

Present: President Stearn; Members: Berndt, Koss, Oen, Peddie and Woodrow

Absent: Pfeifer

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

President Stearn called the Council meeting to order at 7:32 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

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

Motion passed (6 – 0).

PUBLIC COMMENTS

A resident questioned why Beverly Hills subscribers do not receive a senior discount on their Comcast cable television service. Stearn responded that he will ask the Council liaison to the Birmingham Area Cable Board to look into this and provide an answer at a later date.

CONSENT AGENDA

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

- a. Review/consider approval of minutes of a regular Council meeting held June 19, 2007.
- b. Review and file bills recapped as of Monday, June 25, 2007.

Motion passed (6 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER SUBCOMMITTEE RECOMMENDATION TO FILL VACANCY ON THE PARKS & RECREATION BOARD

Oen stated that a subcommittee consisting of Peddie, Stearn and himself met prior to tonight's Council meeting to consider applicants who were interested in being appointed to fill a vacancy on the Parks and Recreation Board. There were seven qualified applicants: Cynthia Arvant, Erik Jallad, Maura Jung, Lisa Ross, Patricia Streiff, Dave Taylor, and Bill Kondak. It was the recommendation of the subcommittee to appoint Bill Kondak to fill the vacancy on the Parks and Recreation Board.

Motion by Oen, second by Koss, to appoint Bill Kondak to the Parks and Recreation Board for a term to expire on June 30, 2009.

Motion passed (6 – 0).

REVIEW AND CONSIDER PROPOSALS FOR PUBLIC SAFETY OPERATIONAL STUDY

Woodrow reviewed that Council has been considering proposals from three consulting firms to conduct a Public Safety Department Operational Study. Representatives from those companies were present at the June 6, 2007 Council meeting to provide additional information on their proposals. Based on the information presented at that meeting, Woodrow made a motion to accept one of the proposals.

Motion by Woodrow, second by Koss, to engage the services of The Mercer Group to perform a Village of Beverly Hills Public Safety Department Operational Study as outlined in their proposal at a cost of \$22,950 to be completed within 90 days.

Stearn added that Council has been reviewing proposals from consulting firms to perform an operational review of the Public Safety Department to look for efficiencies and to analyze department scheduling and supervisory staffing levels.

Koss remarked that Council benefited from the presentations offered by members of the consulting groups. She thought that The Mercer Group was most qualified. Council members received copies of a thorough study they did for a neighboring community.

Berndt agreed that The Mercer Group presented an interesting proposal that would provide the most amount of information for the money. He did not feel qualified at this point to decide whether to proceed with a study and, therefore, would not support a motion to accept any of the proposals.

Peddie stated that she was most impressed with The Mercer Group. She thought that conducting a study was a good idea but questioned whether this was the appropriate time since the Village has just entered into a contract with the Public Safety Officers.

Oen said that he was impressed with the proposal from the Mercer Group and would support the decision to engage that firm to conduct the study. He thought that it was important to do a study to determine whether the Village can be more efficient with its funds.

Stearn stated that would not vote for the motion authorizing the expenditure of almost \$23,000 for another study when there was an operational study of the Public Safety Department conducted in 2004. He noted that the Mercer Group bid was the highest and that it is an out-of-state company. If he were to vote for a study, he would have considered the proposal from Plante Moran.

Woodrow suggested that this is the correct time to conduct a study. The Village has entered into a new contract with the Public Safety Officers. He would rather have an operational and efficiency study done prior to the time when labor negotiations begin again. Further, there are items within the contract that allow the Village to change certain things; the study will reveal whether changes are needed.

Sharon Tischler of 21415 Virmar Court urged Council not to spend money on a proposal if it did not propose to implement changes suggested in the resulting study.

Roll Call Vote:

Stearn - no
Woodrow - yes
Berndt - no
Koss - yes
Oen - yes
Peddie - yes

Motion passed (4 - 2).

SET PUBLIC HEARING DATE OF AUGUST 7, 2007 FOR PROPOSED REZONING FOR THE AREA EAST OF SOUTHFIELD ROAD

Council member Berndt reviewed that the Village Planning Board has been conducting a neighborhood lot and housing study in the eastern section of Beverly Hills with the intent of reducing the amount of nonconforming properties in those neighborhoods. The Planning Board has forwarded its recommendation to Council as a result of this study. Council will set a public hearing for August 7, 2007 on draft Zoning Ordinance Amendments that will amend the Schedule of Regulations and the Zoning Map in order to rezone properties in the northeast section of the Village.

Koss stated that it was mentioned by residents attending Planning Board meetings that there were people in the community who did not receive the Birmingham Eccentric newspaper and were not aware of public hearing notices. She asked if the notice of public hearing could be posted on the Village web site. Spallasso answered that this will be done.

REVIEW AND CONSIDER WINDOW REPLACEMENT AT THE VILLAGE MUNICIPAL BUILDING

Before Council for consideration is a request to replace four fixed-pane windows in the Village municipal building with operable casement style windows that would provide much needed outside ventilation to the main office and other offices. Building Official Byrwa recommended approval of the low bid from Renewal by Anderson in the amount of \$3,066.

Motion by Berndt, second by Woodrow, that Council accept the bid of Renewal by Anderson for window replacement in the Village municipal office at a cost of \$3,066 with funds included in the 2007/08 budget in account #101-900-982.00.

In answer to an inquiry, Spallasso stated that the windows on the south side of the building are original windows dating back to the building construction in 1972. They are fogged up and cannot be opened to ventilate the building. Money has been budgeted for this purpose.

Roll Call Vote:

Motion passed (6 – 0).

SET PUBLIC HEARING DATE OF AUGUST 7, 2007 ON A REQUEST FROM THE APOSTOLIC CHRISTIAN CHURCH FOR SITE PLAN AND SPECIAL USE APPROVAL

Before the Village for review and approval is a request from Beverly Hills Apostolic Church at 19400 Thirteen Mile Road for site plan and special land use approval for a fellowship hall addition to the building. The proposal has gone through the Planning Board review process, and the Board has forwarded its recommendation to Council for consideration. A public hearing was set for August 7, 2007 to receive input on the request from Apostolic Christian Church for site plan and special use approval.

FIRST READING OF AN ORDINANCE ADDING CHAPTER 44 TO THE MUNICIPAL CODE ENTITLED LANDLORD/TENANT ORDINANCE

Council has before it a draft Ordinance to Amend the Village of Beverly Hills Municipal Code by Adding Chapter 44, Landlord's License. Berndt explained that the general purpose of the ordinance would be to regulate the operation of rental properties within the community, to protect the rights of both parties in a rental agreement, and to protect the rights of all citizens of the Village.

Berndt highlighted each section of the ordinance, the first of which requires a landlord to obtain a license. In order to do that, the property has to meet certain standards contained in public codes. The ordinance includes remedies, application fees, requirements for issuance of a license, and inspections. The ordinance would call for rental property inspections to insure conformity to the law.

Stearn commented that it is known that there are miscellaneous rental properties in the Village, but the locations and ownership are not know because there is no requirement for a landlord to register a rental property. This ordinance would require landlords to register rental properties primarily for the protection of the tenant and the property values of the community. The ordinance basically requires a landlord to register and calls for property inspections every other year. Inspections would occur after the tenant and landlord are given a seven-day notice. The building inspector would insure that a property is safe and that there are no building code violations. Only in an emergency situation could a building inspector go onto a property without a seven-day notice.

This is the first reading of the ordinance. Ordinance language can be modified. Stearn commented that neighboring communities have adopted a landlord/tenant statute of some type including Birmingham, Berkley, Southfield and Royal Oak. Birmingham's ordinance addresses the concern of fairness to large apartment complexes by requiring a per building fee and a nominal fee per unit.

Woodrow remarked that a draft landlord/tenant ordinance came before Council for review previously at which time the Village's multiple tenant dwelling was a major concern. He would like to see a proposed fee schedule in conjunction with a review of this ordinance. Woodrow asked if there was a clause in the proposed ordinance that relates to how a tenant could request an inspection. He was informed that this clause was excluded from this draft.

Ryan stated that tenants have certain rights under the law. They can go to District Court and ask for rent abatement if conditions warrant. Ryan added that the draft ordinance can be discussed and revised by Council, noting that many communities in the area have some kind of rental inspection ordinance.

Koss thought that the proposed ordinance would provide the Village with a way to track rental homes. She would like to see a proposed fee schedule that will take apartment complexes into consideration.

Oen commented on Royal Oak's fee schedule for rental property inspections. He affirmed that this ordinance is being proposed for the protection of the Village and its residents. It will help to identify which houses are leased and insure that rental property is maintained to a minimum standard of safety.

Peddie asked if there was consideration given to compiling a basic list of items that would be checked during inspections to insure minimum safety standards.

Ryan responded that it may be difficult to enumerate items in the building, mechanical and electrical codes without constraining the building official. He mentioned that people will not be required to meet the latest codes unless they are doing renovation or constructing an addition.

Stearn suggested the an addition to the ordinance that states that, upon complaint by a tenant, an inspector should have the right to inspect the property. He asked that the Birmingham fee schedule be distributed to Council for review and discussion at the next meeting. Stearn mentioned that Birmingham does have a check list.

The floor was open for public comments. The council chamber was filled to capacity with people interested in this agenda item.

Sharon Tischler of 21415 Virmar Court questioned how many complaints the Village has received from people renting a home in the Village or from anyone associated with the Huntley Apartment complex regarding problems in their units that are not being addressed by the landlord or apartment management.

Stearn responded that the Village does not keep track of those type of complaints because it has no way of dealing with tenant complaints.

Tischler, Southfield Township Clerk, provided information on identifying how many single family homes are being leased or rented. A home that is leased or rented is no longer a principal residence, which means that the homeowner no longer receives a tax break. The Township Office can provide a listing of parcels that are paying the higher tax rate. Stearn responded that the list would be inaccurate because people who have two homes and claim the second home as their homestead would be included in this category.

The following residents of Huntley Square Apartments came forward to express their views and/or general opposition to the proposed landlord/tenant ordinance. There was agreement that people in that apartment complex are close knit and had no problems with the management in terms of their response to problems. They did not think an ordinance was necessary and viewed implementation of the statute as discrimination against renters and a violation of constitutional rights. It was suggested that the economic crisis in Michigan may cause more homeowners who cannot sell their property to become renters.

The ordinance was viewed as being vague and ambiguous. There was a concern that registration and inspection fees would be passed on to the tenants. People considered the home inspection an invasion of their privacy. People asked if the proposed ordinance could exclude Huntley Square Apartments and apply only to single family rental property.

Daniel Quill of 31190 Huntley Square West
Kelly Keebler of 31065 Huntley Square West
Barbara Brooks of 31115 Huntley Square East
Paul Donohue of 31020 Huntley Square
Kevin D. Miller of Huntley Square
Resident of 31002 Huntley Square East
Ginny Gamber of Huntley Square
Diana Wolf of Huntley Square
Donna Croxton of Huntley Square

Village Attorney Ryan responded to an inquiry as to what would constitute an emergency that would allow an inspection without notice. If anyone in the building department or public safety department believed that there was an imminent health or safety hazard, they could go to the District Court and receive an administrative search warrant to enter that property whether it was a residence, office, or rental unit.

Kelly Keebler, resident and property manager at Huntley Square Apartments, commented that it seems that Council's concerns are with single family homes that are being used as rental properties and not necessarily with the apartment complex in Beverly Hills. She affirmed that any tenant concerns that arise are taken care of by the management. There is a daily inspection of the property. She asked that Huntley Square Apartments be excluded from the ordinance.

Stearn reiterated that the proposed ordinance would serve two purposes: require registration of rental properties and make sure that rental properties are kept up to minimal safety standards for the benefit of tenants. Stearn stated that many communities in the area have a similar or more stringent ordinance in place. It is an attempt to make sure that rental properties are being maintained, and there is no way to do that without such an ordinance.

Trisha Raymond of 17301 Kinross, licensed realtor and property owner, questioned whether Beverly Hills needed a landlord ordinance that imposed fees for inspection of rental properties. She is aware that there are a few problem homes that may be driving this proposal in terms of untidy appearance, lack of lawn mowing, unkempt trash, noise at inappropriate hours, etc. Raymond believed that these issues are covered under current state statutes and can be enforced

in the Southfield Circuit Court. She did not think it was proper to single out a landlord when building maintenance issues can apply to any home. Property laws should be enforced equally for all residents.

Raymond outlined information she submitted to Council members including homestead versus non-homestead statistics for surrounding communities as well as information on which cities have a landlord/tenant ordinance. She did not believe that charges for inspections would pay for the administrative cost of inspections and paperwork; this would be a negative budget item for Beverly Hills taxpayers. Raymond suggested that it would make sense to use the existing laws to address problems with any home and not add a burden to upstanding citizens who are already doing the right things.

Gary Foster of 31200 Huntley Square East, representing Huntley Square Apartment management, did not see the need for a landlord/tenant ordinance on the basis that he could not find records of a single violation from the Village directed to the apartments. If tenants have a complaint, they can call the Huntley Square Apartment office; if their complaint is not responded to in a timely fashion, they could call the Village office and file a complaint under current ordinance and property management codes. Foster believed that there are methods in place that address the concerns of Council better than the proposed ordinance. He added that residents will move out if the management does not maintain the property adequately. If there are problems with single family homes, Foster suggested that Council draft an ordinance that addresses those concerns.

Stearn remarked that the tenants will not have rights or remedies if the current management company leaves the apartment complex. He expressed dismay with the alarmist and unfactual notices that were distributed at the Huntley Apartment complex to inform residents that the proposed ordinance would be a topic of discussion at this Council meeting.

Jennifer Roma of 19777 Beverly Road stated that she owns two houses in Beverly Hills currently and is concerned about the landlord registration fee, inspection fees, and repairs costs that she will incur in the event that she has to rent out a home that she cannot sell. She observed that there are a lot of homes for sale or rent by desperate people who cannot sell their homes in today's economy. Roma questioned whether the Village will become involved in lawsuits as a result of this ordinance, the cost of which will be passed on to residents. She has concerns about the proposed ordinance as a resident and as a potential landlord.

Huntley Square Apartment resident Ginny Gamber commented that she would not resent someone coming into her apartment if they found something that would be detrimental to her safety.

Bernard Hartman with Huntley Square Apartments stated that the current management has been there for 35 years and will probably be there for many more years. He talked about the history of the Village going back to 1934, when his father was one of the original developers of Beverly Hills. There may be more people moving and renting their homes because of the economic constraints in Michigan. He understands that Council wants to find out which houses are being rented so that the rental homes are not left in a state of disrepair. He questioned how Council will

determine when an owner rents a house. Hartman does not think people will volunteer to register their house as a rental and pay a fee. He questioned whether the ordinance will accomplish what Council wants it to do.

Stearn related that this ordinance would be similar to the requirement that people obtain a dog license or take out a building permit. They would be violating the law if they do not have a landlord license.

Diana Wolf of Huntley Square commented that she is a first-time renter who thinks that it makes sense that the Village is asking Huntley Square residents or other tenants of rental property to invite an inspector into their home to make sure it is up to code and safe. She questioned whether Huntley Square Apartment management was required to register with the Village and meet certain standards as a commercial rental property. Stearn answered that this was not required; the proposed ordinance is attempting to call for registration and property inspections.

Gary Foster submitted a number of letters from Huntley Square Apartment residents addressing their concerns on the topic of the proposed landlord ordinance.

Council member Oen stated that he owns a licensed rental home in Birmingham. He paid a \$50 fee, and the house was inspected. Inspectors look for compliance to minimum standards to protect the renter so that the property is safe and inhabitable. People should not be fearful of a rental license because it protects the safety, health and welfare of residents.

