

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

Absent: None

Also Present: Village Manager, Murphy  
Public Services Director, Spallasso  
Assistant to the Manager, Pasieka  
Village Clerk, Marshall  
Village Attorney, O'Brien  
Director of Public Safety, Woodard

President Stearn called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

Boy Scout Matthew Hartledge from Troop 1024 led Council in reciting the Pledge of Allegiance. Hartledge is attending a Council meeting to earn his communications merit badge.

**APPROVE MINUTES OF A JOINT COUNCIL/FINANCE COMMITTEE MEETING HELD ON NOVEMBER 13, 2001**

MOTION by Pfeifer that the minutes of a joint Council/Finance Committee meeting held on November 13, 2001 be approved as submitted.

Motion passes unanimously.

**APPROVE MINUTES OF A REGULAR COUNCIL MEETING HELD ON DECEMBER 3, 2001**

MOTION by Pfeifer that the minutes of a regular Council meeting held on December 3, 2001 be approved as submitted.

Motion passes unanimously.

**PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA**

W. A. Zimmerman of 22191 Camelot Court questioned the cable television provider's compliance with the Beverly Hills Cable Ordinance. Areas of concern raised by Zimmerman include the amount of the franchise fee levied by Comcast and the section of the Cable Ordinance that requires the cable company to provide the Village with an annual report.

Zimmerman questioned whether Beverly Hills Building Official David Byrwa is the person responsible for enforcing sanctions against the cable provider. Zimmerman related that he was contacted by Byrwa and informed that he is in violation of the Zoning Ordinance due to storing construction material in his backyard. He was told to remove the wooden fencing material stored in the fenced-in portion of his backyard by January 2. Zimmerman plans on meeting with Byrwa to discuss his ordinance enforcement activities.

Stearn informed Zimmerman that Village Manager Murphy is preparing a response to his questions.

Sharon Tischler of 21415 Virmar Court commented that it was mentioned at a recent Council meeting that certain homeowner associations in the Village are replacing street signs in their subdivisions with more decorative signage. She questioned if the Village has a policy in place regulating the size, style, maintenance, and replacement of street signs purchased and installed by neighborhood associations. The Village has been responsible for maintaining and replacing street signs in the past. Tischler also raised concerns with uniformity of signage in the community.

Stearn responded that neighborhood associations are expected to contact Public Services Director Spallasso and submit proposals for street sign replacement to him for review. Spallasso related that a proposal from South Georgetown for decorative street signs was reviewed by administration about two years ago and approved by Council with the condition that damaged signs would not be replaced by the Village. This policy would apply to any subdivision that wants to replace its signs.

**REFER SITE PLAN FROM MCDONALD'S REGARDING PARKING LOT TO VILLAGE PLANNING BOARD**

Before the Village for review and approval is a site plan for proposed changes to the McDonald's restaurant property on 31655 Southfield Road. Downey outlined plans to remove and relocate the existing ground sign and to add an electronic reader board to be mounted under the sign. It is also proposed to construct a pass-thru lane in front of the store that will allow for internal vehicular access around the existing building.

MOTION by Downey that the Village Council refer site plan for modifications to the McDonald's restaurant property to the Planning Board for review and recommendation.

Council members voiced concerns with certain aspects of the plan. A proposed turn-around lane next to the building will require pedestrians to cross inside traffic to reach the restaurant. Signage along Southfield Road was a concern. The proposed modifications include moving the sign with electronic message board closer to the road, which would result in removing two mature trees.

Motion passes unanimously.

**DISCUSS 14 MILE ROAD CORRIDOR PLAN AND SET PUBLIC HEARING DATE OF JANUARY 22, 2002**

Council members are in receipt of the 14 Mile Road Corridor Plan prepared by the Village Planning Board. Council will consider setting a public hearing date, at which time there will be a full presentation of the study and Planning Board recommendations by the Village planning consultant.

Downey explained that the study area is the property along 14 Mile Road between Southfield and Greenfield Roads. The 14 Mile Road Corridor Plan presents a guide for future redevelopment of that corridor. The plan does not change the land use or rezone property, but it does provide recommendations on how land use could be changed in the future. Once the plan is adopted, the next step would be to develop ordinance language for consideration and adoption

by Village Council. A developer, property owner, or the Village could then initiate rezoning of the property. It was emphasized that there are a number of implementation steps that would follow in order for the recommendations from this plan to result in an end product.

Downey introduced planning consultant Katherine Wyrosdick from Birchler Arroyo to give a brief presentation of the 14 Mile Road Corridor Plan.

Wyrosdick related that the Planning Board thought that this was an appropriate time to look at the 14 Mile Road corridor. Board members observed that this area appears to be in a state of transition and ready for some type of redevelopment. Another reason for the timing of the corridor study involves Road Commission for Oakland County plans to reconstruct 14 Mile Road to add a center left turn lane. The Planning Board held two public discussions during this study, one prior to beginning the plan and the other after the plan recommendations were formulated.

The goal of the plan is to create a unique entranceway to the Village by use of a development tool referred to as an Overlay District along the 14 Mile Road corridor. The intent of the Overlay Zone is to create a mechanism by which the corridor could be redeveloped in the future through density incentives. Wyrosdick explained that the type of land use the Planning Board is considering is a town home type of residential development at a higher density than exists. The density discussed in the study is between 15-20 units per acre. In return, developers would be required to meet quality standards outlined for the district. A key point of implementing an overlay land use is that the district would affect only new development, and current residents would not be encumbered by the creation of an overlay district since it merely adds to the underlying residential zone.

The Overlay tool outlined in the 14 Mile Road Corridor Plan is not intended to change the current residential use of the area but to allow a more dense residential development to occur in exchange for enhanced architectural features, controlled landscaping, streetscape and pedestrian amenities. The Planning Board also looked at the existing office and commercial property and recommends future redevelopment of the existing areas rather than expansion of those areas.

Wyrosdick stated that the future land use recommendations part of the plan describes a primary and secondary overlay area. The primary overlay district, which extends from the office area east of Pierce on property fronting 14 Mile Road to Greenfield Road, is the key area where the Village should encourage redevelopment. It is anticipated that this area will be redeveloped first before the secondary area is considered. The secondary area identified from Southfield Road to Pierce is a more established area with larger, well maintained homes.

Once the corridor plan is adopted by Council, the next step would be to draft Zoning Ordinance language for a new Overlay district. It is intended that the new district would create a “parallel” zone where two different types of development could occur. The new district would “overlay” the underlying zoning where affected properties could either be redeveloped according to the overlay district standards or continue using the underlying zoning. This would allow residents to remain and expand their homes if they so desire rather than rezoning and removing their current

zoning. If redevelopment prospects came to the area, the overlay zone would be in place to permit redevelopment to occur.

Council and members of the public voiced questions and comments on the plan, which were addressed by Wyrosdick. There will be a comprehensive presentation of the 14 Mile Road Corridor Study at a Council public hearing. Downey remarked that the public hearing will be a good opportunity for Council to set forth a clear policy with respect to the 14 Mile Road corridor.

MOTION by Downey that the Village of Beverly Hills Council set a Public Hearing date for Monday, January 22, 2002 at 7:30 p.m. to consider the 14 Mile Road Corridor Plan prepared by the Village Planning Board.

Motion passes unanimously.

**CONSIDER RESOLUTION SUPPORTING THE DETROIT WATER AND SEWERAGE DEPARTMENT**

Walsh stated that the following resolution was passed unanimously at the last Southeastern Oakland County Water Authority (SOCWA) meeting. It relates to costs incurred by the Michigan Department of Transportation (MDOT) for relocation of water and sewer lines owned by the Detroit Water and Sewer Department (DWSD) as part of highway improvements. MDOT proposes assessing the Detroit Water and Sewer Department and the municipalities that belong to DWSD for the cost of moving these facilities located in MDOT rights-of-way.

MOTION by Walsh that the Village of Beverly Hills Council adopt the following resolution:

***RESOLUTION***

*Whereas, the Village of Beverly Hills has learned that the Michigan Department of Transportation (MDOT) has relocated certain facilities owned by the Detroit Water and Sewerage Department (DWSD) and incurred costs in doing so, and*

*Whereas, the Village of Beverly Hills acknowledges the rights of MDOT to relocate facilities within the state highway easements at its discretion, and*

*Whereas, the Village of Beverly Hills has been informed by DWSD that MDOT is requesting to be reimbursed for the costs of relocating the DWSD facilities at the following locations:*

- 1. Relocation of DWSD 42-inch main due to widening on M-5 - \$1,078,755.27*
- 2. Installation and monitoring the instrumentation near DWSD sewer (Hamilton Intersection) during the reconstruction of Davison Freeway - \$142,500*
- 3. Special Earth retention systems during the reconstruction of Davison Freeway - \$130,533.50*
- 4. Relocation of DWSD Sewer and Meter pit during the construction of M-59 - \$1,066,190.17*

*Whereas, if DWSD is forced to pay such costs, the same will be passed on to all customers of DWSD including SOCWA of which Beverly Hills is a member, and*

*Whereas, it is the understanding of the Village of Beverly Hills, that, under Michigan law, MDOT should bear the costs of relocating the DWSD facilities in this case, and*

*Whereas, DWSD has requested SOCWA and its member community's support in opposing the request of MDOT for reimbursement of such relocation costs in the amount of approximately \$2.4 million, and*

*Whereas, the Village of Beverly Hills wishes to express its support for the position taken by SOCWA and DWSD and to inform others of the hardships that would be caused to all customers of DWSD if the MDOT is not persuaded to change its position..*

*Now, Therefore, Be It Resolved, that the Village of Beverly Hills Council supports the position of the Southeastern Oakland County Water Authority and the Detroit Water and Sewerage Department and opposes the position taken by the Michigan Department of Transportation. The Department of Transportation should be responsible for all costs associated with the relocation of Detroit Water and Sewerage Department facilities located within state highway rights of way when all of such work was performed at the request of the Department of Transportation.*

Craig stated that he will vote against adopting the resolution on the basis that the taxpayers will be paying for the cost of relocating these utilities whether MDOT or the DWSD pays for it.

W. A. Zimmerman of 22191 Camelot Court stated that the Detroit Water and Sewerage Department facilities were constructed in the easements with the approval and consent of the Michigan Department of Transportation. It is his view that the MDOT should bear the expense for moving the water and sewer lines.

Domzal stated that he will abstain from voting on this resolution due to his firm's involvement with the Detroit Water and Sewerage Department.

Roll Call Vote:

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

Motion passes (5 yes – 1 no – 1 abstention).

**APPROVE BILLS**

MOTION by Pfeifer that the bills from a period of 12/04/01 through 12/17/01 be approved for payment in the following amounts:

\$226,875.50	General Fund
12,116.64	Major Road Fund
9,369.37	Local Road Fund
10,984.27	Capital Projects Fund
60,591.79	Water/Sewer Operation Fund
150,146.00	Water/Sewer Improvement Fund
<u>9,722.15</u>	Trust & Agency Fund
<u>\$479,805.72</u>	Total

Questions on the bills from Council and the public were addressed by administration.

Motion passes unanimously

**LIAISON’S REPORTS**

Pfeifer stated that the Birmingham Area Cable Board will meet this Wednesday, December 19, at 7:45 a.m. in the Rotary Room of the Baldwin Public Library. She will attend a Birmingham Area Seniors Coordinating Council meeting tomorrow, December 19 as the Village of Beverly Hills representative.

As the Council representative to the Birmingham Community Coalition, Downey encouraged families to join in the AFirst Night≅ New Year=s Eve celebration sponsored by the Coalition to be held in the City of Birmingham from 7:30-11:30 p.m.

Downey reported that the Planning Board at its December 12 meeting reviewed and recommended approval of a lot split request at 32639 Valley Ridge Drive. Council will hold a public hearing and consider this lot split proposal at its January 7, 2002 meeting.

The Planning Board completed its review of the Evergreen Road portion of the Pathways Plan. It will be the recommendation of the Planning Board that Council reinstate the pathway along Evergreen Road between Riverside and Beverly Roads as indicated on the preferred recommendations drawing of the Pathways Plan.

Domzal reported on items discussed at the Tuesday, December 11 Finance Committee meeting. Board members reviewed the updated five year capital improvement plan and discussed the format of the report. The Finance Committee is attempting to identify the Village’s shortfalls in future years.

The Finance Committee discussed the Village’s cash management plan. Murphy is in the process of developing a more formalized cash management policy, which will be discussed by the committee in more detail. There was discussion of the Village’s major contracts to review the dollars involved in Beverly Hills operating expenses.

## **MANAGER'S REPORT**

The next Village Council work session is scheduled for Monday, January 14, 2002 at 6:00 p.m. Murphy will provide information on the location at the next Council meeting. The Zoning Board of Appeals will be meeting in the Council chambers on that same evening.

The Michigan Department of Natural Resources recently informed Village staff that the plans, specifications and bidding documents for the CMI-related Beverly Park improvements have been approved. With the approval, the Village is authorized to proceed with the project. The consulting engineer expects to issue the bids on January 2 and receive bids on January 23. Village staff proposes to present the results to Council at its February 4 meeting.

On Tuesday, December 11, the State House Committee on Local Government and Urban Policy voted Senate Bill #3 (with an amendment to the definition of "impairment") out of committee. Senate Bill #3 is Senator Johnson's bill allowing for Royal Oak's withdrawal from the Southeastern Oakland County Resource Recovery Authority (SOCRRA). The vote sends the bill to the full House for review and consideration.

The Village's State Representative, "Pan" Godchaux, has been helpful in encouraging further amendments to the bill before a vote takes place. Representative Godchaux's three amendments would make the bill apply to all authorities and would leave discussions relating to withdrawal and dissolution up to the local authority.

Apparently, Senator Johnson is amenable to the three amendments if SOCRRA agrees to a fourth amendment. The fourth amendment requires the authority to pay the "withdrawing community" its fair share of the equity in the Authority within 30 days of withdrawal date. Royal Oak supports the compromise proposal, while Madison Heights does not.

On behalf of the entire Village staff, Murphy wished everyone a happy and healthy holiday season.

Murphy asked Spallasso to give Council an update on the Evergreen Road Bridge bid results. Spallasso reported that bids were opened on December 7, 2001 by the Michigan Department of Transportation for the Evergreen Road Bridge rehabilitation project. Fourteen bidders participated in the process. The low bid of \$227,473.21 from Merriman Construction came in at approximately one-half of the estimated cost. Both the state and Beverly Hills administration is comfortable with the low bidder, a well known and good-sized company. Awarding the contract should take place on January 2, 2002 with the project commencing in February or March.

Walsh asked Spallasso if he has received a proposal from the Nottingham homeowners association about changing the street signs in their subdivision. Spallasso responded that he has received no such information from Nottingham. Domzal will speak to the subdivision president and put him in touch with Spallasso.

Downey clarified that it is the responsibility of Council to approve signs in the road right-of-way. Spallasso stated that in both instances when subdivisions proposed a change in street signs, he brought the issue to Council for approval after review by administration.

In response to an inquiry from Pfeifer, Spallasso concurred that it has been the policy of the Village that signs directing traffic onto interior roads or signs on the mile road should be consistent throughout the Village.

### **PUBLIC COMMENTS**

Sharon Tischler of 21415 Virmar Court commented that there has been some discussion about the method used by Council for approving bills. She wonders what the objection is to having a Council member review bills and having Council approve bills at regular Council meetings. The rationale for this is to make sure that Council knows where the money is being spent even though it approves a budget prepared by administration.

W. A. Zimmerman of 22191 Camelot Court stated that the McDonald's restaurant was mentioned during this meeting. He commends the proprietor of the restaurant for paying the franchise fee to McDonald's for his operation and absorbing it as a cost of doing business unlike Comcast, which adds 8.6% to its price asking the customer to pay its franchise fees.

John Mooney of 19111 Devonshire wished everyone a happy holiday.

### **COUNCIL COMMENTS**

Munguia commended Ellen Marshall on the look of the 2002 Village calendar. Munguia mentioned an event that occurred 98 years ago on December 17, 1903. The Wright Brothers took their first air flight, an event that changed the world.

Pfeifer reported that she attended an informational meeting held by the Road Commission for Oakland County on the upcoming 14 Mile Road improvements. There were maps on display and personnel to answer questions from interested residents of Beverly Hills and Birmingham. She thanked the Road Commission for initiating this type of presentation. Spallasso remarked that he has a full set of plans for the 14 Mile Road improvements and offered to review those plans with interested parties.

Pfeifer attended a seminar on "Overseeing Boards and Commissions" sponsored by the Michigan Municipal League. She will share information received at this workshop at the Council study session in January.

Downey pointed out a safety issue involving an individual he observed walking along the shoulder of 13 Mile Road wearing dark clothes and headphones and not walking on the sidewalk. Downey commended administration on an informative newsletter.

Downey commented that he has observed heavy soil erosion along Lahser Road on Detroit Country Day School property. Spallasso will talk to the Headmaster about the slope at the north end of the school property.

Domzal thanked the Village Clerk for leading Council in an exercise on parliamentary procedure prior to tonight's Council meeting. Domzal noticed in a report from the Public Safety Department that the Village has a high incidence of false alarms for home burglar alarms. He asked if the Village covers its costs on false alarms from homeowners.

Director Woodard responded that the current Ordinance dealing with alarms is in need of updating, a project that has been referred to Village Attorney Ryan for review and recommendation. An amended ordinance would provide for some cost recovery, not only through registration, but for chronic false alarms due to improper maintenance of alarms by property owners.

Domzal referred to the report on the Evergreen Road sidewalk study. It is his view that how Council approaches this portion of the Pathways Plan depends on how the Village wants to use Douglas Evans nature preserve. There are deed restrictions that determine what can and cannot be done in that park. He proposes as a future agenda item Council discussion and development of a policy in terms of what it wants from that piece of property.

Craig asked all residents on behalf of the Public Safety Department to use good judgment during the holidays and not to drink and drive.

Craig stated that it has been his experience that the authority rests with Council with regard to street signs in subdivisions. Sign placement must be at existing locations at a minimum. If a sign is damaged or destroyed and the subdivision does not bring it up to standards, the Village has the right to replace it with the original sign.

Council members wished everyone a happy and safe holiday season.

MOTION by Craig to adjourn the meeting at 9:05 p.m.

Motion passes unanimously.

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

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

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