

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

Absent: None

Also Present: Assistant Manager, Marshall  
Village Attorney, Ryan  
Building Official, Byrwa

President Stearn called the 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**

Motion by Oen, second by Woodrow, to amend the business agenda to add item ‘d’: “Waive restriction on sale of merchandise in Beverly Park on July 19, 2007”.

Motion passed (7 – 0).

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

#### **PUBLIC COMMENTS**

Marcia Gershenson, Oakland County Commissioner representing District 17, presented an update on County news and programs. County Executive Brooks Patterson has delivered the budget for Oakland County; budget hearings will be ongoing for the next month and are open to the public. The County received a positive response to its discount dental plan. There is a national conference for county commissioners taking place in Virginia this week; County Commissioner Eric Coleman of Southfield is being inducted as the new national president.

Catalpa Park will be joining the Oakland County park system as its 16<sup>th</sup> park. A celebration is scheduled for August 16 at 1:00 p.m. at the park. Future planning and management of Catalpa Park will be a topic of discussion at the County on August 19. Gershenson informed Council of a program whereby discount water park tickets could be offered to Beverly Hills residents. The eighth annual Quake on the Lake, an American Power Boat Association inboard hybrid race, will take place on Pontiac Lake this weekend on Saturday and Sunday. This and other events will benefit the Rainbow Connection.

Terry Koller on Birwood stated that she was the victim of a home invasion last Saturday. She has been working with Beverly Hills police officers since that time and was distressed to learn that there had been another break in on Saxon a few days before the incident at her home. Koller suggested that measures be taken to communicate criminal occurrences to residents, possibly in the form of an email alert, in order to warn them to protect themselves and prevent crimes. She questioned how residents can determine whether a solicitor in the neighborhood has a permit from the Village.

Stearn suggested that residents contact the Public Safety Department if they have any concerns about solicitors or whether they should be in the community.

John Thomas of Birwood expressed concern about recent home invasions and urged the Village to implement an alert system if there is something urgent that should be conveyed to citizens. He agreed that residents should be aware of people soliciting in the neighborhoods.

Eloise Daniel of 31056 Huntley Square East related an attempt to steal her hubcaps and the helpful action taken by the Public Safety Department.

Sharon Tischler of 21415 Virmar Court provided background on the former Neighborhood Watch program and the effective way in which it worked in the Village.

Perry Allen of 18249 Birwood stated that he shares the concerns expressed about property crime. It appears that there are many vigilant citizens willing to help Council and the police fight crime through some type of watch program.

Bob Walsh of 20655 Smallwood Court inquired as to why the summer concerts in the park in July were publicized in the May newsletter prior to Council appropriating money in the budget for those activities. He questioned the justification for entering into entertainment contracts before funds were budgeted for the expense. Walsh did not think an assumption should have been made that the concerts would be funded.

Stearn affirmed that contracts were not signed until the money was appropriated for the events. The Assistant Manager assumed that funding would be approved when the Villager article was written.

Stearn stated that Council takes crime issues very seriously. He spoke today with Captain Yanosy, who suggested that the best way for people to protect themselves was to lock their doors and windows and close their garage doors. Breaking and entering incidents are on the rise in the County; however, Beverly Hills has not had as many incidents as neighboring communities. Everyone should be taking precautions.

#### **CONSENT AGENDA**

- Motion by Pfeifer, second by Oen, to approve the consent agenda as published.
- a. Review/consider approval of minutes of a regular Council meeting held July 2, 2007.
  - b. Review and file bills recapped as of Monday, July 9, 2007.

Motion passed (7 – 0).

#### **BUSINESS AGENDA**

##### **REVIEW AND CONSIDER PROCLAMATION RECOGNIZING JACK HARMON FOR HIS SERVICE ON THE PARKS & RECREATION BOARD**

Oen presented Jack Harmon with a framed proclamation in honor of his years of dedicated service on the Parks and Recreation Board. Council expressed their appreciation for his hard work and joined the audience in applauding Jack Harmon.

**Village of Beverly Hills  
Proclamation**

Whereas, Jack Harmon has served the Village of Beverly Hills as a member of the Parks and Recreation Board continuously for more than 16 years being appointed December 17, 1990, and

Whereas, Jack Harmon has been involved with many improvements made to Beverly Park, including pond dredging, pavilion renovation, playground upgrades, and the creation of the bioswale area constructed to alleviate water runoff, and

Whereas, Jack Harmon has contributed his time and efforts to annual events in the park including but not limited to The Halloween Hoot, Winter Family Fun Day, Beverly Park Clean-Up, and Concerts in the Park, and

Whereas, Jack Harmon has promoted the safekeeping of the Douglas Evans Preserve.