Berndt mentioned that this ordinance was brought forward with good intentions, but he expressed concern with taking this approach considering current economic conditions. There may be those with homes that do not meet the necessary standards for economic reasons. He does not know if regulations and fees are the way to handle this. Berndt thought that the draft ordinance needs to be refined and clarified before adoption to clarify what is required.

Koss was pleased that the residents of Huntley Square Apartments have no problems with their management. However, it is the responsibility of Council to make sure that continues in the future. The ordinance is being proposed to keep the Village safe. Property values are affected when people do not maintain rental homes.

Peddie concurred that Council is thinking about the health, safety and welfare of the community and is not trying to be intrusive. Responsibility on both sides is encouraged to assure that this continues to be a great community. Peddie remarked that it was appropriate for people to come to this meeting and voice their opinions. Woodrow added that it was encouraging that a large number of people came out to talk about this topic.

Stearn thanked everyone for attending tonight's meeting to express their opinions. There will be a second reading of the ordinance at the next Council meeting.

REVIEW AND CONSIDER RESOLUTION APPOINTING DELEGATES TO THE MICHIGAN EMPLOYEES' RETIREMENT SYSTEM ANNUAL MEETING

Motion by Peddie, second by Woodrow, that the Village of Beverly Hills Council appoint Robert Wiszowaty as the officer delegate and Ellen Marshall as the officer alternate representing Beverly Hills and Theresa Knoll as the employee delegate with Erin Sauer as the alternate employee delegate to attend the Annual Meeting of the Michigan Employees' Retirement System to be held September 18-20, 2007 in Grand Rapids.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER RESOLUTION PROCLAIMING JULY AS NATIONAL RECREATION AND PARKS MONTH

Motion by Oen, second by Koss, to adopt the following Resolution:

**Village of Beverly Hills Resolution
National Recreation and Parks Month**

Whereas, Parks, recreation activities, and leisure experiences provide opportunities for young people to live, grow, and develop into contributing members of society, and

Whereas, parks and recreation creates lifelines and continued life experiences for older members of our community, and

Whereas, generating opportunities for people to come together and experience a sense of community through fun recreational pursuits, and

Whereas, park and recreation agencies provide outlets for physical activities, socializations, and stress reducing experiences, and

Whereas, parks, playgrounds, nature trails, open spaces, community and cultural centers, and historic sites make communities attractive and desirable places to live, work, play, and visit, in a manner that contributes to our ongoing economic vitality, and

Whereas, parks, greenways, and open spaces provide a welcome respite from our fast paced, high-tech lifestyles while simultaneously protecting and preserving our natural environment and,

Whereas, parks and recreation agencies touch the lives of individuals, families, groups, and the entire community, which positively impacts upon the social, economic, health and environmental quality of our community,

Now, Therefore, Be It Resolved, that we proclaim July as Recreation and Parks Month, and encourage all citizens to celebrate healthy, active lifestyles by participating in their choice of recreation and park activities.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER APPROVAL OF METRO ACT FUNDS FOR REMOVAL OF DISEASED/BLIGHTED TREES IN PUBLIC RIGHT-OF-WAY

Woodrow stated that the Township of Southfield has allocated \$20,000 of its Metro Act Funds to the Village of Beverly Hills. These funds can only be used for specific purposes, which include the removal of diseased or blighted trees in the public right-of-way. Administration is proposing that the Village apply the \$20,000 towards the removal of dead trees in the right-of-way utilizing its contract with J.H. Hart for this work. The Township will pay the contractor directly.

Motion by Woodrow, second by Koss, that the Village of Beverly Hills Council approve the use of \$20,000 in Metro Act Funds allocated to the Village of Beverly Hills by the Township of Southfield for removal of dead trees in the public right-of-way.

Stearn asked if these funds can be used to install sidewalk to fill in the gaps on Lahser Road. Spallasso responded that this would be an applicable use according to METRO Act guidelines.

Koss thanked the Township for its generous donation.

Roll Call Vote:

Oen	- yes
Peddie	- yes
Stearn	- no
Woodrow	- yes
Berndt	- yes
Koss	- yes

Motion passed (5 – 1).

PUBLIC COMMENTS

Nicole Laborde, of 31056 Huntley Square East, reported that she was recently involved in a collision with another bicyclist due to a crack in the sidewalk along Southfield Road in front of Beverly Hills Grill. Spallasso responded that he will have someone take a look at this section of sidewalk.

Diana Wolf from Huntley Square said that this was the first Council meeting she has attended and that she was impressed by the fortitude of Council members in terms of dealing with difficult issues. She acknowledged members of Council for making her life in Beverly Hills pleasant. Wolf questioned how she can become more informed about Village meetings and topics.

Council advised her to check with the Village's web site for community information and meeting schedules (www.villagebeverlyhills.com). Quarterly newsletters and annual calendars are mailed to every resident in the Village. Wolf was advised that she could contact the Village Manager or email Council President Todd Stearn if she wished to place an item on the Council meeting agenda.

Donna Croxton from Huntley Square Apartments stated that she has observed Beverly Hills officers pulling vehicles over on a traffic stop in the apartment parking lot. She asked if they

could pull people over along Thirteen Mile Road instead of driving into the parking lot near her residence.

Director Woodard responded that, in many cases, officers will pull a car off from a main road for the safety of the vehicle and the officers themselves. Part of the reason for using warning lights is to advise approaching cars that there is a traffic stop in progress and to provide an element of control. Some officers taper the warning lights once the stop is stabilized.

Sharon Tischler of 21415 Virmar Court commented that the issue on tonight's agenda to set a public hearing for Apostolic Christian Church raised concerns from residents that could have been diffused if there had been more information available about this request for site plan review. The landlord/tenant ordinance was another example of an information based activity that would benefit by having more accurate information available to the public.

Stearn commented that he learned from tonight's meeting that Council should post a controversial draft ordinance as a discussion item before conducting a first reading.

REPORTS – MANAGER

Spallasso reported that the first day of the transition between trash collectors in the Village has gone smoothly with almost all residents putting out their trash for collection on the proper day.

The contractor for the Acacia Park Relief Sewer Project is completing driveway repairs and replacements as well as doing additional work for property owners. The contractor will be doing this for 2-2 ½ weeks. The base asphalt is complete on all the segments.

Today the Village received its first request from Bingham Farms for DPW services. The Fireworks display will be held tomorrow night at Lincoln Hills Golf Course.

COUNCIL REPORTS

Berndt thanked the Planning Board for the effort put forward in preparing draft ordinance amendments for zoning changes on the east side of the Village. He also thanked members of the public who attending meetings and took part in those Planning Board discussions. At the last meeting, the largest contingent of the public was the group west of Southfield Road who did not want to be left out of zoning changes for their property.

Koss thanked Elizabeth Landsman and Dan Walter for the time they put in on the Planning Board; she welcomed Robert Stempien and Patrick Westerlund as the new members of the Board.

Oen thanked the seven people who applied to fill a vacancy on the Parks and Recreation Board, noting that it was a difficult decision to choose one candidate. Oen thanked Jack Harmon for his 16 plus years of service on the Board. The Southfield Township Board of Trustees will meet on Tuesday, July 10. He thanked the Township for their donation of Metro Act Funds to the Village.

Stearn reported that the Personnel Committee met prior to the last Council meeting to evaluate the Village Manager's performance over the last year and consider recommending a salary

increase for the 2007/08 fiscal year. The Personnel Committee recommended a 2.5% raise for Renzo Spallasso to match the increase given to the Public Safety Officers. The attorney has advised that Council does not have to vote on the salary increase as long as the Personnel Committee is in agreement.

Stearn thanked Chris Bugar for analyzing the Village's phone bills. Due in part to his efforts, the Village is in the process of renegotiating its contract with AT&T and will save a significant amount of money over the next couple of years.

Stearn reminded everyone that the Landlord/Tenant ordinance will be discussed at the next Council meeting.

Motion by Berndt, second by Koss, to adjourn the meeting at 9:46 p.m.

Motion passed (6 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary