340, massages are classified as an adult regulated use and require special approval and a public hearing by Council.

Berndt stated that the proprietor of Krystyna's European Spa, currently located in Birmingham, has provided information on their establishment to Council. It is recommended that Council refer this request to the Planning Board for review and recommendation at their November 29, 2006 meeting.

Motion by Berndt, second by Koss, to refer a request from the Timlin Group, Inc. to operate a European Spa at 31815 Southfield Road to the Planning Board for review and recommendation.

Motion passed (7 – 0).

SET PUBLIC HEARING DATE OF DECEMBER 5, 2006 TO REVIEW REQUEST FROM TIMLIN GROUP, INC. TO OPERATE A EUROPEAN SPA AT 31815 SOUTHFIELD ROAD

Motion by Berndt, second by Pfeifer, to set a public hearing date of December 5, 2006 to review request from Timlin Group, Inc. to operate a European Spa at 31815 Southfield Road.

It is anticipated that the Planning Board will review this request at its regular meeting scheduled for Wednesday, November 29, 2006.

Bob Walsh of 20655 Smallwood Court questioned if there are any time restrictions facing the Village with respect to this request. He was informed that there were not. Walsh commented that this request appears to be on a fast track.

Motion passed (7 – 0).

REVIEW AND CONSIDER PURCHASE OF PATROL VEHICLE FOR PUBLIC SAFETY DEPARTMENT

Motion by Koss, second by Pfeifer, that the Village of Beverly Hills Council award the purchase of one 2007 Ford Crown Victoria patrol vehicle in the amount of \$20,550 to Signature Ford of Owosso, Michigan. Funds for this purchase are available in Account #101-900-979 Capital Purchases-Vehicle Purchases. Village Council further approves

the expenditure of up to \$2,500 for vehicle changeover expenses with the preferred vendor to be selected by competitive bid process; funds are available in Account #101-345-852: Radio Maintenance.

Director Woodard stated that replacement patrol and administrative vehicle purchase decisions are normally driven by the age of the vehicle being replaced or its high mileage. These transactions are funded through a dedicated capital account for vehicle purchases.

The 2006/07 budget contains funding for the purchase of a 2007 Ford Crown Victoria patrol vehicle to replace a 2003 Ford Crown Victoria with 93,000+ miles. The vehicle receives limited use at this time. The car will be sold on Ebay by competitive bids. The proceeds of the sale will be placed in the vehicle purchase account. Vehicle #131 is the next senior vehicle by mileage, and it will be moved into a decoy and standby patrol mode.

Signature Ford of Owosso has been awarded the Macomb County Cooperative bid for 2007 Ford patrol vehicles. The 2007 Ford Crown Victoria equipped per department specifications is priced at \$20,550. The current balance in this vehicle purchase account is \$55,645. There are changeover costs involved in putting this new vehicle on the street. The cost is not anticipated to exceed \$2,500 and will be bid out separately to area vendors who specialize in this operation.

Questions from Council on the fleet were addressed by Woodard. He indicated that the Department is recommending buying two vehicles and selling three vehicles, reducing the fleet by one.

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

REVIEW AND CONSIDER PURCHASE OF BEACON BAR FOR PUBLIC SAFETY PATROL VEHICLE

Motion by Koss, second by Pfeifer, that the Village of Beverly Hills Council award the purchase of one Whelen Liberty LED Light Bar to Winder Police Equipment in the amount of \$2,012.40. Funds are available for this purchase in Account #265-333-750, Drug Law Enforcement Fund.

The capital budget contains funds for the purchase of new patrol cars. Associated costs of obtaining a new patrol vehicle include the cost of the equipment changeover from the old car to the new vehicle. This process will be bid out with the delivery and equipping of the next patrol vehicle.

An increase in this year's changeover cost consists of acquiring a new beacon bar, which is an all-LED light bar that achieves a significant reduction in power consumption. In addition, the LED light bar provides superior lighting over the older halogen units, particularly during daylight hours. Three vendors received invitations to bid on the equipment and two bids were received. The low bid was from Winder Police Equipment in the amount of \$2,012.40.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER PURCHASE OF AN ADMINISTRATIVE VEHICLE FOR PUBLIC SAFETY DEPARTMENT

Motion by Koss, second by Pfeifer, that the Village of Beverly Hills Council authorize the purchase of one new 2007 Dodge Charger 4-door sedan at the delivered price of \$17,268 from Golling Chrysler Jeep of Bloomfield Hills, Michigan. Funds for this purchase are available in Account #101-900-979 Capital Purchases – Vehicle Purchases.

As part of the 2006-07 budget, funds have been set aside in the Capital Purchases account for the purchase of new fleet vehicles for the Department of Public Safety. Historically, a new administrative vehicle has been assigned for primary use by the Director, with the previously assigned vehicle rotated through the administrative fleet until its service life is fulfilled.

It is intended that Vehicle #124 be reassigned to patrol once delivery is taken on the new vehicle. This vehicle began its service as a marked patrol unit prior to being converted to administrative use. As a result of this rotation, Vehicle #102, a 1994 Jeep Cherokee on the Patrol side of the fleet will be sold; its age and mileage combined make it a maintenance liability.

Administrative vehicles were included in the 2007 Oakland County Cooperative Purchase program, and the Dodge Charger has been selected for this purchase. The bidder awarded for 2007 Dodge Fleet vehicles in Oakland County was Golling Chrysler Jeep of Bloomfield Hills, Michigan. The vehicle equipped to department standards will cost \$17,268. There are funds available in the current capital budget to acquire this new administrative vehicle.

Acting in conjunction with the earlier patrol vehicle purchases, this administrative vehicle will aid in the reduction of the patrol vehicle fleet by one vehicle. Two vehicles are being purchased; three vehicles are planned for sale. Questions from Council were addressed by Woodard.

Roll Call Vote:

Motion passed (7 – 0).

ZONING ENABLING ACT AND THE APPOINTMENT OF ONE PERSON TO SERVE ON BOTH THE ZONING BOARD AND PLANNING BOARD

Village Attorney Ryan provided Council with a letter dated November 16, 2006 discussing changes necessitated by Public Act 110 of the Public Acts of 2006. The Michigan Legislature has repealed the prior separate Zoning Enabling Acts for townships, cities, villages and counties and combined them all into one Zoning Act for the State of Michigan. This Act became effective on July 1, 2006.

Ryan's memo summarized the Zoning Ordinance amendments that Council will need to enact in the near future to comply with the new state law. The correspondence also addresses other issues that Council may want the Planning Board to review on a longer term basis. These topics

include the planning board versus planning commission model and new development tools allowed under Public Act 110.

Ryan outlined the ordinance amendments required on a short term basis. The Village Zoning Ordinance refers to old Public Act 207 of Public Acts of 1921; an amendment to the Zoning Ordinance should reference the new Michigan Zoning Enabling Act, Public Act 110 of 2006. Secondly, our ordinance should include the same Notice of Hearing requirements that are in the new statute. Third, the Zoning Ordinance should be changed to mirror the new statutory language and composition of Zoning Board members to include a Planning Board member. It was noted that there are currently three vacancies on the ZBA due to the election of members to the Village Council.

Ryan recommended referring his November 16, 2006 memo to the Planning Board and the planning consultant to draft language for amendments to the Zoning Ordinance to bring it up to date relative to these immediate changes. Ryan suggested that Council can consider whether it wants to engage in the planning commission versus planning board discussion. Further, the Council and Planning Board may want to look at development options outlined in the Zoning Enabling Act in the future for the reason that Beverly Hills is a community with limited vacant lots and infill potential.

Stearn remarked that this topic was moved from a discussion item to the business agenda so that Council could refer the information to the Planning Board for review. In answer to an inquiry, Ryan stated that there is a grace period for compliance with the new Act, but the Village should adopt ordinance amendments as soon as possible.

Council discussed how to proceed with enacting the Zoning Ordinance amendments that would bring the Village in compliance with Public Act 110. There was also conversation on the process of appointing a Planning Board member to sit on the Zoning Board of Appeals. It was thought that a Planning Board member may volunteer to sit on the ZBA.

