

Present: President Stearn; President Pro-Tem Pfeifer; Members: Domzal, Downey, Munguia and Walsh

Absent: Craig

Also Present: Village Manager, Murphy
Assistant to the Manager, Pasioka
Village Attorney, Ryan
Director of Public Safety, Woodard
Public Services Director, Spallasso

President Stearn called the meeting to order at 7:35 p.m. at Berkshire Middle School at 21707 W. 14 Mile Road. President Stearn introduced the Beverly Singers from Beverly Elementary School and asked those present to stand while the children sang “Here’s to America”. Before continuing with the agenda, Stearn asked the audience to observe a moment of silence for the victims of the September 11 terrorist attacks on New York City and Washington D.C.

MOTION by Pfeifer, supported by Domzal, to limit debate on any agenda item to three minutes per person.

Motion passes unanimously.

APPROVE MINUTES OF A REGULAR COUNCIL MEETING HELD ON MONDAY, SEPTEMBER 17, 2001

MOTION by Domzal, supported by Downey, that the minutes of a regular Council meeting held on Monday, September 17, 2001 be approved as submitted.

Motion passes unanimously.

APPROVE MINUTES OF A JOINT COUNCIL AND PARKS & RECREATION BOARD MEETING HELD ON THURSDAY, SEPTEMBER 20, 2001

The following corrections were made to the minutes. It should be noted that Parks and Recreation Board member Davis was absent. On page 2, first paragraph, line 2, change ‘spend’ to ‘spent’. Paragraph 3, line 3, correct date to read ‘August 31, 2001’.

MOTION by Pfeifer, supported by Downey, that the minutes of a joint Council and Parks and Recreation Board meeting held on Thursday, September 20, 2001 be approved as amended.

Motion passes unanimously.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

W.A. Zimmerman of 22191 Camelot Court questioned why Council at its last meeting approved a request from TCG Detroit to install fiber optic lines above ground on Detroit Edison utility poles located in Village rights-of-way without requiring a franchise agreement and franchise fees. He referred to Chapter 4 of the Beverly Hills Municipal Code, which says that a cable

provider is subject to a franchise agreement and franchise fees. If Comcast is obligated to pay a franchise fee to provide cable television service in Beverly Hills, Zimmerman suggests that TCG should be subject to the same condition. Stearn responded that Mr. Zimmerman's inquiry will be addressed at the next Council meeting.

Alda Marie Cook of 19370 Riverside Drive commented on new ditch construction in the Village. She is concerned that standing water will attract mosquitoes and particularly the type of mosquito that carries the West Nile virus. Also, McCook has observed heavy equipment in her neighborhood and questioned the extent of road work in the area.

Public Services Director Spallasso answered that Council has authorized an engineering study to be performed that will examine the ditches throughout the Village and recommend improvements to the system. He anticipates that the consultant will present a recommendation to Council within the next three months. With regard to Riverside Drive improvements, the contractor is preparing to resurface segments of the street between Beverly and Evergreen Roads.

Kay Barnes of 30980 Wendbrook mentioned that there are problems with the ditch in front of her house. She was informed that the situation will be looked at as part of the Village-wide study.

Pam Murdock of 30414 Georgetown commented on the unsightly metal braces holding up the retaining wall at the corner of 13 Mile and Lahser Roads. Spallasso responded that he was assured by the managing director of the Road Commission for Oakland County that the wall will be reconstructed before the end of the year.

Chad Swain of 22822 Highbank stated that he has noticed improvements to the roads in Georgetown South over the last two years. However, there are significant gaps in the pavement that need patching for the safety of children riding their bikes. Spallasso will follow up on this.

PUBLIC HEARING TO REVIEW CHARRINGTON ASSOCIATES REQUEST FOR A LOT SPLIT, REZONING, AND SITE PLAN AMENDMENT

Council member Pfeifer asked to be recused from Council discussion and vote on this item because she lives adjacent to this piece of property. She would like to reserve her right to speak as a resident on this matter. There were no objections from Council.

Before Council for consideration is a request from Charrington Associates for land division, rezoning, and approval of an amended site plan involving a .54 acre parcel adjacent to the Charrington Crossing condominium development on Greenfield Road north of 13 Mile Road. Downey reviewed that, at the time that this subdivision was developed, there was a lot at the northwest end of the development that was not available for purchase by the developer. That property has since changed hands, and there is a request before Council to split a lot from existing property at 15705 Amherst, rezone it from R-2 to R-3, and amend the site plan to include this property in the condominium development.

Downey reviewed that the owners of the Amherst property came before the Planning Board this summer with a lot split proposal that would have created a flag lot at the rear of their home with a 25 foot private road to access the property from Amherst. That is not what is being proposed this evening. The property owners came to an agreement with developer Jim Merritt that would allow him to acquire the parcel abutting Charrington Court and add two building sites that would complete the Charrington Crossing development.