Now Therefore Be It Resolved, that the Beverly Hills Council, on behalf of the residents of the Village of Beverly Hills, wishes to express sincere gratitude to Jack Harmon for his many years of dedicated service to the Village.

Jack Harmon remarked that he enjoyed every minute of his 16 years on the Parks and Recreation Board and urged other interested residents to become involved with the group.

**REVIEW AND CONSIDER REVISION TO PREVIOUSLY ADOPTED COMMUNITY RESOLUTION AND INTERGOVERNMENTAL AGREEMENT WITH SOUTHFIELD TOWNSHIP TO MANAGE FLOODPLAIN DEVELOPMENT FOR THE NATIONAL FLOOD INSURANCE PROGRAM**

Oen stated that the Michigan Department of Environmental Quality has requested a minor amendment to the Resolution and Agreement approved by Council on March 20, 2007. The MDEQ is requesting that clarification be made in the first “Whereas” recitation to state that Beverly Hills *already participates* in the National Flood Insurance Program and Southfield Township *seeks to begin participation* in the NFIP. The remainder of the document is unchanged. Southfield Township will take action on this amended resolution at its August 14, 2007 Board of Trustees meeting. Village Attorney Ryan has approved the change.

Motion by Oen, second by Woodrow, to approve the amended Resolution and Intergovernmental Agreement between the Village of Beverly Hills and Southfield Township to manage Floodplain Development for the National Flood Insurance Program.

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

**SET PUBLIC HEARING DATE OF AUGUST 21, 2007 ON A REQUEST FROM ASCENSION OF CHRIST LUTHERAN CHURCH FOR SITE PLAN AND SPECIAL APPROVAL FOR CONSTRUCTION OF A PLAYSCAPE AND VARIOUS SITE IMPROVEMENTS**

Berndt stated that the Village Planning Board reviewed the request from Ascension of Christ Lutheran Church for special use and site plan approval for construction of a play structure on their property. Following discussion of the proposal, the applicant agreed to make certain modifications to the plans at the direction of the Planning Board. The Planning Board forwarded the revised plan to Council for consideration and to the Zoning Board of Appeals for a hearing on the required variances.

A Council public hearing was set for Tuesday, August 21, 2007 at 7:30 p.m. on the site plan and special use approval request from Ascension of Christ Lutheran Church.

**WAIVE RESTRICTION ON SALE OF MERCHANDISE IN BEVERLY PARK ON JULY 19, 2007**

Oen explained that the booking agent for Three Men and a Tenor has requested that Council make an exception and allow for the sale of CDs and t-shirts at the concert in Beverly Park on Thursday, July 19, 2007. It was noted that the performers rely on that income to offset the reduced rate that is offered to municipalities.

Motion by Oen, second by Peddie, to waive the restriction on sale of merchandise in Beverly Park on July 19, 2007 to allow Three Men and a Tenor to sell CDs and t-shirts at their concert.

Roll Call Vote:

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

Motion passed (6 – 1).

**DISCUSSION ITEM – LANDLORD/TENANT ORDINANCE**

The first reading of a draft Landlord/Tenant ordinance was held at the July 2, 2007 Council meeting, at which time Council and audience members engaged in a lengthy discussion. Council agreed that modifications should be made prior to a second reading of the ordinance.

Stearn related that Huntley Square Apartments held a meeting of its residents yesterday for the purpose of discussing the proposed landlord licensing ordinance. He was invited to attend by one of the residents. He listened to the questions and concerns of apartment residents, who made a good case for removing professionally managed large apartment complexes from the proposed ordinance.

Stearn asserted that he hoped to achieve three goals with the passage of this ordinance amendment: 1) Protect property values by making sure that single family homes are properly maintained; 2) Require registration of landlords in order to identify rental properties in the Village; and 3) Protect tenants from landlords who are not maintaining rental homes. It is clear that Huntley Square residents do not want this ordinance. Stearn proposed that the issue can be revisited for the Huntley Apartments if it is needed in the future.

Council is in receipt of sample Rental Property ordinances that require landlord registration and rental inspections in the cities of Birmingham, Oak Park, and Southfield.

Pfeifer provided background information on the Huntley Square Apartments and on a previous council's consideration of a landlord/tenant ordinance in 2002/2003. At that time, Council had received sample ordinances, fee schedules, and check lists of items to be included in an inspection. Pfeifer agreed with Stearn that the rationale for the proposed ordinance is to maintain property and protect property values in the community.

Pfeifer did not think that the Huntley Square Apartments should be punitively damaged by this ordinance. She affirmed that the apartment buildings are well constructed and maintained, but noted they are 40 plus years old. Tenants should be concerned about proper venting, plumbing, heating, electrical, fire hazards, etc.

Pfeifer explained that the ordinance before Council is deliberately vague. It will be supplemented with attachments including fee schedules, inspection check lists, and agreement forms that will be updated periodically by resolution of Council. She proposed that Council prepare draft copies of those attachments for review prior to the second reading of the ordinance.

Oen favored a one-year landlord license for the reason that a landlord would most likely rent a home with a one-year lease.

Koss questioned why tenants of Huntley Square Apartments are opposed to biennial inspections by the Village at a minimal cost. She noted that there are other multiple family units in the Village that should not be excluded from the ordinance.

Peddie was in support of the proposed ordinance on the basis that it would be put in place for the safety of tenants and to maintain property values in the community.

Berndt was interested in protecting property values but had an issue with the lack of specificity in the ordinance in terms of basic criteria that properties are expected to meet. He was concerned about negative incentives in the marketplace. Berndt proposed refining the ordinance to make it affordable, enforceable, and fairly applied.

Audrey Deutch of 31236 Huntley Square East understood that the cost of biennial inspections would be minimal, but was concerned that inspectors might identify repairs that will be made by Hartman and Tyner and passed onto tenants. She has had no problem allowing Huntley Square maintenance people into her apartment to address major issues. She voiced concerns with Village inspections including the need to stay home to let an inspector into the apartment, loss of work

time, and responsibility for any resulting damage. Deutch viewed the ordinance as an infringement and another cost that would be passed onto the tenants.

Judith Fox of 31235 Huntley Square East related examples of regular maintenance that occurs at the apartments.

Paul Donohue of 31020 Huntley Square East objected vociferously to President Stearn asking the audience to indicate by a show of hands who was present from Huntley Square Apartments.

Motion by Stearn, second by Berndt, to call a five minute recess at 8:45 p.m. in order to bring a Public Safety Officer into the building to maintain order.

Motion passed (7 – 0).

The meeting reconvened at 8:50 p.m. At the inquiry of Stearn, most of the audience members present indicated that they were from Huntley Square Apartments. Stearn affirmed that he has heard three reasons why Huntley residents object to the proposed ordinance: 1) infringement on their privacy; 2) cost; and 3) the apartment management is doing a good job of maintaining the dwellings. He asked if there are any other reasons why Huntley residents are objecting to the ordinance.

Eloise Daniel of 31056 Huntley East stated that she was a victim of a fire at Huntley Square Apartments and that the apartment management did everything possible to provide her with the help that she needed.

Paul Donohue of 31020 Huntley Square East asserted that apartment residents do not need the protection of the Village. He maintained that inspection of private property is unconstitutional and that the proposed ordinance is discriminatory against homeowners.

Larry Brown of 31236 Huntley Square East mentioned that the apartments are over 40 years old. He was in support of a refined ordinance because he thinks that inspections by independent people need to be done.

Trisha Raymond of 17310 Kinross, property owner and licensed realtor, referred to material she distributed at the last meeting regarding the estimated number of rental homes in the Village, which was 2.4% of the 4,000 single family homes in the Village (excluding the apartments). There has been talk about protection of tenants; she questioned the need for protection of landlords from tenants. Raymond believes that there are avenues for tenants and landlords to go to district court and address Michigan laws that are in place for their protection. There are laws on the books to address blight issues and certain building codes. People who want to sell their property will generally keep it maintained; landlords will upgrade the property if they are not attracting renters.

Nick Anderson of 16270 Buckingham thought that the proposed ordinance could be an onerous burden on a number of people, particularly in this economy. He stated that the ordinance is vague and maintained that people have a right to know the minimum standards.

Gary Foster with Huntley Square management addressed a previous question from Council concerning the type of regular maintenance performed by the apartment management. He stated that he is a licensed builder and his staff is thoroughly trained. Regular inspections include the roofline, checking handrails on stairs, electrical safety inspections, etc. Upgrades and safety items are made voluntarily in many cases.

Keith Tatum of 18215 Huntley Square expressed concern for the safety of his family and property and asked if the municipal inspectors would be required to undergo a background check.

Kelly Keebler, resident and property manager at Huntley Square Apartments, thanked Council for considering the residents' views on the proposed ordinance and listening to their comments.

Council considered a number of modifications to the ordinance and made decisions on whether to incorporate those changes based on a show of hands. The following revisions will be made:

- The majority of Council (4-3) chose to include Huntley Square Apartments in the current ordinance.
- Requiring a one-year versus two-year landlord license was determined not to be an issue because the draft ordinance requires an annual fee for a landlord license.
- There was unanimous agreement to include a fee structure as an attachment to the ordinance. Administration was asked to prepare a draft fee structure based on costs from outside contractors.
- There was unanimous agreement to direct Administration to prepare a check list of items to be included in a property inspection as an attachment to the ordinance.
- Delete 44.05(A)(1) "Prior to occupation of any premises which have been vacated" (5-2 vote).