It was the consensus of Council to refer the memo from Ryan to the Planning Board and direct them to work on the Zoning Ordinance amendments to comply with state law before reviewing the longer term issues addressed in the Act including development options and the planning commission versus planning board model. Council will discuss these issues with the Planning Board at their joint meeting in February.

Berndt mentioned that the Zoning Board of Appeals has suggested that Council look at appointing an alternate member to the ZBA to insure that this body has a full complement of members in the event of an absence or when a member is recused from hearing a case. He suggested that this be considered while going through the process of making appointments to the Zoning Board.

Motion by Berndt, second by Koss, to refer to the Planning Board the November 16, 2006 memo from Attorney Tom Ryan regarding Zoning Ordinance changes necessitated by Public Act 110, The Zoning Enabling Act. The Planning Board is directed to review and make recommendations on ordinance amendments required to be enacted by July 1,

2007 as its first priority for discussion with Council at the joint meeting in February. The Planning Board is requested to discuss the requirement for a Planning Board member to sit on the Zoning Board of Appeals. The Planning Board is authorized to begin discussion on other issues addressed in the memo as a lower priority.

Motion passed (7 – 0).

REPORTS – MANAGER

Spallasso announced that the Village office will be closed on November 23 and 24 due to the Thanksgiving holiday. He reported that an informational meeting notice was mailed out yesterday to abutting residents to the Acacia Park Sewer Relief project. The meeting is scheduled for Wednesday, December 6 from 7 pm to 9 pm at the Village offices. A permit has been issued by the MDEQ, which will allow the Village to move forward.

Administration is in the process of preparing a Request for Proposal for the Village-wide water meter replacement program. This project is overdue since there has been no such undertaking in the history of the Village.

Spallasso reminded the public that there will be a pod in the northwest corner of the parking lot until November 27th for the collection of “Coats for the Cold”.

The City of Southfield is preparing to connect a 16” water main on Southfield Road to the existing SOCWA main on the northeast corner at 13 Mile Road. Spallasso did not have a date for this project, but related that residents should be prepared for traffic to be detoured from 13 Mile Road to 14 Mile Road. The work could be done over a weekend if all goes well.

Spallasso congratulated the newly elected Council and looks forward to serving with them.

COUNCIL

Woodrow congratulated the new members of Council.

Pfeifer reported that Tom Hanson, Executive Director of the Cable Board, has resigned his position of 15 months to accept a job in Florida. Former Executive Director Kathryn Hagaman will resume the position for an interim period.

Pfeifer attended the last Finance Committee meeting and reported that the Finance Committee would like to make a presentation to Council relative to retiree health care funding at the second Council meeting in January. The focus of the Committee at this time is development of a five-year financial forecast. A joint meeting with the Finance Committee is scheduled for March.

Pfeifer stated that the BASCC will be raising funds through the sale of a deck of cards featuring photographs of scenes throughout the area. The purchase price is \$10, and orders can be placed in the lobby of the Village municipal building.

As Parks and Recreation Board liaison, Oen thanked Patricia Greening for all that she has done over the years to organize and promote the Halloween Hoot.

Koss thanked everyone for participating in the November election; there was a high voter turnout. She is looking forward to working with the new council, administration and public safety. Peddie commented that she is looking forward to working with the everyone on Council.

Berndt congratulated everyone on the election and thanked the voters for coming out to the polls in such large numbers. Berndt stated that he enjoyed the Halloween Hoot and seeing our community come together. He reported that the Planning Board will meet on Wednesday, November 29 at 7:30 p.m. in the Village municipal building.

Stearn thanked everyone for voting and congratulated Sharon Tischler for conducting a flawless election. He thanked the people who helped him personally in the election including the members of the Voice of the Village and his family.

Stearn stated that Council is planning to hold a study session in January.

Motion by Pfeifer, second by Koss, to adjourn the meeting at 9:47 p.m.

Motion passed (7 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary