

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

Absent: Koss

Also Present: Manager, Spallasso  
Assistant Manager/Clerk, Marshall  
Public Services Director, Meszler  
Village Attorney, Ryan  
Building Official, Byrwa  
Director of Public Safety, Woodard

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. Paige Stearn, age 7, led the audience in reciting the Pledge of Allegiance.

#### **ADDITIONS TO AGENDA/APPROVE AGENDA**

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

Motion passed (5 – 0).

#### **PUBLIC COMMENTS**

Sharon Tischler of 21415 Virmar Court observed that westbound 13 Mile Road at Lahser is in need of repair. Spallasso responded that this area is included in the asphalt resurfacing proposal before Council tonight.

Kathleen Berwick of 31381 Kennoway related that the audio quality of recently broadcast Council meetings has been poor.

#### **CONSENT AGENDA**

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

- a. Review/consider approval of minutes of a regular Council meeting held August 07, 2007.
- b. Review and file bills recapped as of Monday, August 20, 2007.

Motion passed (5 – 0).

#### **BUSINESS AGENDA**

##### **REVIEW AND CONSIDER 2007 HALLOWEEN HOOT FUNDING**

Oen reported that plans are underway for the 12<sup>th</sup> Annual Halloween Hoot to be held on Sunday, October 28 in Beverly Park. Pat Greening has done a great job of organizing this event for a number of years and has now turned over the coordination of the Hoot to Terri Stearn. An amount of \$2,500 has been allocated in the 2007/08 budget toward conducting this community event.

Terri Stearn of 31161 Old Stage Road reported that almost \$7,000 was received in donations for Halloween Hoot expenses last year, with 35% of that amount from the Village. The expenses

incurred to conduct the event in 2006 were \$7,181.00. This year committed donations total \$6,500. Stearn is working on other leads in terms of private donations, but asked that Council make up half of the shortfall (\$500) and authorize the expenditure of \$3,000 for this event.

Motion by Oen, second by Pfeifer, that the Village Council approve an expenditure not to exceed \$3,000 for the 12<sup>th</sup> Annual Halloween Hoot that will take place in Beverly Park on Sunday, October 28, 2007. Funds for this expenditure are available in account #101-747-896, Community Action: Halloween Hoot Expenses.

Motion passed (5 – 0).

**REVIEW AND CONSIDER ANNUAL FUNDING REQUEST AND CONTRACT FROM BIRMINGHAM BLOOMFIELD COMMUNITY COALITION FOR FY 2007/08**

Oen stated that the Birmingham Bloomfield Community Coalition (BBCC) provides services to reduce youth substance abuse in the Village of Beverly Hills and the greater Birmingham Bloomfield community. Its services center on reducing teen access and use of tobacco, alcohol, marijuana and other dangerous drugs. The Coalition is requesting funding for these community services that the Village does not offer.

Motion by Oen, second by Pfeifer, that the Council for the Village of Beverly Hills approve the funding request of Birmingham Bloomfield Community Coalition in the amount of \$1,200 for the provision of substance abuse prevention services; further to direct Administration to sign the contract document providing for this continuing community service. Funds for this expense are available in Account #101-747-890.03 Community Action: Contracted.

Village Attorney Tom Ryan indicated that he is satisfied with the contract. He emphasized that the funding amount is not a donation; it is a payment for rendering contractual services that the Village of Beverly Hills does not provide itself.

Lisa Machesky, Director of the Birmingham Bloomfield Community Coalition, talked about the coalition's youth efforts and the positive outcome of those activities. She introduced Katie Smith, resident of Beverly Hills, who is a representative of the Youth Action Board.

Machesky provided information on a number of programs. She announced that Summit 2007 will take place this year on September 28, 2007 from 7:30 a.m.- 11:30 a.m. at the Birmingham First United Methodist Church. This is a positive event where community representatives gather to talk about issues related to substance abuse. Machesky thanked Council for its continued financial support over the years.

Melinda Smith, mother of Katie Smith, added that the Coalition programs involve a group of teenagers from all of the high schools in the area.

Oen related statistics provided to Council that support the goals of the Coalition to reduce alcohol and marijuana usage among local high school students. Council members spoke in support of providing funds for the services rendered.

Roll Call Vote:  
Motion passed (5 – 0).

**REVIEW AND CONSIDER ANNUAL FUNDING REQUEST AND CONTRACT FROM BIRMINGHAM YOUTH ASSISTANCE FOR FY 2007/08**

Peddie stated that Birmingham Youth Assistance (BYA) is a worthwhile organization that works to provide services and support to youths and families in the Village of Beverly Hills and the greater Birmingham School District community. The mission of the organization is the prevention and reduction of juvenile delinquency, child neglect and abuse through citizen, school, court, and municipal involvement. The Village approved funding in the amount of \$5,327 in its 2007/08 budget to cover the cost of contracting for these important functions for the community.

Woodrow entered the meeting at 7:48 p.m.

Motion by Peddie, second by Pfeifer, that the Council for the Village of Beverly Hills approve the funding request of Birmingham Youth Assistance in the amount of \$5,327 for the provision of youth and family services; further, to direct Administration to sign the contract document providing for this continuing community service. Funds for this expense are available in Account #101-747-890.03 Community Action: Contracted.

Jim VanDyke, volunteer with Birmingham Youth Assistance Committee, introduced Jennifer Robertson, youth services worker for BYA who provides counseling services to the community for children at risk and their families. He pointed out that Youth Assistance has been in existence since 1962 and that Beverly Hills has been a partner of BYA since 1969 offering its commitment and unwavering support. VanDyke commented that Council members have received a copy of the BYA annual report and a description of its programs. He asked if there are any questions from Council. Council members voiced their support of the organization.

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

**REVIEW AND CONSIDER APPOINTING REPRESENTATIVE AND ALTERNATE TO THE MICHIGAN MUNICIPAL LEAGUE ANNUAL BUSINESS MEETING**

Pfeifer stated that the Michigan Municipal League Annual Convention will be taking place this year on September 18-20 at the Grand Traverse Resort in Acme, Michigan. Pfeifer has volunteered to attend as the official representative to cast a vote on behalf of the Village of Beverly Hills at the annual business meeting on September 19. Oen is also planning on attending the MML Convention.

Motion by Woodrow, second by Berndt, to appoint Dorothy Pfeifer as the official representative of the Village of Beverly Hills and Jon Oen as the alternative representative to attend the Michigan Municipal League Annual Business Meeting to be held September 19, 2007 at the Grand Traverse Resort in Acme, Michigan.

Motion passed (6 – 0).

**REVIEW AND CONSIDER PROPOSALS FOR ASPHALT RESURFACING**

The Village took bids on July 31, 2007 for 2007 bituminous resurfacing on major and local streets in the Village as well as for bituminous work on Lahser Road south of Thirteen Mile Road. There were seven bidders with the low bid from ASIX Asphalt Paving.

The low bid received for major road work is \$249,528.50. That amount is \$129,528 over the budgeted amount for major road resurfacing. The difference will be funded from the Major Road Fund balance, which is currently \$1.3 million. The low bid for local road bituminous resurfacing is \$302,274.50, which is \$176,764 under the 2007 budgeted amount. The low bid of \$14,480.00 for the work on Lahser Road will be funded by the Road Commission for Oakland County.

Spallasso explained that an evaluation of major roads was conducted after the winter season and subsequent to the adoption of a budgeted amount for major road work. It was decided at that time to include a section of Fourteen Mile Road that was in need of repair.

Motion by Woodrow, second by Berndt, that the Village Council award the 2007 Bituminous Resurfacing Program (R-07-01) to the low bidder, ASIX Asphalt Paving LLC, for resurfacing of major and local streets as well as resurfacing work on Lahser Road south of Thirteen Mile Road in the Village of Beverly Hills and authorize the Village Manager to sign a contract with ASIX Asphalt Paving for this work contingent on the contractor supplying all required bonds and insurance.

The funding for major road resurfacing work will come from the Major Road Fund budget, account 202-451-810.02 and the balance from the fund balance of the Major Road Fund; funding for local road resurfacing will come from the Local Road Fund budget, account 203-451-810.02; funding for resurfacing work on Lahser Road south of Thirteen Mile Road will come from the Road Commission for Oakland County.

Questions from Council and the public on this project were addressed by Spallasso. Spallasso indicated that the 13 Mile Road reconstruction and improvement project between Greenfield and Southfield Road is currently being evaluated due to increased costs. This will be a joint program with the City of Southfield.

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

**REVIEW AND CONSIDER CONTRACT WITH OAKLAND COUNTY DRAIN COMMISSIONER FOR MANHOLE REHABILITATION ON EVERGREEN FARMINGTON SEWER SYSTEM**

Woodrow stated that before Council for approval is a contract with the Oakland County Drain Commission for a peak sanitary flow reduction project in the Evergreen-Farmington sewage disposal system. Four tasks have been identified as part of this project: manhole rehabilitation; pump station evaluation; EFSDS Meter/Model Study; Temporary Metering Study.

Council has received a letter from Drain Commissioner John McCulloch committing to a 50-50 match grant. With the Village's match of \$150,000, the total project cost of \$300,000 will be

used for the four tasks directed towards the goal of reducing the peak town outlet flow. Funds for the matching grant are in the Water and Sewer Fund Balance, which is currently at \$2.9 million.

Motion by Woodrow, second by Peddie, that Council approve the contract between the Village of Beverly Hills and the Oakland County Drain Commission for a 50-50 matching grant totaling \$300,000 for work and studies on the Evergreen Farmington Sewage Disposal System that will assist the Village in efforts to reduce the peak town outlet flow; and that Council authorize the Village Manager to sign the contract.

Ryan was asked to comment on the contract with the Oakland County. He remarked that Beverly Hills has to work with the County on this project, but it would be preferable if the County would assume more of the burden. There is no guarantee of the 50-50 grant match, and overrun costs would be the Village's responsibility.

Spallasso added that he has had debates with the County over the years regarding contract language. If the Village does not sign the contract, it will be liable for the entire \$300,000 cost of the project. Questions from Council were addressed by Spallasso.

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

## **DISCUSSION ITEMS**

### Landlord/Tenant Ordinance

Stearn stated that a landlord/tenant ordinance has been a topic of discussion at previous Council meetings. Attorney Ryan has submitted a memo on the topic and a proposed ordinance for Council consideration. Stearn informed Council that he and Dorothy Pfeifer along with Manager Spallasso had a meeting earlier today with the management of Huntley Square Apartments to resolve issues related to a proposed ordinance. He asked Pfeifer to relate what occurred at that meeting and outline the compromises suggested that may satisfy the tenants and management of Huntley Square Apartments as well as the Village.

Pfeifer expressed the view that it would be irresponsible to exclude the Huntley Square Apartment complex from a Village landlord/tenant ordinance because it represents the largest segment of rental dwellings within the Village. Huntley Apartment owners Hartman & Tyner are good about maintaining their properties. However, a problem could arise if the ownership of the apartment complex passed on to another group.

Pfeifer proposed that the management of Huntley Square Apartments be included in the landlord/tenant ordinance with a provision that there would be a separate fee schedule and separate check list for the apartments. The Village would assess an annual license fee to the Huntley Apartment owner to cover the administrative costs of overseeing property inspections. Huntley Square would be allowed to conduct its own inspections and supply certificates of compliance to the Village certifying that these inspections have taken place. The Village's Fire Marshal would continue to provide periodic inspections at the apartments. A Village inspector would be allowed to enter and conduct spot checks of at least two vacant apartments per year.

Pfeifer thought that this procedure would satisfy the Village's obligation with minimal imposition on the Huntley Square facility.

Stearn recapped that every commercial apartment unit would be inspected at least once every two years by its commercial building management and provide the Village with certification that the inspections were conducted. The Village building official would enter and inspect no less than two vacant apartments per year; the Village's Fire Marshal would continue to inspect the apartment complex as has been done in the past. This would only apply to multi-unit rental complexes in the Village.

There followed Council discussion and inquiries relative to this proposed language for the landlord/tenant ordinance. There were members of Council who thought that the suggested ordinance would give Huntley Square Apartments preferential treatment by allowing them to self-inspect their property. It was suggested that apartment complexes in the Village could be singled out with a fee schedule that would charge a set amount per building plus \$10 per unit within that building. This would also give rental buildings with 5-8 units a break.

The point was made that there are a number of owner occupied homes in the Village with serious deterioration. If the goal is to preserve the quality of housing in the community, the Village's property maintenance code could be more stringently enforced on any structure in Beverly Hills. The view was expressed that the landlord/tenant ordinance is an enforcement mechanism targeting a subsection of the community and requiring them to pay for that enforcement.

Sharon Tischler of 21415 Virmar Court questioned what costs would be incurred by the Village as a result of the landlord/tenant ordinance. She inquired whether Huntley Square Apartment management pulls permits for plumbing, electrical, or heating work that requires inspections by the Village.

Spallasso responded that permits are obtained by Huntley Square if there is work done that does not fall into the category of maintenance. Byrwa added that the apartment management has applied for permits recently to replace air conditioning units and to undertake major reconstruction after fire damage.

Doyle Downey of 30865 Lincolnshire West and rental property owner in the Village expressed the view that the proposed ordinance is unfair to both tenants and residents. Consideration of the ordinance has been related to safety and maintenance of property. If there are concerns about renters, there should be concerns about residents. The Village has a property maintenance code that can address issues without adopting special regulations.

Kathleen Berwick thought that the proposed ordinance is discriminatory to owners of small rental units.

Stearn polled Council members to determine if there was interest in directing the Village Attorney to draft a landlord/tenant ordinance that would separate commercial rental properties using a professional management company from single family home rentals. It was the sense of

Council (5-1) that an ordinance should not differentiate between single rentals and large apartment buildings.

Stearn asked for a consensus of Council on whether to conclude consideration of a landlord/tenant ordinance at this time. The majority of Council members agreed to end the discussion of this topic.

#### Village of Beverly Hills 50<sup>th</sup> Anniversary Celebration

The Village will celebrate its 50<sup>th</sup> birthday in February of 2008. The first official meeting of the Village of Westwood was held on February 6, 1958. At the March 9, 1959 election, a Charter Amendment was passed by the voters to change the name to Beverly Hills.

In order to initiate organization of a 50<sup>th</sup> birthday celebration, Assistant Manager Marshall has drafted a memo presenting a number of ideas for discussion purposes. Stearn suggested that Council talk about how to proceed with planning this celebration.

Woodrow remarked that the memo includes a number of good ideas for a day-long celebration at Beverly Park on the first or second Saturday in June of 2008. He liked the suggestion for a Beverly Hills Taste Fest and the idea of a student essay competition on why it's great to live in Beverly Hills. Woodrow agreed with the proposal to combine funding for the volunteer appreciation dinner with funding for an anniversary celebration. Other ideas are to have a concert on that day and a movie in the park that evening.

Pfeifer proposed including and recognizing past Council members, Village managers, and public safety directors – all of whom were part of those 50 years.

Spallasso related that he was contacted by a well-qualified resident who volunteered to work on the anniversary event, Patricia Greening. Peddie offered to assist with planning the event with administration and Greening. Other people in the community with ideas for the celebration can volunteer to help out.

#### Staggered terms for Council members

Stearn reviewed that Village Council members currently serve a two-year term with all seven Council seats up for election every two years. It has been suggested that Council consider a Charter Amendment that would allow four-year staggered Council terms. Three members would be elected for a particular four-year period and four members elected for another four-year period so that all seven members are not up for election at the same time.

Sharon Tischler, Southfield Township Clerk, stated that the Village cannot make the deadline for the November School Board election held by the County. The next opportunity to place a Charter Amendment on a ballot would be the presidential primary, and that date is not firm. The Village could hold an independent election and pay for the costs involved.

Ryan added that Council will have to adopt a Resolution for a Charter Amendment, which must go to the Governor for approval and sit on the table for 30 days. It was the consensus of Council not to proceed with a Charter Amendment at this time.

Solicitation Ordinance

Stearn stated that he was approached by several residents regarding ordinance restrictions that do not allow ice cream trucks to operate in the Village on a daily basis during the summer. He distributed a proposed change to the solicitation ordinance drafted by a resident. A paragraph was added that would permit a reasonable amount of licenses for the daily operation of ice cream trucks on public roads in Beverly Hills.

Council discussed how the Village’s solicitation ordinance could be amended to provide for this activity on a seasonal basis.

The following residents spoke in favor of allowing a limited number of ice cream trucks on Village streets in the summer:

Cynthia Best	22500 King Richard Court
Steve Wolock	31737 Robinhood
David Collen	31755 Robinhood
George Contis	19135 Walmer

Council directed the Village Attorney to draft language to amend the Solicitation Ordinance in order to allow the Village to issue 10 licenses for vehicular solicitation per a 120-day time period.

**PUBLIC COMMENTS**

Sharon Tischler of 21415 Virmar Court asked if the Village has experienced any water problems as a result of heavy rainfall. Spallasso reported no water problems in the Village.

**REPORTS – MANAGER**

Spallasso reported that the water meter replacement project is about to commence. The contractor will begin notification of property owners in early October before starting work.

Woodrow asked that the name of the company doing the work and possibly employee photographs be posted on the Village web site so that residents will know who is doing the water meter project in the community.

There is a substantial amount of free compost available in the municipal parking lot for the use of Beverly Hills residents.

Spallasso mentioned that a signed PSO contract has not yet been received from the union. The contract has been ratified by the union and Village Council. The arbitration date for the Command Unit has been adjourned at the request of the union to October 12, 2007.

Stearn asked for an update on the Public Safety Operational Study. Spallasso responded that an initial meeting was held and another meeting is scheduled with Director Woodard, the Command unit and himself for September 5. Additional meetings will include a session that will involve participation from Council members.

Spallasso informed Council that administration will assign one staff member to be in direct contact with local businesses within the next three weeks.

Pfeifer stated that there was an article in the Eccentric within the last week regarding federal money being offered to communities for replacement of trees lost to the emerald ash borer disease. The Village has been proactive in addressing the removal of diseased and dead trees. She asked if administration has an idea of how many more trees in the rights-of-way will be lost. Spallasso estimated that Beverly Hills is two-thirds through the tree removal program related to this blight. Administration will pursue any grant funds available to the Village.

Arrangements with Groves High School have been made to use the Little Theater on the west side of the building for the September 18 Council meeting. The first reading of an amendment to the Zoning Ordinance affecting property on the east side of the Village will be an agenda item. Notice of this meeting will be mailed to 1600 property owners.

### **COUNCIL**

Peddie commented that people who come before the Zoning Board of Appeals to request a variance in order to improve or add to their homes should keep in mind that Beverly Hills ordinances are the law of the Village.

Oen announced that Dick Halloway has been appointed as the new Southfield Township Trustee.

Woodrow expressed an interest to attend the MAPERS (Michigan Association of Public Employee Retirement Systems) 2007 Fall Conference in Grand Rapids from September 16-18. He asked administration to provide him with information on this conference.

Berndt reported that the Planning Board will meet on Wednesday, August 22, 2007 at 7:30 p.m. in the Village municipal building.

Pfeifer informed Council that the capability to broadcast a Council meeting live is lost when a meeting is moved off-site. The off-site Council meeting will be taped and replayed but cannot be broadcast live on that evening. Residents should be aware of this.

Motion by Pfeifer, second by Oen, to adjourn the meeting at 9:38 p.m.

Motion passed (6 – 0).

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

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

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