Woodrow explained that a landlord will not be required to upgrade an old house to the most current standards if it meets codes and there are no health and safety issues. That language needs to be further clarified in the ordinance.

Stearn concluded that the landlord/tenant ordinance will come back before Council as a discussion item. Ryan will prepare a revised ordinance with a memo that includes a justification for the ordinance.

### **PUBLIC COMMENTS**

Nick Anderson of 16270 Buckingham expressed concern about the phrase "cost neutral" on the basis that there is nothing cost neutral for the person paying the inspection fee. He advised against creating an atmosphere that drives away prospective Village residents.

Larry Brown of 31236 Huntley Square East commented that he leased a home in Royal Oak where there is an ordinance requiring rental home inspections; his rental home was up to code from the standpoint of safety hazards.

Building official Dave Byrwa commented that the Village may be able to handle the inspections in-house rather than contracting for the service. Factors in place that would assist with this operation are the Village's Property Maintenance Code and new computer software purchased for the building department.

### **REPORTS – MANAGER**

Assistant Manager Marshall reported on the progress being made on Kinross and Bates in terms of the Acacia Park Relief Sewer Project. The Village is in its third week with the new trash contractor. There have been phone calls during the transition, but Marshall thought that the Village would be very satisfied with Car Trucking.

At Pfeifer's request, Marshall provided information on the procedures for obtaining a solicitation license in the Village. In addition, residents may add their names to a "non-solicitation" list. That list is provided to those who have obtained a license, to organizations that are not required to obtain a license, and to the Public Safety Department.

### **COUNCIL REPORTS**

Peddie suggested that staff ask individuals who obtain a solicitation license to wear the badge they receive as part of the licensing process.

Oen reported that Township Trustee Janet Mooney was appointed as the new Southfield Township Treasurer. There is now an open Trustee position. Applications for this seat on the Township Board must be received by the Township Clerk by 5 p.m. on August 3, 2007.

Nomination forms for the Beautification Challenge 2007 awards are available at the municipal offices or on the Village web site. Oen informed residents that the Village receives credit towards the cost of trash disposal for curbside recycling. Information on recycling is available at the municipal office.

The Parks and Recreation Board will meet on Thursday, July 19 at 6:30 p.m. in Beverly Park followed by a summer concert featuring Three Men and a Tenor.

Woodrow thanked the Public Safety Department for providing traffic control at the Birmingham Fireworks Display on July 3. With respect to comments made earlier in the meeting about crime issues, he believes that neighbors should be vigilant and call the police if they see something suspicious. During the recent Business Town Hall meeting, there was discussion of initiating an email notification if there was retail fraud or shoplifting occurring in the business community. Maintenance of the contact data base may be a problem.

Berndt stated that the Planning Board meeting scheduled for July 25 was canceled. With regard to the topic of preventing crime in the community, Berndt urged citizens to take reasonable precautions to be safe.

Koss commented that the new trash company staff is diligent and are doing a good job. The Fireworks Display was phenomenal.

Pfeifer sympathized with those residents who have been victims of a home invasion. She urged residents to be watchful and not to hesitate to call the Public Safety Department if they see something suspicious.

The Birmingham Area Cable Board will meet tomorrow, July 18 at 7:45 a.m. in the Council chamber. In answer to a resident's inquiry at the last Council meeting, Pfeifer stated that it is not up to the Village to offer a senior discount for cable television service. Comcast has been asked repeatedly by Beverly Hills and the consortium communities, and they will not institute a senior discount or provide a senior cable tier. Pfeifer referred to a memo from administration regarding web streaming of Council meetings, which she will forward to the Cable Board.

Pfeifer reported on the July 9, 2007 ad hoc city study committee. City of Chelsea Mayor Ann Feeney presented information on Chelsea's successful exercise of changing from a general law village to a city. Pfeifer clarified that the charge of the citizens committee is to look at the advantages and disadvantages of cityhood. The group will make a presentation of facts to Council and not a recommendation. The committee will review some of the legal questions involved at their next meeting scheduled for July 30 at 3:15 p.m. She anticipates having a report back to Council within the next three months.

Pfeifer plans to represent the Village at the upcoming Michigan Municipal League annual convention in September. Other Council members interested in attending should contact her. Pfeifer expressed disappointment with the action taken by Council at its July 2 meeting to engage the services of a consultant to perform a Public Safety Department Operational Study. She disagreed with Council's decision to engage the most expensive consulting firm.

Stearn thanked the Public Safety Department for their assistance at tonight's meeting.

Motion by Pfeifer, second by Koss, to adjourn the meeting at 9:58 p.m.

Motion passed (7 – 0).

**Todd Stearn**  
**Council President**

**Ellen E. Marshall**  
**Village Clerk**

**Susan Bernard**  
**Recording Secretary**