Jim Merritt, developer and resident of 195 Charrington Court, presented background on the assembly of parcels and development of Charrington Crossing condominiums in 1997. The development will be complete with the addition of this .53 acre parcel. The two proposed homes will be developed with the same quality of construction and uniformity of architecture as the existing homes on Charrington Court.

Merritt stated that the land division involves an existing lot being combined to the condominium property. It is requested to rezone the property from R-2 to R-3 in order to develop the land in conformance with the existing development. Merritt is requesting approval of the site plan under the Cluster Option of the Zoning Ordinance.

Stearn opened the public hearing at 7:57 p.m. to review the Charrington Associates request for a lot split, rezoning, and site plan amendment.

Dorothy Pfeifer of 160 Charrington Court asked a procedural question related to Council action on the three requests. She was answered that it was the advice of legal counsel that one resolution can address the requests for lot split, rezoning and site plan amendment.

Catherine Connelly of 15565 Amherst questioned where the access will be for the two proposed units. She was informed that access will be from Charrington Court with no access to Amherst from that development.

Stearn read a letter dated September 24, 2001 addressed to the Planning Board from Tom Korn of 125 Charrington Court who indicates his approval of the rezoning, land division, and revised site plan.

Jean Codner of 31624 Glencoe Drive sent a letter to the Village dated September 24, 2001 expressing her strong opposition to this change.

The public hearing was closed at 8:03 p.m.

RESOLUTION TO CONSIDER CHARRINGTON ASSOCIATES REQUEST FOR A LOT SPLIT, REZONING, AND SITE PLAN AMENDMENT

RESOLVED by Downey, supported by Walsh, that the Village Council of Beverly Hills approve the lot split at 15705 Amherst Drive, allow the rezoning from R-2 to R-3, and approve the revised site plan as submitted contingent upon recording of the Conservation Easement that applies to the rest of the subdivision and contingent upon Village staff's approval of the sewer and utilities not shown on the drawing.

Domzal requested and received clarification that the site plan being considered for approval is dated August 15, 2001.

Downey commented that the site plan is one of many documents submitted as part of this proposal. He noted that the proposed plan is consistent with the Village Master Plan.

Roll Call Vote:

Stearn	- yes
Walsh	- yes
Domzal	- yes
Downey	- yes
Munguia	- yes

Resolution passes unanimously.

PUBLIC HEARING TO REVIEW VILLAGE PATHWAYS PLAN

Color-coded copies of the preferred recommendations map are available at the door. Printed on the back of the map is a handout listing answers to frequently asked questions about the Pathways Plan.

Domzal made several introductory comments about the Pathways Plan. The document represents about 18 months of work by the Village Planning Board. He thanked some of the people who put their time and effort into the development of the plan.

Domzal remarked that there are different visions of the community as far as how to proceed with respect to sidewalks. What the audience will hear tonight is that this is only a plan. There is no funding proposal or plans to place a millage question on the ballot. If the Pathways Plan is approved, the goal will be to move forward with implementation which may include spending administrative time on applications for grant funds, forming a sidewalk committee, and meeting with homeowner associations.

Domzal introduced Katherine Wyrosdick from the planning consultant firm of Birchler Arroyo. Wyrosdick began by explaining what the Pathways Plan is and what it is not. It is a planning document that makes recommendations on new sidewalk locations and improved pedestrian crossings. The plan answers basic questions that need to be addressed before the next step is taken. It asks if the Village should have an expanded pathways system, where that system should be located, and why. The next step is to determine how much it will cost and how and when the Village can fund it.

The goal of this plan is to create a more pedestrian friendly community by use of sidewalks and improved crosswalks that would enhance safety. Safety is a primary goal of this plan. Other goals are to create a useful and more connected system and to promote an attractive system.

The plan includes general design guidelines for various types of sidewalks including the use of multi-purpose path materials and preferred crosswalk designs. In order to create a more pedestrian friendly environment, there has to be a logical reason to locate those sidewalks. Where those sidewalks come in contact with streets, there needs to be a means of getting across

the street. The plan includes improved crosswalk designs and location of the most important crosswalks in relation to the sidewalks.

The plan provides a list of tools for ways the Village can implement plan recommendations. The plan is not a construction or engineering document. If the Village Council decides to implement any of the recommendations listed in the plan, further studies will be required to determine exact sidewalk location, grade, type of material, and cost of construction.

The plan does not answer the question of how much these improvements will cost. The pace at which sidewalks will be constructed according to the plan recommendations and the cost associated with that construction is something that should be determined when the Village is prepared to construct sidewalks.

Wyrosdick commented that the Pathways Plan is a document that looks toward the future and represents a fully connected system. It is not something that the Planning Board feels needs to be constructed tomorrow. If Council adopts this plan, the feasibility of financing sidewalk construction could be considered on a yearly basis as Council would weigh any capital improvement.

Wyrosdick outlined what is included in the plan. There is an introduction and existing conditions analysis, goals and objectives section, alternative strategies and solutions section, preferred recommendations and actions, general design recommendations on sidewalks, multi-purpose pathways and crosswalks, and implementation strategies. Wyrosdick remarked that re-evaluation and adjustment of the plan will be necessary as the vision of the Village changes.

Wyrosdick referred to a large color-coded map that designates the preferred recommendations of the Pathways Plan. The recommendations include new sidewalk, adding sections of sidewalk to link gaps in existing sidewalks, improving existing crosswalks, and providing connections that could join residential areas if a pedestrian easement could be obtained between lots. Wyrosdick explained to those present the location and rationale for the recommendations going from the west side of the Village to the east side. She stressed that the recommended pedestrian easements would not be pursued by the Village. It is something that private property owners would have to agree upon.

Wyrosdick indicated that adoption of the plan is the next step. If there are substantive changes deemed necessary by Council, the plan could be referred to the Planning Board for further study. The Village Council will determine an appropriate time to implement the recommendations. This plan could take 5-10 or more years to accomplish.

Stearn opened the meeting for public comments on the Pathways Plan.

Jan Cannavo of 30823 W. Lincolnshire in South Georgetown commented that her family has a difficult time getting anywhere walking or by bicycle in the Village from their neighborhood. She would love to see this plan move forward.

Lori Hix of 30337 Lincolnshire congratulated the Village for following the lead of other communities such as Bloomfield, Birmingham, and Franklin to make this a walkable community. She hopes that the plan goes forward and that the Council finds the funding.

Hix talked about the difficulty of accessing the rest of the community from her neighborhood. She urged Council to connect existing sidewalks before beginning new sidewalk construction. The sidewalk gaps present a danger for kids riding their bicycles. Hix added the physically active kids are less apt to get into trouble.

Chad Swain of 22822 Highbank commented on the need to link existing sidewalks for pedestrian and bicyclist safety due to the increased traffic in the area. He urged the Council to get started with the sidewalk program.

Tom Sheehan of 32805 Faircrest stated that his house is located at the intersection with Riverside. He commented that people are concerned about how close the sidewalk will be to their house and to the road. Other areas of concern are the cost and maintenance of the proposed sidewalks.

Toni Grinnan of 1 Stonehouse Lane expressed the view that the Pathways Plan is a minimalist plan that represents immediate needs in the Village. Her personal goal would be for every child and pedestrian in the Village to be able to get to Beverly Park safely. This plan is a great first step toward that goal.

Neighboring communities have installed sidewalks along main roads to make it possible for people to walk. There is no good reason why Beverly Hills could not provide its residents with the same thing that other towns all around us provide their residents. The time has come for this. Grinnan stated that she is willing to be taxed for this amenity, and she wants the Village government to provide it. She thinks that the plan should be implemented now, not on a long term basis.

Grinnan urged Council to obtain state or federal funding if possible, but not to take the money if it means compromising the integrity of the plan and the consideration that will be given to adjacent landowners. Sidewalks installed by the Village have been sensitively done. Trees were spared and sidewalks meander around valuable vegetation. Home values have been enhanced. Grinnan asked Council to find a creative way to fund sidewalks to put the burden on those who will benefit. In her view, that is not just the people who live next to the sidewalk. All of the west siders will benefit from these sidewalks.

Jan Bennish of 22830 Shagbark stated that she has been a proponent of sidewalks for the benefit of both children and adults since 1976. A pedestrian friendly environment would help the Village remain a desirable place for families. Bennish commented that part of the reason people bought their homes in Beverly Hills was because of lower taxes. A certain amount of taxes need to be paid for necessities, and today our community needs sidewalks as a necessity.

Don Smith of 31104 Old Stage remarked that he has four children and asked Council to support this pathway plan for the safety of children and all residents. He displayed photographs of the

area across from Detroit Country Day School on 13 Mile Road looking eastbound. It is probably one of the most dangerous areas for a pedestrian or a bicyclist traveling to the east side or going to Beverly Park. He thinks that the pathway plan would provide more of a sense of community. When his family goes bicycling, they drive 30 miles to a metro park. He would love to ride his bicycle over to Beverly Park.

Paul Lison of 31451 Sleepy Hollow supports approval of the Pathways Plan. He listed reasons why this proposal makes sense – safety, convenience, recreation, exercise and health, easy transit, and dog walking. He looked forward to sidewalks when he moved into the Village 27 years ago. Sidewalks have been discussed but never built – the time is now.

Mike Sabourin of 22866 Highbank, President of the Georgetown-Lincolnshire Homeowners Association, stated that the subdivision has 142 families. A majority of families moving into the subdivision have young children. People are active in the schools and community and are strong supporters of millages for schools, village services, and parks that make the community more family friendly. As new families move in, there is a greater voice for safe pathways that will allow children to safely visit friends and neighbors in the adjoining subdivisions and to play and socialize at the Village parks and fields along Lahser and 13 Mile Road. The message he is receiving from his neighbors is that the safe pathways plan is something that they support and want approved. On behalf of the majority of homeowners represented by the Georgetown-Lincolnshire homeowners association, Sabourin is asking that the Village Council approve this safe pathways plan.

Sue Ann Shredder of 22723 King Richard Court related that she observed a car striking a bicyclist within the last month. She urged the Council to install sidewalks for the safety of pedestrians and bicyclists in the community. She thinks that the Village should begin by completing the existing sidewalks.

Pam Murdock of 30414 Georgetown stated that Village residents view themselves as one Village, not east siders and west siders. Adopting this plan would enhance that view, and the proposed pathways would enable travel from one side of the Village to the other. Filling in the gaps on incomplete sidewalks is needed so that there is one continuous path for the safety and well being of residents.

Dennis Page of 30470 Lincolnshire commented that this plan is a careful, strategic safety plan. He thanked the Village Council, Planning Board and consultant for doing a good job on the pathways plan.

George Meyer of 22542 Fiddlers Cove in Metamora Green stated that he wholeheartedly supports the sidewalk plan. He suggested that the easiest part of the plan that would accommodate about 600 families on the south side of 14 Mile Road west of Lahser and south of 13 Mile Road would be to complete the gaps in the existing sidewalk.

Dan Murdock of 30414 Georgetown talked about the danger to his friends and to himself when they ride their bikes on unpaved areas. He supports the sidewalk program.

Nanci Freedman of 32460 Evergreen expressed the concern that she will be responsible for maintaining and will incur significant liability for 200 linear feet of sidewalk along the frontage of her property, which is on the corner of Riverside and Evergreen. She described the significant change in elevation on her property from Evergreen to the pond, which would create hazardous conditions in the fall and winter. Freedman related that people regularly walk or jog along Evergreen Road at the corner of Riverside without any problems. She added that she is at great risk if a special assessment district is created.

Mike Freedman of 32460 Evergreen asked Council to consider how the proposed sidewalks would be funded. If the project is funded through a special assessment district, the cost would be from \$12,000-\$20,000 for his property. He expressed concern about maintenance costs and the liability he would incur as a result of sidewalk abutting his property. Freedman asked Council to consider funding before the plan is adopted.

Harold Milinsky of 32467 Evergreen Road stated that three minutes is not enough time to explain anything. He thinks that the Planning Board should have invited those people to their meetings who have property abutting the proposed sidewalks. Milinsky asked who will pay for the sidewalks and who will maintain them. He objected to the money spent on the sidewalk plan and asserted that the Village does not have the money to construct sidewalks.

Milinsky commented on the location and logic of some of the sidewalks recommended in the plan. He mentioned that a portion of Evergreen Road has been designated as a natural beauty road, and a sidewalk should not be constructed along that route. He contends that no one visits the Douglas Evans nature preserve.

A young man by the name of Simon **Kaufmann** asked Council to provide sidewalks in the Village for the safety of bicyclists.

Jolie Kaufmann of 30720 Georgetown Drive displayed photographs taken along 13 Mile Road across the street from Detroit Country Day School to make the point that the tendency of motorists is to cross the center line to avoid pedestrians and bicyclists. The lack of sidewalks creates the danger of not only pedestrian collisions, but vehicle collisions. Kaufman commented that the handout available tonight answers the question raised about liability. It states that the Village is liable for injuries occurring on sidewalks within its boundaries.

Clive Catchpole of 31050 Stafford stated that this is at least the third Village study he can recall on pathways. He expressed concern with the question of who will pay for the sidewalks and suggested that it is not fair for adjacent property owners to pay for sidewalks. He is also concerned about privacy and liability issues if sidewalks are installed along front lawns. Catchpole raised questions about keeping sidewalks clear of snow. He believes that the property owner would be held liable if there was an accident on the sidewalk in front of his home.

Catchpole suggested that the Village could improve safety with minimal cost along his section of 13 Mile Road by designating the paved shoulders for pedestrian and bicyclist use by painting lines on the road and posting signs. Catchpole volunteered to serve on a sidewalk committee.

John Clark of 31265 Sleepy Hollow supports sidewalks but strongly opposes any type of funding to create a connection between subdivisions on private property. He asked that the plan be approved without that recommendation.

Paul Kleppert of 20855 W. 14 Mile Road commented that the Village was divided for a number of years on the topic of bike paths. The original proposal was for a seven foot wide two-way lane of traffic constructed with federal funds when what the residents really wanted was a sidewalk. Kleppert remarked that many parents probably drive their kids to school because they cannot walk there safely. The piece of Evergreen Road designated as a natural beauty road is also a dangerous road for children who try to walk to Groves High School. He feels that this community would benefit by looking to the north at a well done set of sidewalks in Bloomfield Township.

Kathleen Berwick of 31381 Kennoway Court commented on the safe pathways that exist in Rochester Hills and in Bloomfield Township. She is interested in having tax money returned to Beverly Hills in the form of grants for construction of sidewalks.

A young man named Cliff commented that he wants people to be safe.

Sharon Fox of 20605 Glenhill Court remarked that she was a member of the Planning Board during the Pathways Plan process. She affirmed that it is a pathways plan because the Planning Board gave a lot of attention to crosswalks and other ways to provide access between neighborhoods. Safety was an important consideration.

Fox urges Council adoption of the plan. As soon as it is adopted, she plans to attend the next Birmingham School Board meeting and address the unsafe crossings, particularly at Groves High School. The Planning Board put a lot of work into plans for modifying those crossings.

Fox emphasized that this plan is conceptual and represents what we want to have in the future. It is a plan that will make the community safe for our kids and more walkable for all of us. It does not address funding, timing, liability, and how it will be implemented. Those are all very important issues that will have to be addressed after the plan is adopted. The Village should adopt this plan so it can go after funding to implement those parts of the plan that people really want.

Fox explained that the pedestrian connection part of the plan will not be imposed by the Village. Whether those subdivisions of Metamora, Nottingham and North Georgetown want to use private property to create easements relies solely on the interest and willingness of the property owners.

Peggy Brady of 30603 Pebblestone Court likes the plan and would like to see more of the Village connected. She agrees that all the residents of the Village would benefit. Brady urged the Council to figure out ways to fund this plan, including grants.

Pam Dayinian of 31070 Rivers Edge Court, whose back yard abuts 13 Mile Road, thinks that pathways are necessary for the safety of kids, but she questioned the safety of sidewalks constructed along 13 Mile Road to Groves High School. She maintains that the traffic on 13

Mile Road is too heavy for the safety of children and pedestrians. Other concerns mentioned were liability and funding.

Norman Rubin of 31020 Rivers Edge Court reminded all members of the Council that they are elected at large and do not represent any specific region of the Village. He maintains that the residents who spoke tonight only represent a small percentage of the total number of people in the Village. He recommends that Council place a question on the ballot regarding the adoption of the Pathways Plan to determine the wishes of the entire Village.

Sharon Tischler of 21415 Virmar Court thinks that there is a necessity to provide a safe way for people to get from one place to another in the Village. The west end of the Village has been without sidewalks. She believes that the proposed plan imposes on people who live on mile roads and who purchased their property without sidewalks. Tischler questions whether those residents should have to pay for that sidewalk and assume that liability and maintenance. Tischler thinks these issues need careful consideration.

Frank Worrell of 32123 Bellvine Trail made several comments about the Pathways Plan. He thinks it is difficult to understand and does not contain any new material. The plan does not include engineering, timing, or funding. Worrell asked questions about the route. He is not in favor of the plan and thinks the Council should have referred it to the Village engineer. Worrell asked for a copy of the meeting minutes that address Council's referral of the study to the Planning Board.

Ann Woodman of 32475 Plumwood commented on the need of residents in her neighborhood to be able to safely access schools and other destinations in the community. Her family drives to other communities to ride their bikes.

Jim McCook of 19370 Riverside Drive expressed the view that, unless there is funding and other details included in this plan, we do not have a plan. He remarked that he bought a home that did not have a sidewalk in front of it because he was not in favor of sidewalks. McCook contends that there are a lot of people that bought their property on that basis. There are others who feel that sidewalks are important for the safety of their children walking to school. Beverly Hills has areas with and without sidewalks. McCook suggests that those people who are in favor of sidewalks should have bought property where sidewalks were available.

Vince Borowski of 31115 W. Chelton, Planning Board member, stated that this is a minimalist plan. It addresses major roads primarily. It is the opinion of the Planning Board that the overall Village will benefit from this plan. He affirmed that this study is a result of public input and a lot of deliberation by the Planning Board.

Ingrid Haddock of 32780 White Oaks Trail lives in the Nottingham Subdivision where it is difficult to access other parts of the Village on foot or by bicycle. She assumes as a homeowner and a taxpayer that all residents will pay for sidewalk construction. She would not expect that the abutting property owners on major roads would be required to pay for sidewalk on their frontage. All residents will use the sidewalk if it becomes available to them. Sidewalks will promote home values and keep Beverly Hills competitive with other communities.

Mark Warnsman of 32481 Evergreen commented that the safety issue on Evergreen Road is one of enforcement of the 25 MPH speed limit, not whether there are sidewalks. His house sits at a three way stop where he observes motorists moving quickly on Evergreen and not stopping at the stop signs. Warnsman thinks that sidewalks on Evergreen will increase the likelihood of conflict between pedestrian and automobile traffic. He expressed concern that Council will move forward on the plan because of the time and expense already invested in the study and not because it is the right thing to do.

Michele Tillman of 30665 Vernon commented that kids would love to have sidewalks on which to safely ride their bicycles. She noted that surrounding communities have sidewalks. They enhance property values and increase the desirability of the Village for families who are considering moving into the community.

Tillman would like to access other parts of the community from her home. She is a member of the Planning Board and believes that the plan accurately reflects the desires of the residents of this community. She urged Council to approve the Pathways Plan.

Alexander Bertoni of 30335 Woodhaven would like this plan to go forward. She thinks that sidewalks on main thoroughfares will make it much safer for pedestrian traffic.

Tammy Wilms of 32005 Waltham lives in an area where there are sidewalks, and stated that her children will be able to walk safely to Beverly School. They will not be able to get to Berkshire or Groves safely. She does not think that this Council would assign the cost of 200 feet of sidewalk to one resident. Wilms encourages Council to adopt this plan and move forward in the direction of putting it to a dedicated millage.

Don Muno of 32915 Blossom Court commented on the sidewalks recently constructed in Bloomfield Township. He observed that those sidewalks were impassable for about three months last winter because they were not cleared. He maintains that the Village will be wasting its money unless provisions are made to keep those sidewalks clear.

Stearn read a letter from Bobbi Watson of 31680 Lahser Road in opposition to constructing sidewalks in the Village on the basis that it will destroy the country charm of the Village and the privacy of others.

Stearn read a letter from Mr. and Mrs. Edward Toth of 17500 Kirkshire in which a recommendation is made regarding the green turn arrow at the intersection of Southfield and 14 Mile Road.

No one else wished to be heard; therefore, the public hearing was closed at 10:08 p.m.

Domzal thanked everyone for attending and voicing their opinions. He commented that, while sidewalks are a personal issue, Council recognizes its responsibility to the Village as a whole. With respect to the issue of whether adoption of the Pathways Plan should be taken to a vote of the public, Domzal thinks that it is a legitimate role of the Council as elected officials to take action on this particular plan. There will be funding issues that may be addressed by the voters.

Domzal commented that one of the options that faces Council is whether to remand this document to the Planning Board. He is not in favor of this on the basis that the Pathways Plan is a working document, and changes are expected. There will be engineering and funding issues to be addressed as the plan moves forward that can be addressed through the implementation process.

RESOLVED by Domzal, supported by Downey, that the Pathways Plan prepared by the Planning Board as submitted to Council be approved as written.

Munguia stated that his position has been that the Village is obligated to address safety issues. He commented on what he views as shortcomings of the Pathways Plan saying that he does not favor going forth with a plan that does not address the basic issues of funding and liability. Munguia commented that there are areas in the eastern part of the Village that are not covered in the plan. He does not support installing sidewalk on the section of Evergreen Road that has been designated as a natural beauty road. There are portions of 13 Mile Road that are not conducive to sidewalk due to the terrain. He thinks it is a valid point that this plan should be put before the Village as a ballot proposal.

Walsh compared the Pathways Plan to previous sidewalk and bike path studies that have been undertaken in the Village. He commented on the estimated cost of sidewalk construction, the lack of funds budgeted for sidewalks, and the lack of funding available for a program identified by the Finance Committee as a “wish” rather than a “need” of the Village. He emphasized that the Village millage rate is at the cap for spending. Walsh thinks that Council has to deal with the needs of the Village first before addressing projects identified as wishes.

Pfeifer commented that the Pathways Plan is the beginning of the process. The plan has to be prioritized, engineered, and implemented. She agrees that the recommendations should only address the main roads. Pfeifer remarked that whether residents want sidewalks and are willing to fund them may be a matter for the people to decide in a referendum.

Pfeifer stated that she could endorse the plan with the exception of the portion of Evergreen Road from Riverside to Beverly Roads. Her concerns are with the topography, heavy traffic volume, and lack of right-of-way on that section of the road. There are hidden driveways that could cause safety hazards for pathways. Pfeifer also had a concern about the potential for damage to the equipment housed on the Douglas-Evans property.

Downey commented that he is one hundred percent in favor of this safety plan that addresses sidewalks and crosswalks that will keep pedestrians safe. The Planning Board has done a thorough job of evaluating all the aspects of the plan. This is a document that is a guiding element for future leaders in Beverly Hills similar to the Village Master Plan that addresses future plans for the community. The Master Plan does not address funding for future redevelopment. The Pathways Plan tells us where sidewalks should be located for optimum safety and accessibility if money becomes available for sidewalk construction. The issue of liability has been addressed by the Village Attorney. Downey feels that it is important for the Village as a competitive community to consider sidewalks.

As far as Evergreen Road, Downey implores the people who live there to let the rest of us enjoy that part of the community by walking along there to the Douglas Evans nature preserve. People use that facility, and there should be a safe way to get there.

Domzal stated that funding is an issue that will be resolved. The issue is whether we want to proceed with this plan.

Stearn thinks that this is a good plan, but there are specific areas he is concerned about. He proposes tabling action on the plan until the next meeting because Council is missing one of its members tonight. Stearn would also like a couple of weeks to consider whether his concerns about the plan outweigh his ability to vote on the plan as a whole. Stearn handed the gavel over to President Pro-Tem Pfeifer and asked to be recognized.

MOTION by Stearn to table consideration to approve the Pathways Plan until the next regular Council meeting.

Motion fails for lack of support.

Stearn took the gavel back.

MOTION by Pfeifer, supported by Domzal, amending the resolution to approve the Pathways Plan to exclude the pathway along Evergreen Road from Riverside to Beverly Roads and suggesting further study of alternatives in that area.

There was a brief discussion of the motion.

Roll Call Vote on amendment to Resolution:

Walsh	- no
Domzal	- yes
Downey	- yes
Munguia	- no
Pfeifer	- yes
Stearn	- yes

Motion passes (4 – 2).

Roll Call Vote on Resolution to adopt Pathways Plan as amended:

Domzal	- yes
Downey	- yes
Munguia	- no
Pfeifer	- yes
Stearn	- yes
Walsh	- no

Resolution passes (4- 2).

A recess was called at 10:45 p.m. The meeting reconvened at 11:00 p.m.

RESOLUTION APPROVING CMI AGREEMENT

Before Council for approval is the Clean Michigan Initiative Project Agreement, which is the funding agreement for the Beverly Park grant. Domzal outlined key provisions of the Agreement.

The CMI Project Agreement expands the time frame for completing the project to August 31, 2003. It limits the expenditure of the funds to four projects – pedestrian entrance, fencing, playground equipment, and parking lot improvements. It provides that 60% of the funding will be from the State with a 40% local match. The total funding is \$330,000 with the grant money not to exceed \$199,000. Domzal commented that there are limitations under this grant whereby the schedule of park fees has to be submitted and approved by the State.

RESOLUTION by Domzal, supported by Downey, that the Clean Michigan Initiative Recreation Bond Program Development Project Agreement, which provides for funding by the State in the amount of \$199,000, Project #CM 00-171, be approved as submitted.

Questions from Council on the contract were addressed by administration. Village Attorney Ryan has reviewed the contract and discussed it with the Village Manager. Village administration is aware of the restrictions and does not anticipate a problem complying with the restrictions.

Roll Call Vote:
Resolution passes unanimously.

SECOND READING AND CONSIDERATION OF ORDINANCE #306 AMENDING CHAPTER 8 OF THE MUNICIPAL CODE SANITARY SEWER SYSTEM

Walsh stated that this is the second reading of a proposed ordinance amending Chapter 8 of the Municipal Code. The ordinance amendment relates primarily to the Environmental Protection Agency's rules, which caused changes in definitions relating to industrial sewer users. The Village has a very limited industrial discharge, which is basically restaurant and medical office use.

Walsh explained that there was a consent judgment issued several years ago in the U.S. District Court that required communities within the Detroit Water and Sewer District to pass sewer use and industrial waste ordinances consistent with or at least as stringent as the City of Detroit ordinance. The City of Detroit has prepared an amendment to the Wastewater Discharge Ordinance for all users of the Evergreen-Farmington Sewage Disposal System. The Oakland County Drain Commissioner's office has reviewed the proposed amendment with its attorney John Donohue and recommends that all communities adopt the Discharge Ordinance Amendment.

Ryan stated that this ordinance will replace the last amendment to Chapter 8, Section 19 of the Municipal Code passed in 1997. He recommends approval of the ordinance and mentioned that a copy of the ordinance is available for public inspection during normal Village office hours.

RESOLVED by Walsh, supported by Pfeifer, to adopt Ordinance #306 amending Chapter 8 of the Municipal Code Sanitary Sewer Ordinance.

Domzal informed Council that he will abstain from voting on this ordinance because his law firm represents the Detroit Water and Sewerage Department.

Roll Call Vote:

Munguia - yes
Pfeifer - yes
Stearn - yes
Walsh - yes
Domzal - abstain
Downey - yes

Resolution passes unanimously.

RATIFY COLLECTIVE BARGAINING AGREEMENT BETWEEN THE VILLAGE AND THE POLICE OFFICERS LABOR COUNCIL

RESOLVED by Downey, supported by Walsh, that the Village of Beverly Hills Council direct Village administration to approve the collective bargaining agreement with the Police Officers Labor Council as submitted to Council on October 1, 2001.

The agreement is available at the Village office for public review. Domzal asked that Council be provided with an overall summary of all the union contracts.

Roll Call Vote:

Resolution passes unanimously.

APPROVE BILLS

MOTION by Pfeifer, supported by Domzal, that the bills from a period of 9/18/01 through 10/01/01 be approved for payment in the following amounts:

\$186,381.29	General Fund
12,500.95	Major Road Fund
15,808.05	Local Road Fund
400.00	Drug Law Enforcement Fund
137,024.11	Water/Sewer Operation Fund
<u>11,508.55</u>	Trust & Agency Fund
<u>\$363,622.95</u>	Total

Questions on the bills were addressed by administration.

Motion passes unanimously.

LIAISON'S REPORTS

Domzal reported that the Parks and Recreation Board will meet on October 11 at 7:30 p.m. to review bid plans for the CMI grant related projects. The bid documents will come before Council for consideration at its October 15 meeting. The Finance Committee will meet on Tuesday, October 23 and receive a presentation of the audit report from Plante & Moran.

Downey reminded Council of a joint meeting with the Planning Board on Thursday, October 4 at 7:30 p.m. The next regularly scheduled Planning Board meeting will be on Wednesday, October 10.

Downey reported that the Planning Board held a public hearing at its September 26 meeting on the Charrington Associates request for a lot split, rezoning, and amendments to existing cluster site plan. The board also held a public discussion and final review of its 14 Mile Road Corridor Plan at that meeting. The Planning Board has completed its work on the plan and is working with Birchler Arroyo on drafting a cover letter to accompany the plan to be forwarded to Council for consideration.

Downey commented that there was interest and concern from residents who attended the public discussion on the 14 Mile Road corridor plan about the reconstruction of the road. The Planning Board requested that a copy of the Road Commission's plan for improvements to 14 Mile Road be posted when there are future discussions of the corridor plan.

Downey reported on a joint meeting of the Council and Parks and Recreation Board at which time Hubbell, Roth & Clark presented the plans for CMI grant related projects. Council voted to support the plan and authorize detailed drawings to be prepared.

MANAGER'S REPORT

Murphy stated that the joint meeting of the Council and Planning Board is scheduled for October 4 at 7:30 p.m. in the council chambers. The second joint meeting with the Finance Committee will be November 13. The purpose of that meeting is to review the proposed budget narratives and possibly the goals and objective statements as prepared by staff.

Plante & Moran will present the results of the annual audit to the Finance Committee in October. The audit report will be presented to Council at its November 5 meeting.

Village staff received a letter from the Michigan Department of Natural Resources indicating that the CMI administrative workshop is scheduled for Friday, October 12. Hubbell, Roth & Clark expects to present the bid plans to the Parks and Recreation Board on October 11 and to the Village Council on October 15 for review and consideration. Depending on the results of the presentation, Village staff will send the bid documents to Lansing for DNR review and consideration before bids are solicited.

PUBLIC COMMENTS

Gladys Walsh of 20655 Smallwood Court has a question on Chapter 5.05 (m) of the Municipal Code. She referred to the handout listing answers to frequently asked questions on the Pathways Plan, with specific reference to the question regarding snow removal. The answer states that the

Village would not be liable for injuries occurring as a result of natural accumulation of ice or snow, as long as nothing was done to increase the hazard of the natural conditions.

G. Walsh stated that this is in opposition to the Municipal Code, which indicates that the owners of property abutting or adjacent to sidewalks shall keep sidewalks free and clear of ice, snow or other obstructions. If the owner or occupant fails to do so, the Village may do so and assess the cost against the abutting property or property owner. Walsh does not expect that the Village would have any kind of code for themselves that would differ from what they expect of the residents. If the laws have changed due to legal opinions, perhaps the Municipal Code needs to be updated. Walsh hopes that more is done in the municipal code area to insure that these issues are addressed.

Stearn responded that there is a recent decision issued by the Michigan Supreme Court saying that a municipality cannot put that liability on a homeowner. As the pathways plan moves along, the Village will have to review all ordinances regarding sidewalks.

Gladys Walsh made additional comments regarding the public hearing on the Pathways Plan and the resolution adopted by Council.

COUNCIL COMMENTS

Munguia announced that October is Hispanic Heritage Awareness Month, which recognizes the contributions that the Hispanic community makes to our nation.

Domzal thanked Gladys Walsh for her eloquent comments.

Stearn wished everyone of Jewish faith a Happy New Year and a Happy Sukkoth. He thanked the public for attending tonight to express their views.

MOTION by Downey, supported by Pfeifer, to adjourn the meeting at 11:35 p.m.

Motion passes unanimously.

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk