

Present: President Stearn; Members: Briggs, Mercer, Mooney, Oen and Peddie

Absent: Koss

Also Present: Village Manager, Wilson  
Assistant Manager, Marshall  
Village Attorney, Ryan  
Public Safety Director, Woodard

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.

**ADMINISTER OATH OF OFFICE TO NEWLY APPOINTED COUNCIL MEMBER BY HONORABLE WILLIAM RICHARDS**

The Honorable William Richards administered the oath of office to newly appointed Council member Tim Mercer. He congratulated Mr. Mercer on his appointment to the Beverly Hills Council.

The Pledge of Allegiance was recited by those in attendance.

**ADDITIONS TO AGENDA/APPROVE AGENDA**

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

Motion passed (6 – 0).

**COMMUNITY ANNOUNCEMENTS**

Jim O'Reilly of Huntley Court, chair of the Memorial Day Parade, extended his appreciation to a long list of people and organizations who joined in to put on the Beverly Hills Memorial Day Parade and Carnival. He acknowledged former Marine Stan Pasiaka, who was in the audience, and thanked him for serving as Grand Marshal of the parade this year.

O'Reilly thanked the members of the Parks and Recreation Board individually for organizing the event again this year. He thanked and listed all of the businesses and individuals who provided financial support and contributed to the success of the Memorial Day parade and carnival. Credit was given to the organizations and schools that sponsored games and events. He thanked the Village Woman's Club for their successful silent auction. He recognized the musical entertainers who performed during the carnival. O'Reilly expressed his gratitude to Pat Westerlund for organizing a fabulous parade for the second year with the assistance of a group that call themselves the Devonshire Men's Club.

O'Reilly gave credit to specific individuals including members of Village Administration and Council for their assistance and participation. Boy Scout Troops and the Groves football team were thanked for their help. There were a number of other volunteers who assisted with various functions throughout the day.

Mooney stated that no one played a bigger role in the Memorial Day events than Jim O'Reilly, who received a round of applause from everyone present.

**CONSENT AGENDA**

Motion by Mooney, second by Briggs, to approve the consent agenda as published.

- a. Review/consider approval of minutes of a regular Council meeting held May 18, 2010.
- b. Review/consider approval of minutes of a special Council meeting held May 25, 2010.
- c. Review and file bills recapped as of Monday, May 24, 2010.
- d. Review and consider resolution for West Nile Virus Fund expense reimbursement.

Motion passed (6 – 0).

**BUSINESS AGENDA**

**PUBLIC HEARING ON A REQUEST FROM DETROIT COUNTRY DAY SCHOOL FOR A SITE PLAN APPROVAL AND SPECIAL LAND USE APPROVAL FOR CONSTRUCTION OF A FIELD HOUSE, 13 MILE ROAD CAMPUS GYM AND NORTH ENTRANCE CORRIDOR**

President Stearn stated that representatives from Detroit Country Day School will provide a brief presentation of their proposal this evening prior to hearing public comments. There will not be a vote on the site plan and special land use approvals until the June 15 Council meeting.

Sam Ashley with Cunningham-Limp Construction Company stated that this proposal was last before the Village Council on December 1, 2009. At that time the project was referred to the Planning Board for review and recommendation. Detroit Country Day School is now before the Village with an expansion proposal and request for site plan approval and special land use approval. The project consists of three components including an Indoor Practice Facility, Thirteen Mile Road Campus Gym, and North Access Corridor that provides separate access for the athletic master plan. Ashley reviewed that the first phase of the athletic master plan was completed a couple of years ago, which consisted of the Cooper gymnasium.

Ashley related that it is the goal of the indoor practice facility to move outside sports (soccer, lacrosse, football and field hockey) into a controlled environment to alleviate pressure on some of the exterior fields. The upper school gymnasium will increase the capacity for gym and other co-curricular activities. The School will gain the ability to have concurrent facilities for basketball currently sharing time and space due to a change of seasons dictated by the Michigan High School Athletic Association. The north entrance corridor is intended to create direct pedestrian access to the new gym and indoor practice field. It will allow for closing off sections of the school to improve safety and security.

Detroit Country Day School gave its initial presentation to the Planning Board at its January 27, 2010 meeting. A public hearing was held in February with a final presentation in March, at which time the Planning Board recommended site plan and special land use approval with contingencies. Ashley commented that throughout the process, Cunningham-Limp and Detroit Country Day representatives were able to gather comments and considerations that were helpful in preparing the final plan. Several of the issues and required information had been worked through and provided in advance of the March 24, 2010 final Planning Board meeting on this proposal.

Ashley mentioned that an item raised by the Planning Board and citizens related to conducting overall parking and traffic studies as part of the submittal. Ashley said that he has consulted with the Institute of Transportation Engineers (ITE), the organization that establishes guidelines for traffic studies. The definition of a traffic study is to take a proposed facility and determine the impact on the public infrastructure, roads, signalization, and traffic counts. Detroit Country Day School is proposing to add an athletic use to its existing facilities and not additional classrooms that would increase enrollment. The proposed additions are a supplement to the existing services that are provided.

Ashley stated that students will already be on campus for classes when they occupy the proposed facilities. If an event was taking place at the 13 Mile Road Campus Gym, it would occur after school hours following the peak occupant load of the facilities. With respect to parking, there is an excess of 226 parking spaces for the overall campus of the upper school and middle schools, according to Village code requirements. Ashley referred to the plan to demonstrate how access to the underutilized middle school parking lot will be better used when the new facilities are in place. He added that there is already a controlled signal in place for the upper school parking lot.

Another item brought to the School's attention several months ago through community input was a concern about how the School would self enforce deliveries and access points during construction. Detroit Country Day officials have agreed to hold an open forum with area residents to communicate their plan for managing and policing construction traffic prior to any construction. In response to a resident's comment, Detroit Country Day School agreed to replace the lights mounted to the building along the west drive. Lower wattage bulbs have already been placed in the light fixtures; they will be replaced as part of the construction project with a fully shielded fixture that will minimize light pollution affecting property owners.

Ashley reviewed that the Planning Board motion of March 24, 2010 was conditioned on three items. A photometric plan was submitted in April in compliance with the ordinance. Inconsistencies in the plans pointed out by a Planning Board member were corrected in the final drawings. The School was asked to make sure that the drawings comply with Village engineering standards. The drawings were submitted to the Village engineering department; Ashley has had conversations with the Village Manager and engineering staff to make sure that everything is in place.

Stearn declared the public hearing open at 7:55 p.m. on the request from Detroit Country Day School for site plan approval and special land use approval for construction of a field house, 13 Mile Road campus gym and north entrance corridor.

Kathleen Berwick of 31381 Kennoway Court expressed concern about traffic jams that occur every day after school in that area. She questioned whether the additions will create more traffic with more events.

Sam Ashley responded that uses of the proposed facilities coincide with the existing occupants of the school facilities. He said that traffic may be less than what is currently there because the timing of sports events can now be staggered with the use of the indoor practice facility.

No one else wished to be heard; therefore, the public hearing was closed at 7:57 p.m.

Mooney heard it said that there would be no increase in traffic as a result of the proposed construction. He asked several questions that were answered by Sam Ashley. The cost of a traffic study would be approximately \$6,500. The cost of the project will be tens of millions of dollars, and construction will begin when funding sources become available. If DCDS was granted approvals and all entitlements were in place, construction could start as early as the beginning of July and be completed in nine months.

Glenn Shilling, headmaster at Detroit Country Day School, stated that the School does not have funding in place for this project due to the state of the economy. He added that there are donors who are interested in the project.

Mooney expressed the view that a traffic study should be conducted if there is time before construction begins. He did not consider it a burden for the School to spend \$6,500 on a multi-million dollar project. People are upset with the current traffic situation.

Shilling reiterated that the School is not adding students to the campus. They are covering an existing field that children are currently using. The proposed facility will relieve traffic because they will not have to move students off campus to rented facilities. The new facility will relieve traffic congestion at the beginning and end of the day and lighten some of the pressure that exists on the corner near the Shaw Stadium.

Peddie voiced her concern that there will be an increase in traffic due to more activities going on at one time. People in the community are disturbed by the amount of traffic in the area. Peddie suggested that Detroit Country Day have a traffic study done to alleviate questions about the new facilities adding to the traffic load.

Ashley commented that the school looked at the facts and made a decision that a traffic study was not needed because the proposed construction would not increase students or traffic. Improvements have been put in place on 13 Mile Road in terms of controlled signalization by the Oakland County Road Commission. He referred to the additional entrance and access point to the west of the main entrance. Shilling added that enrollment at the school is maxed out.

Oen commented on the traffic situation in the area and asked that a traffic study be provided by Detroit Country Day School.

Mercer asked if there was a time limit on the Village's site plan approval. Wilson responded that a Village building permit has a one year time limit to start construction; there is a one year time limit on special land use approval. The DCDS building permit would be issued by the State Bureau of Construction Codes. Wilson thought that this permit also has a one year time limit. Mercer asked a question related to the middle school parking lot. Shilling answered that there will be direct access to the middle school parking lot from the practice area.

Stearn quoted from the February 24 Planning Board meeting minutes and asked for clarification on statements made by Detroit Country Day School representatives regarding increased capacity for participation in sports activities on the campus following the proposed construction and whether that relates to increased traffic congestion. The explanation by Shilling involved scheduling for practices and games to accommodate students on site.

Stearn questioned whether the schedule for sporting events and practices has been provided to the Planning Board. He noted that the School could change the practice schedule at any time. Shilling remarked that it is in everyone's interest, particularly Detroit Country Day School, to manage the facilities in a way that will relieve traffic.

Stearn remarked that the accounts given by school representatives regarding traffic are all anecdotal evidence. He will not vote for this proposal without an impartial traffic study conducted by an objective group.

Mooney commented that it was counter intuitive for Detroit Country Day to build the proposed construction project on their campus and suggest to everybody that it will not increase traffic. Council is suggesting that the School have a traffic study done by an independent source so that the Village can tell people whether the project will result in increased traffic congestion.

Stearn thanked Detroit Country Day School representatives for their presentation. This item will be on the June 15 Council meeting agenda.

Ashley asked if there are other items that the School should be aware of besides the traffic study. Stearn questioned the status of an issue raised by the Planning Board regarding surface water draining into the creek. Ashley responded that the water quality discharging into the creek will exceed Oakland County requirements and is documented in paperwork submitted to the engineering department.

Stearn asked administration to provide the following information to Council members prior to the next meeting: 1) All Planning Board meeting minutes relating to the DCDS issue; 2) Standards for site plan approval and for special land use approval.

Director Woodard commented that the Village pays an annual fee to the Traffic Improvement Association of Oakland County to have traffic and accident data available. The TIA also assists with site traffic studies as needed.

### **REVIEW AND CONSIDER APPOINTMENT OF REPRESENTATIVES TO THE BALDWIN PUBLIC LIBRARY STRATEGIC PLANNING PROCESS**

Wilson stated that the Baldwin Public Library will be conducting a strategic planning process from June through October of this year. The Library Board is requesting participation from the Village of Beverly Hills. They will be holding a two-hour focus group session on Saturday, June 19 from 9:30 to 11:30 a.m. and are looking for participation from one representative from Village government and one member of Council. The Library Board would also like a Council member to participate in their strategic planning process that will involve a total of nine meetings for 2-3 hours each on various dates.

Motion by Mooney, second by Oen, to appoint Lee Peddie as the primary representative of the Village Council at Baldwin Public Library strategic planning sessions. An alternate Council member will be asked to attend when Ms. Peddie is not available.

Motion passed (6 – 0).

**FIRST ANNOUNCEMENT OF VACANCY ON ZONING BOARD OF APPEALS**

With Tim Mercer's appointment to the Village Council, a vacancy has been created on the Zoning Board of Appeals.

Motion by Mooney, second by Oen, to accept Tim Mercer's resignation as member of the Village Zoning Board of Appeals.

Motion passed (5 yes – 0 no – 1 abstention).

This is the first announcement of a vacancy on the Zoning Board of Appeals for a term to expire on June 30, 2012. There will be a second announcement at the June 15, 2010 Council meeting. The deadline for submitting an application is Friday, June 25 at 4:30 p.m. The selection will be made on July 6, 2010 at 7:15 p.m. Mercer outlined the function of the Zoning Board of Appeals.

**SECOND ANNOUNCEMENT OF BOARD/COMMITTEE VACANCIES**

A second announcement was made for multiple vacancies on various boards and commissions as terms of office expire on June 30, 2010. Council agreed in November of 2008 to make these positions open to the public as well as the currently seated members. All of the terms are for three years to expire on June 30, 2013.

The deadline for submitting applications is Friday, June 4, 2010 by 4:00 p.m. Appointments are scheduled to take place at the June 15 Council meeting.

**REVIEW AND CONSIDER APPOINTMENT OF VILLAGE REPRESENTATIVE AND ALTERNATE TO SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY BOARD**

The Southeastern Oakland County Resource Recovery Authority (SOCRRA) is a 12-member community consortium that provides for collection of solid waste, yard waste, and recyclables and for the proper disposal, processing and/or sale of the same for the purchase, maintenance and care of the collection and disposal facilities.

Motion by Mooney, second by Oen, to appoint Chris Wilson as representative and Ellen Marshall as alternate to represent the Village of Beverly Hills on the Board of Trustees of the Southeastern Oakland Resource Recovery Authority for the July 1, 2010/2011 fiscal year.

Roll Call Vote:

Motion passed (6 – 0).

**REVIEW AND CONSIDER APPOINTMENT OF VILLAGE REPRESENTATIVE AND ALTERNATE TO SOUTHEASTERN OAKLAND COUNTY WATER AUTHORITY BOARD**

The Southeastern Oakland County Water Authority (SOCWA) provides Detroit water through its member distribution system to its 11 member communities.

Motion by Mooney, second by Oen, to appoint Chris Wilson as representative and Bob Wiszowaty as alternate to represent the Village of Beverly Hills on the Board of Trustees

of the Southeastern Oakland County Water Authority for the July 1, 2010/2011 fiscal year.

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

**REVIEW AND CONSIDER RESOLUTION REGARDING SOCRRA NEGOTIATIONS WITH OAKLAND COUNTY PARKS & RECREATION FOR EASEMENT**

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

**Village of Beverly Hills  
Resolution  
Red Oaks Easement**

**WHEREAS**, the Village of Beverly Hills is a standing member of the Southeastern Oakland County Resource Recovery Authority (“SOCRRA”); and

**WHEREAS**, the Village of Beverly Hills by its standing on the SOCRRA Board, is obligated to carry out the business of SOCRRA, including actions to preserve and safeguard SOCRRA assets; and

**WHEREAS**, SOCRRA has real property and valuable assets, including requisite licenses and State approval at 29470 John R, Madison Heights, MI (“Asset”); and

**WHEREAS**, the Asset is central to the long term planning of SOCRRA and the ongoing solid waste management goals and objectives of the Village of Beverly Hills.

**WHEREAS**, the Village of Beverly Hills, by review and adoption of this Resolution, acknowledges that it is aware of attempts by the County of Oakland to secure an Easement over the sole access drive to the asset and the Village of Beverly Hills opposes such an Easement unless and until terms of an Easement satisfactory to SOCRRA are agreed to in full by the County of Oakland.

**NOW, THEREFORE, BE IT RESOLVED** that the Village of Beverly Hills, as a member of SOCRRA, believes it essential and fundamental to SOCRRA and the Village of Beverly Hills that access to the Asset be preserved and maintained to accommodate the needs of SOCRRA, now and into the future, and that said access not be infringed upon in any way to the detriment of SOCRRA and the Village of Beverly Hills. Thus, any access rights granted to any other entity, by Easement or otherwise, must be subject to unilateral termination rights in favor of SOCRRA should the use change or alter and must be consistent with the other terms and conditions put forth by SOCRRA in a prior easement to the City of Madison Heights.

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

**REVIEW AND CONSIDER FLAG DAY PROCLAMATION**

Motion by Mooney, second by Mercer, to adopt the following Proclamation:

**Village of Beverly Hills  
Proclamation**

**Whereas**, the first annual day specifically celebrating the Flag is believed to have originated in 1884; and

**Whereas**, Flag Day was officially established by the proclamation of President Woodrow Wilson on May 30, 1916; and

**Whereas**, on August 3, 1949 President Harry Truman signed an Act of Congress designating June 14 of each year as National Flag Day; and

**Whereas**, on June 14<sup>th</sup> each year communities across the nation recognize the Stars and Stripes by properly displaying the flag from their homes, business, and public buildings; and

**Whereas**, by observing this tradition of a Flag Day celebration by properly displaying the Flag of the United States of America it is strongly endorsed by the Village of Beverly Hills,

**Now, Therefore, Be It Resolved** that the Village Council of Beverly Hills urges all residents to participate in this traditional celebration of Flag Day by properly displaying the flag on Monday, June 14, 2010.

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

**PUBLIC COMMENTS**

None

**REPORTS – MANAGER**

Wilson stated that there will be a first reading of the ballot language for the November millage proposal at the Council meeting of June 15. Village Attorney Tom Ryan has prepared a first draft of the ballot language, which Council and Administration will have time to review prior to the next Council meeting. Wilson asked Council to contact him or Mr. Ryan with any input on the proposed ballot language.

At the Planning Board meeting in April, there was discussion about the need to reconsider how the Village handles building plan review following the retirement of Dave Byrwa. Issues include the use of contract inspectors for all building inspections and the need to differentiate between the building inspection process and plan review process.

Wilson reported that he has contacted the State of Michigan Bureau of Construction Codes in Lansing to inquire about having the state handle plan reviews. They do perform this function for other municipalities in the state, usually on a temporary basis. LSL Planning has submitted a proposal for handling plan review under our current contract with them on an hourly basis. This would be for site plan and zoning only and would not include building plan review.

Wilson has also been contacted by the City of Royal Oak about the Village contracting or partnering with them for plan review and/or inspections. He spoke with the director of the building department in Royal Oak, who indicated an interest in doing a number of functions for the Village that they currently handle through their building department.

Wilson will be preparing a more formal report for the Planning Board in June and will report back to Council. He noted that any changes in how the Village currently handles building plan review, site plan review, or inspections will likely require modifications in the current fee structure.

Wilson also had a discussion with the Planning Board on a possible change in the zoning ordinance to regulate medical marijuana businesses in the Village. Public Safety Director Woodard had brought it to the attention of administration that communities in Michigan are beginning to address medical marijuana businesses in their local zoning codes. The Planning Board agreed to review potential zoning changes at their next meeting. Wilson will be working with Brian Borden and Tom Ryan to draft language to be included in the Village zoning code.

Union mediation sessions with the Command and PSO Unions occurred today. Council has received an update on how that progressed.

#### **REPORTS – COUNCIL**

Mercer thanked everyone on Council for their support during the last week bringing him up to speed on current issues. Stearn asked the Manager to assign liaison positions to Mercer.

All members welcomed Tim Mercer to the Village Council and thanked everyone involved in organizing and volunteering at the Memorial Day Parade and Carnival. It was a great community event.

Mooney commented that Tim Mercer is a voice of reason and will add to Council's efforts to run this Village to the best of its abilities. Mooney commended Pat Westerlund and the Parks and Recreation Board for an outstanding parade and carnival. He also commended Grand Marshal Stan Pasieka, who walked the parade in full uniform. Mooney congratulated students who are graduating this week from all of the high schools and offered them best wishes on their future endeavors.

Briggs reported on the May meeting of the Birmingham Area Cable Board at which time they approved their budget for fiscal year 2010/2011. The Board also approved a grant for Baldwin Public Library to facilitate live broadcasting of Library Board meetings and other programming in the Rotary Room of the library. Briggs attended the May 25 Retirement Board meeting and reported on the status of the Public Safety Retirement Fund and results of the actuarial evaluation for the prior year.

Stearn thanked a number of people and organizations that participated in the Memorial Day Parade and Carnival: Grand Marshal Stan Pasieka, the Lions Club for putting on the Fun Run and Walk, the Village Woman's Club, the entire volunteer staff, the parade participants, the Public Safety Department, the Parks and Recreation Board and especially Jim O'Reilly and Pat Westerlund. It was a great time and there was a large crowd.

Stearn reported further on the condition of the Village of Beverly Hills Retirement System covering Public Safety Officers. He noted that continued collective bargaining negotiations will affect future actuarial valuation reports.

Stearn quoted from three articles appearing in recent editions of the Birmingham Bloomfield Eagle newspaper. He read the first article entitled “Budget Hearing Draws No One”. Stearn remarked that, after all the contentious remarks that are made about the budget, there were no comments or suggestions from residents at the public hearing prior to adoption of the 2010/2011 Village budget.

Stearn read a second article entitled, “Birmingham Approves Tax Hikes and Layoffs”. The point was made that even Birmingham is facing property value losses and legacy cost increases. Birmingham is raising its millage next year to 14.998 mils. They are eliminating a number of positions in various departments along with non-essential overtime. Stearn made the point that all municipalities are in this together. The budget increase that will be proposed in Beverly Hills will be considerably less than what Birmingham residents pay in taxes. He asked people to become informed on the issues.

A letter to the editor from Judith Goren was read by Stearn. The author stated that she and her husband will vote for the millage in November to keep the Village of Beverly Hills a favorable place in which to live and to protect their property values should they ever need to sell their home. They see the deficit as caused by the general economy, declining home values causing a reduction in tax base, decrease in revenue sharing by the State, and failure to pass the millage in the last election. Goren added that these issues are occurring not only in our community but in others around the State and the nation. She was concerned about the possibility of Beverly Hills going broke by 2012 if the millage does not pass. This resident hoped that homeowners realize that passing the millage will not increase their tax dollars. Because of the lower tax base, even with the new millage, they will pay less in 2010/2011 than they paid last year.

Stearn thanked this individual for getting the facts straight and getting them into the newspaper. He thanked another person who wrote a similar letter.

Motion by Mooney, second by Oen, to adjourn the meeting at 9:11 p.m.

Motion passed (6 – 0).

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

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

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