

Present: President Stearn; President Pro-Tem Koss; Members: Briggs, Mercer, Oen and Peddie

Absent: Mooney

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. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

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

Motion passed (6 – 0).

COMMUNITY ANNOUNCEMENTS

None

CONSENT AGENDA

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

- a. Review/consider approval of minutes of a regular Council meeting held June 1, 2010.
- b. Review and file bills recapped as of Monday, June 7, 2010.

Motion passed (6 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER SITE PLAN APPROVAL ON A REQUEST FROM DETROIT COUNTRY DAY SCHOOL FOR CONSTRUCTION OF A FIELD HOUSE, 13 MILE ROAD CAMPUS GYM AND NORTH ENTRANCE CORRIDOR

Sam Ashley with Cunningham-Limp Construction Company reviewed that Detroit Country Day School came before the Village Council with an expansion proposal and request for site plan and special use approval at its June 1, 2010 meeting. It was the consensus of Council at that time that the submittal from Detroit Country Day School should include a traffic study. Following that meeting, the firm of Professional Engineering Associates, Inc. (PEA) was engaged by the School to conduct a traffic study. The traffic study was completed on Friday, June 11, 2010, at which time it was emailed to Village staff and Beverly Hills Council members.

Mr. John Labadie from PEA outlined the approach taken in the traffic study prepared for Detroit Country Day School. The report is a synopsis of what was learned through analyzing the levels of service of the driveways and the intersection; it documents differences in traffic with the addition of the proposed facilities. Labadie distributed and summarized a handout with information that is not contained in the report including a trip generation table and a description of the criteria for level of service with respect to signalization and stop sign control. He

explained that data could not be collected at the Detroit Country Day site last week because school is no longer in session. Labadie said that the data used to forecast trips is based on a number of variables; the forecast used in the report is conservative.

Labadie identified key findings that came out of the study. The indoor practice field and new gymnasium will not generate new trips during peak traffic times of the day. Trips at schools are related to the number of students, and these facilities will not add to the student population. If there were to be an addition to the student population, the study shows that the school site has excess capacity to accommodate any traffic that is there.

The problem at the intersection of Lahser and 13 Mile Roads is due to through traffic on Lahser and not turning movements. Traffic on Lahser is very heavy southbound in the morning and northbound in the afternoon. Another lane in each direction is needed to accommodate through traffic.

Labadie related that he spoke with the assistant managing director of the Road Commission for Oakland County. The Road Commission did not think there was a need for improvements at the 13 Mile and Lahser Road intersection area compared to other intersections throughout the county. A capacity improvement would involve more lanes, which is not likely for at least 10 years. Labadie noted that the traffic signal was upgraded in May of 2010.

Stearn questioned the use of 2002 data in the traffic study. Labadie responded that the fact that school is not in session and that there is construction on Telegraph Road were issues related to preparing a traffic study at this time. All traffic patterns and volumes in certain directions have been impacted by the Telegraph Road construction and will be for some time. PEA prepared a study with information that was available. The Road Commission was able to provide approach counts from Fall of 2009 at the 13 Mile and Lahser Road intersection. Because this count did not address how turns were distributed throughout the intersection, Labadie used 2002 counts to update 2009 counts with proportions from 2002. That information is needed in order to determine the level of service.

Stearn maintained that the traffic report submitted is not as accurate as it would be if PEA could analyze current data. He lives across the street from Country Day and drives east and west every day observing turning patterns and daily traffic backups. Stearn suggested that 13 Mile Road is the problem. Traffic is such a problem at DCDS that the Beverly Hills Public Safety Department receives calls from the School requesting that officers control traffic at times. Stearn said that the headmaster has indicated that Detroit Country Day has no intention of renting out its new facilities. Stearn mentioned that there is nothing in the Village's site plan approval process to control that activity if the School decides at a later time to rent their facilities.

A point made at the last meeting was raised. With the use of the indoor practice facility, students will not have to be bussed to another facility. The current practice has been to bus students to another facility to practice sports and bus them back to campus, at which time they drive home or are picked up.

Stearn asked if the School has someone on campus to direct traffic in the morning or afternoon. Ashley replied that the School has a director of transportation and there is staff that controls

traffic as it is coming and leaving. There is an internal directional plan controlling drop offs and circulation on campus.

Stearn questioned why Country Day School calls the Public Safety Department to direct traffic at times. Ashley speculated that this is requested for major events on campus that would draw multiple crowds. Director Woodard related that, if the School has an event that the Department could handle in the course of its normal duties, that duty is assigned to existing road patrols. If the event is beyond that in intensity or duration, the Department would bring in an officer for overtime with the cost invoiced to DCDS.

Stearn concluded that the traffic report is not based on recent turning counts; the Village has no way to enforce promises that DCDS will keep schedules and will not rent out its facilities; the Planning Board has recommended additions to landscaping in the parking lot. Stearn expressed the view that Detroit Country Day School gives nothing back to the Village in terms of volunteers, resources, or donations. He has heard anecdotal evidence that leads him to believe that the new facilities will cause additional traffic problems. Stearn said that he finds it difficult to approve this construction proposal due to the problems outlined and the lack of benefit to the Village.

Mercer elaborated on worsening traffic problems in the area. The Village does not have an option to address issues such as this with Detroit Country Day School until there is a request for site plan review and approval. Mercer recognized the value of Detroit Country Day School, but did not think it was the best neighbor. He suggested that the Village and DCDS work together on issues that arise.

Ashley agreed with the logic of working together with the Village. He said that no one is denying the fact that roads are congested in this area. Ashley said that DCDS is open to ideas. He clarified that no new sports are being instituted with the proposed additional facilities. The School was requested by members of Council to conduct a traffic study to assess what is being proposed to the existing infrastructure in place. It is impossible to go back in time to correct everything that has been overlooked or should have been done differently over the years.

Koss commented that Detroit Country Day School interactions with the Village have been contentious and that things have been overlooked. There are a number of questions relating to the new facilities. The site plan review process is the only time when the Village has an opportunity to listen to what its residents are saying and bring their concerns to the School. Koss remarked that, when Detroit Country Day grows, problems also grow if they are not managed. She proposed that the Village, the School, and the Road Commission attempt to address the traffic problems before proceeding with this expansion project.

Labadie stated that, as part of his analysis, he determined that the percentage of traffic at the Lahser and 13 Mile Road intersection attributable to the School during peak morning traffic is anywhere from 20% to less than 5 percent. The percentage is less in the afternoon for the reason that the school does not generate much traffic from 4:00-6:00 p.m. The challenge is that there is too much traffic on Lahser Road for one lane in each direction for through traffic.

Sharon Tischler of 21415 Virmar Court voiced her experience and observations relative to Detroit Country Day School traffic issues. She commented on the frustration level that builds with the volume of traffic that is experienced and the fact that there are no other options.

Norman Rubin of 31020 Rivers Edge Court stated that Detroit Country Day School is not the only cause of traffic congestion on 13 Mile Road. Westbound traffic is backed up from Lahser Road when Groves High School lets out. He suggested that the Village confer with surrounding communities and the Oakland County Road Commission to address the overall problem and not hold DCDS hostage. The roads are inadequate in this area for the volumes that they are carrying. He also suggested that the Village look at the traffic generated by the Swim Club on 13 Mile Road west of Lahser.

Kathleen Berwick of 31381 Kennoway commented on traffic generated by both Groves High School and Country Day School. She thought that both 13 Mile Road and Lahser Roads should have four lanes to accommodate traffic. In the meantime, something needs to be done at DCDS.

Vince Borowski of 31115 W. Chelton, member of the Planning Board, stated that he has reviewed a number of different proposals from Detroit Country Day School. He believed that DCDS does a good job at what they do but has demonstrated over the years that they have no interest in anything beyond the borders of their campus. Borowski did not think an adequate traffic report could be done because Telegraph Road is under construction and school is out of session. Planning Board members suggested in January of 2010 that the School conduct a traffic study. School representatives argued the point and delayed. Borowski stated that Beverly Hills needs to address the traffic problems and come to some resolution.

Jim Osmer of 18301 Riverside observed that Detroit Country Day School could do itself a huge favor by taking a more proactive role in trying to address the overall problem that everyone recognizes as existing.

Briggs recognized that there is a traffic problem at 13 Mile and Lahser Roads. The question was asked if the proposed facilities would add traffic to an already bad situation. While the traffic study submitted to the Village is imperfect, Brigg said that his assessment is that the proposed building project will not add to the traffic problem. Long term, the Village needs to confer with the Road Commission on how to address the overall traffic problem with the input of Country Day School.

Oen stated that there are severe traffic issues in the area, but he did not think that the indoor practice facility and gymnasium would add to the existing problem. Oen agreed that the Village should work together with the Road commission and DCDS to find a reasonable solution to the problem for all parties.

Stearn interjected that residents pay property taxes that help to support public schools and roads. Detroit Country Day School is a private corporation that does not pay taxes and does nothing for the community. Stearn believes that the proposed building will create more traffic, and it is not in the best interest of Beverly Hills residents to move ahead with this plan.

Peddie commented on existing traffic issues in conjunction with the proposed new facilities. She understood that the traffic problems are not the sole fault of Detroit Country Day School, but the School does exacerbate the problem. Peddie had concerns about the proposed construction creating more traffic coming in and out of the School. Planning Board members asked the School to do a traffic study, but it was not addressed earlier. It is prudent for the community to take a look at the issues.

Ashley responded that it was the recommendation of the Village planning consultant that DCDS conduct a traffic study. This was discussed by Planning Board members, who provided direction to Detroit Country Day School that a traffic report would not be required because the School is not increasing enrollment.

Stearn stated that Council is one member short this evening. Before taking a vote, representatives for Detroit Country Day School can request that a motion be made to table action on this issue. Ashley requested that Council table this agenda item. He also asked if there was a representative of the Village Council who would come together with him to work on this situation.

Motion by Oen, second by Koss, that Council table action on Detroit Country Day School request for site plan approval for construction of a field house, 13 Mile Road campus gym, and north entrance corridor.

Roll Call Vote:

Stearn	- no
Briggs	- yes
Koss	- no
Mercer	- no
Oen	- yes
Peddie	- yes

Motion failed (3 – 3).

Briggs made a motion for site plan approval on the request of Detroit Country Day School for construction of a field house, 13 Mile Road campus gym, and north entrance corridor. The motion failed for lack of support.

REVIEW AND CONSIDER SPECIAL LAND USE APPROVAL ON A REQUEST FROM DETROIT COUNTRY DAY SCHOOL FOR CONSTRUCTION OF A FIELD HOUSE, 13 MILE ROAD CAMPUS GYM AND NORTH ENTRANCE CORRIDOR

This agenda item was passed over for the reason that Council did not approve the site plan for this construction project.

REFER DETROIT COUNTRY DAY SCHOOL REQUEST FOR BALL DIAMOND CONSTRUCTION TO PLANNING BOARD FOR RECOMMENDATION

Detroit Country Day School has submitted plans to construct a baseball field on its campus at Lahser and 13 Mile Road. The procedure is to submit the plans to the Planning Board for its review and recommendation to Council.

Motion by Oen, second by Briggs, that Council refer a request from Detroit Country Day School for ball diamond construction to the Planning Board for review and recommendation.

Ayes: Briggs, Mercer, Oen, Peddie, Stearn
Nays: Koss

Motion passed (5 – 1).

APPOINT VARIOUS MEMBERS TO BOARDS/COMMITTEES

Wilson stated that a number of board members' terms will expire on June 30, 2010. All of the members were contacted, and four have indicated that they will not be seeking reappointment. Those individuals are Neil Davis (ZBA), Michael Farris (ZBA), Paul Kleppert (Finance Committee), and Carol Woodard (Cable Board). The remainder wish to be considered for reappointment. Council policy is to make these vacancies open to the public as well as the currently seated member.

Motion by Oen, second by Briggs, to appoint Dorothy Pfeifer and reappoint Kenneth McFadden to fill vacancies on the Cable Board for terms to expire on June 30, 2013.

Motion passed (6 – 0).

Motion by Oen, second by Koss, to reappoint Don MacDonald to the Ad-Hoc Finance Committee for terms to expire on June 30, 2013.

Motion passed (6 – 0).

Stearn made the third announcement of a vacancy on the Ad-Hoc Finance Committee. This is a committee that meets at the direction of Council to discuss financial issues in the community. If applications are received, an appointment will be made at July 6 Council meeting.

Motion by Briggs, second by Koss, to reappoint Irene Davis to the Parks and Recreation Board for a term to expire on June 30, 2013.

Motion passed (6 – 0).

Motion by Oen, second by Koss, to reappoint Robert Stempien, Bruce Wayne, and Patrick Westerlund to the Planning Board for terms to expire on June 30, 2013.

Motion passed (6 – 0).

Motion by Mercer, second by Oen, to reappoint Maureen Francis, to appoint alternate ZBA member William Donnelly, and to appoint Eric Rass to the Zoning Board of Appeals for terms to expire on June 30, 2013.

Motion passed (6 – 0).

Stearn thanked all of the volunteers who have served on Village boards and committees over the past several years.

SECOND ANNOUNCEMENT OF VACANCY ON THE ZONING BOARD OF APPEALS

A vacancy has been created on the Zoning Board of Appeals with the appointment of Tim Mercer to the Village Council. Wilson made the second announcement of a vacancy on the Zoning Board of Appeals with a term to expire June 30, 2012. The deadline for submitting applications is Friday, June 25 at 4:30 p.m. A subcommittee of Oen as chair, Peddie and Stearn will meet on Tuesday, July 6 at 7:15 p.m. to review applications and recommend an appointment to Council.

REVIEW AND CONSIDER 2009/2010 FISCAL YEAR BUDGET AMENDMENTS

Council is in receipt of a report from Finance Director Wiszowaty on necessary budget amendments for the 2009/2010 fiscal year. Wilson said that he has reviewed the proposal with Mr. Wiszowaty and finds it to be in order.

Wilson noted that total General Fund expenditures decreased by \$105,267 while General Fund revenues remained steady. Village Administration was seeking to maintain an appropriate General Fund Balance level of 20% at the conclusion of FY 2009-2010. Council discussed the level of the fund balance during deliberations on the 2010/2011 budget; Council did not seek to drop the reserves below 15%. If additional revenue enhancements become available through the will of the voters, they would not take effect until July 1, 2011. The Village will have to operate in the next fiscal year with the budget adopted by Council. Wilson stated that budget amendments include reductions in amounts contributed to the Retiree Health Care Contingency Fund in order to maintain the fund balance level of 20%.

Stearn highlighted budget amendments before Council for approval.

Motion by Oen, second by Koss, that the Village of Beverly Hills Council approve the FY 2009-2010 budget amendments as reflected in the June 10, 2010 memorandum from Finance Director Wiszowaty to Village Council and Chris Wilson.

Briggs proposed that Council and Administration consider looking at quarterly budget amendments rather than waiting until the end of the year to make adjustments. Council concurred with this suggestion. Questions from Stearn on the budget amendments were addressed by Wilson.

Roll Call Vote:

Motion passed (6 – 0).

The 2009/2010 Village Budget Amendment memo is on file at the Village office for public review.

REVIEW AND CONSIDER CONTRIBUTION TO CITY OF BIRMINGHAM FOR ANNUAL FIREWORKS DISPLAY ON JULY 3, 2010

The City of Birmingham has requested a donation from the Village to offset the cost of the annual fireworks display on Saturday, July 3, 2010 at Lincoln Hills Golf Course. The cost to the City of Birmingham is approximately \$30,000. The Village budgeted \$1,800 to help support this event.

Motion by Koss, second by Peddie, that the Village of Beverly Hills Council approve the contribution of \$1,800 to the City of Birmingham for the July 3, 2010 Fireworks Display at Lincoln Hills Golf Course.

Vince Borowski of West Chelton thought that spending this \$1,800 was an appropriate use of Village funds for an important national holiday. This is a worthwhile contribution to the Village of Beverly Hills and the outside community.

Kathleen Berwick of Kennoway Court expressed opposition to government spending money on entertainment.

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

REVIEW AND CONSIDER RESOLUTION AUTHORIZING ADMINISTRATION TO SEEK BIDS FOR 2010 WATER MAIN REPLACEMENT

Wilson reported that Director of Public Services Tom Meszler has been working with Hubbell, Roth & Clark on a proposal for a 2010 Water Main Project. A plan has been prepared to replace the existing water mains with 8” ductile iron water mains at four areas where multiple water main breaks have occurred. The estimated cost for this project is \$875,000. The funds for this project will come from the Water & Sewer Reserve Fund, which has a current balance of \$2.1 million. Wilson stated that administration feels comfortable that this project is necessary and within the Village’s ability to pay at this time.

Motion by Koss, second by Oen, that the Village Council approve administration taking competitive bids for the replacement of water mains located south of Beverly Road, west of Pierce; Norchester from Riverside to Saxon; Warwick between Norchester and Mayfair; and Riverside from Drury to Bedford. The funds for this project will come from Acct. #402.451.811.85.

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

PUBLIC COMMENTS

Robert Deneweth of 32321 Arlington Drive questioned how many public safety officers would be laid off if the millage did not pass in November. Wilson answered that administration estimates that six PSOs would be laid off if the millage were to fail with further cuts anticipated going forward into 2011-2012.

Deneweth referred to an article in the May 19, 2010 edition of the Eagle newspaper where resident Pam Rijnovean attacked the Baldwin Library Board for being adversarial by not giving

the Village lower rates for library service. Wilson clarified that the contract with Baldwin Library calculates the fee for service at a fixed rate based on the Village millage rate. As taxable value in Beverly Hills has decreased in the last couple of years, the amount that the Village pays the Baldwin Library has lessened and will continue to decrease. It is currently projected that the rate paid to Baldwin Library will drop by roughly 20% over a five year period.

Deneweth commended the Public Safety Department for its handling of a house fire that occurred on Sunday, May 14 at about 3:30 a.m. The response time and actions of the officers were exemplary. He noted that Council member Briggs referred to a scientific study by the National Institute of Standards and Technology that included findings that a four-person firefighting crew can complete their tasks an average of 25% faster than a three person crew. In answer to an inquiry, Director Woodard stated that MIOSHA (Michigan Occupational Safety and Health Administration) regulations require a proper staff for internal fire operations to be two people making entry while there are at least two people on the outside. If the two people on the inside are in trouble and need rescue, there needs to be someone on the outside to do that.

Deneweth stated that there have been letters to the newspaper implying that the Village does not have to comply with these standards. Woodard stated that, if the Public Safety Director does not abide by those regulations, he could subject the officers on the scene to possible injury or death and could subject the Village to five figure civil fines from the State of Michigan for violations of the Labor Law.

Gene Lukianov of 19101 Hillcrest described a sinkhole condition on Beaconsfield between Hillside and Riverside that has existed for at least two years. He requested assistance from Council to get the sinkhole properly repaired. Stearn asked Manager Wilson to have Public Service Director Meszler look into this.

Kathleen Berwick of Kennoway Court informed Council of a situation involving her neighbor who has been renovating his house for five years. She commented on the state of disrepair and unsightliness of the property. Stearn asked Wilson to direct Code Enforcement Officer Gosselin to determine if there are any ordinance violations on the property in question.

REPORTS – MANAGER

Council has discussed holding a special meeting to review proposed ballot language for the November millage election. Wilson asked for feedback on what dates would work best for everyone. Ballot language must be finalized by the end of June so that a first reading can take place at the end of June and a second reading at the first meeting in August.

There was agreement to hold a study session with Attorney Ryan on Monday, June 21 at 6:00 p.m. to decide on the ballot language. A second special meeting will be held on Monday, June 28 at 7:00 p.m. to conduct a first reading of the ballot language.

Wilson reported that the Village has completed the required process for reconsideration of its ISO rating and necessary paperwork has been submitted to the ISO Rating Agency in Chicago. The results will not be known until later this year. Administration is hopeful that this will result in an improvement of the Village's ISO rating. Wilson will keep Council updated.

A joint meeting between the Village Council and the Parks and Recreation Board is scheduled for Thursday, June 17 at 7:30 at the Beverly Park pavilion.

Wilson stated that Ellen Marshall attended the BASCC Board meeting today. There was an announcement that all memberships to BASCC are due in July. The organization is asking that applications and dues be submitted soon so BASCC can keep its membership at the current level. In answer to an inquiry, Wilson related that he received a final version of the Citizen Input Survey from Mitchell Research and Communication. They anticipate starting the telephone survey in a day or two. Koss requested that people respond to the survey being conducted by the Village to determine what services residents deem to be critical.

REPORTS – COUNCIL

Briggs reminded everyone that the Birmingham Area Cable Board will meet tomorrow morning in the Beverly Hills Council chamber at 7:45 a.m.

Mercer reported that the Zoning Board of Appeals met last night, June 14, and heard one case, which was tabled. Mercer thanked members Neil Davis and Michael Farris for their service on the Board. He congratulated the newly appointed members of the Zoning Board of Appeals, Maureen Francis, Bill Donnelly and Eric Rass.

Peddie announced that she will be attending a two-hour focus group session at Baldwin Library on Saturday, June 19. Manager Wilson will also participate in this meeting. Peddie will report on this session at next Council meeting.

Stearn thanked Wilson for providing the comprehensive packet of DCDS information. He thanked Director Woodard for the monthly report on Public Safety Department activity.

Stearn thanked the four volunteers who decided not to seek reappointment to Board positions: Neil Davis and Michael Farris on the Zoning Board of Appeals; Paul Kleppert on the Finance Committee; and Carol Woodard on the Cable Board. He thanked them for their service on behalf of Council and the entire community.

Motion by Oen, second by Mercer, to adjourn the meeting at 9:43 p.m.

Motion passed (6 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary