

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

Absent: Walsh

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

Three Boy Scouts from Troop 1024 led those present in reciting the Pledge of Allegiance. The scouts stepped to the lectern and introduced themselves. They are attending a Council meeting to earn their communications merit badge.

**APPROVE MINUTES OF A REGULAR COUNCIL MEETING HELD ON DECEMBER 17, 2001**

A correction was made by Pfeifer on page 4 under “Consider Resolution...” to change “MOTION” to “RESOLUTION”.

**Motion** by Domzal to approve the amended minutes of a regular Council meeting held on Monday, December 17, 2001.

Motion passed unanimously.

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

W. A. Zimmerman of 22191 Camelot Court questioned whether the cable franchisee is required to submit proposed rate changes to the Village Council for approval. Attorney Tom Ryan responded that the Village Council does not have authority over cable company rates.

Zimmerman voiced questions and comments regarding his Comcast subscriber bill, franchise fees, and suspension of his cable television service.

Ryan related that he spoke with Tim Currier, Attorney for the Birmingham Area Cable Board. Zimmerman has been in attendance at recent Cable Board meetings. Currier assured Ryan that he has responded to Zimmerman’s questions. Ryan suggested that Zimmerman direct further grievances concerning the operation of the cable system to the Cable Board.

Stearn commented that a letter was mailed to Mr. Zimmerman on December 28, 2001 from the Village in answer to many of the questions he has raised over the course of several Council meetings.

Edward Toth of 17500 Kirkshire understands that Council scheduled a public hearing for January 22, 2002 to discuss the proposed 14 Mile Road Corridor Plan. Toth believes that this

plan will advance the adoption of zoning that will allow three and four story condominiums to be erected on 14 Mile Road between Southfield and Greenfield Roads. Toth presented Council with a petition that has been signed by 186 residents of the Village in opposition to this corridor plan as it pertains to the neighborhood between Southfield and Pierce.

Toth read a letter accompanying the signatures, which outlines citizens' objections to the corridor plan being implemented from Southfield Road to Pierce. Copies of the letter and petition were distributed to Council. Questions regarding the public hearing were addressed by administration. A Council public hearing will be held on January 22, 2002 at 7:30 p.m. in the Council chambers. Notice will be sent to property owners within 500 feet of the 14 Mile Road study area on or before January 15.

Sharon Tischler of 21415 Virmar Court commented on the inconsistent reception of Council meetings broadcast on cable television. It was her understanding that recent improvements to the Council chambers would enhance the quality of live broadcasts with respect to video and sound.

Pfeifer responded that she will address these questions during Liaison Comments.

Jim Talpos, council member for the City of Orchard Lake Village, announced his candidacy for the 40<sup>th</sup> District of the State House of Representatives for this area. He is making the first public announcement of his potential candidacy in Beverly Hills because he was born and raised here living on Auburn Road for 22 years. Talpos said that he will be depending on the Southfield Township and Birmingham areas for a grass roots movement for his candidacy.

Talpos is present with former Beverly Hills Council member Bill Nance. Talpos and Nance grew up living two houses away from each other on Auburn. Nance is a member of Talpos' campaign committee. Bill Nance of 1865 Cedar Hill in Bloomfield Township was present in support of Jim Talpos, a longtime friend and fine person.

**PUBLIC HEARING – LOT SPLIT REQUEST AT 32639 VALLEY RIDGE**

The Village is in receipt of a request from Jahn Construction for a lot split at 32639 Valley Ridge Drive. The proposed land division and combination involves two parcels located on the west side of Lahser Road. The original parcel owned by James and Susan Chase is considered an existing "flag lot". There is a small strip of land (30 ft. in width) from Lahser Road west to the remainder of the site. The Chase parcel is accessible from Valley Ridge Drive and not from Lahser Road via the 30 ft. strip of land. The second parcel, owned by Jahn Construction, is located just southeast of the Chase parcel. The proposal is to split the 30 ft. strip of land from the overall Chase parcel and combine it with the Jahn Construction parcel.

Council has referred this proposal to the Planning Board for review and recommendation. The Planning Board held a Public Hearing and referred the matter back to Council with a recommendation. Council will hold a public hearing on the lot split tonight.

President Stearn opened the public hearing at 7:57 p.m. on the lot split request at 32639 Valley Ridge Drive. There were no comments from the public. The public hearing was closed at 7:58 p.m.

**CONSIDER JAHN CONSTRUCTION COMPANY REQUEST FOR LOT SPLIT AT 32639 VALLEY RIDGE**

Downey reported that the Planning Board unanimously recommended approval of the lot split request described above subject to the resulting parcel being combined with the Jahn Construction parcel.

**Motion** by Downey to resolve that the Village Council of Beverly Hills approve the lot split for 32639 Valley Ridge Drive subject to the combination of the resulting lot with the Jahn Construction parcel. Be it further resolved that Council waives the Ordinance requirement for a listing of each existing land parcel located within 500 feet of any portion of the parent parcel proposed for division on the basis that the requirement is not necessary in this case because the request involves a combination of a lot already in existence.

Plans for development of the Jahn Construction parcel were addressed by Jim Merritt of 195 Charrington Court in Beverly Hills. He is the developer and owner of the property and has entered into a contract with Mr. Chase to add his property to the site. Merritt stated that conceptual plans are underway for a development on the property. There are no plans to rezone the property. It is intended to build six individual, premium structures on the lot.

It was clarified that the resolution addresses the lot split only.

Roll Call Vote:

Motion passed unanimously.

**CONSIDER FUNDING REQUEST FROM BIRMINGHAM YOUTH ASSISTANCE COMMITTEE**

The Village of Beverly Hills has received a request of support from the Birmingham Youth Assistance Committee (BYAC), a community group that provides service to the Village. Youth Assistance is a court-based delinquency prevention program recognized for its innovative combination of free counseling and prevention activities. A primary goal of BYAC is to provide an alternative to official court involvement for first offenders.

The organization is requesting a contribution in the amount of \$5,327.00. Money has been allocated in the 2001/02 fiscal year budget for this expenditure.

There was no one present in the audience representing Birmingham Youth Assistance Committee. Downey remarked that this is an organization that has been serving Beverly Hills for many years.

**Motion** by Downey to resolve that the Village of Beverly Hills contribute \$5,327.00 to the Birmingham Youth Assistance Committee for fiscal year 2001/2002.

Murphy answered questions from Council on the request from BYAC for a contribution in the amount 2.5% above what was budgeted last year for this organization.

Roll Call Vote:

Pfeifer - yes  
Stearn - no  
Craig - yes  
Domzal - yes  
Downey - yes  
Pfeifer - yes

Motion passed (5 – 1).

**CONSIDER EXPENDITURE FOR WINTER FAMILY FUN DAY**

Before Council is a request to release money budgeted for this year's Winter Family Fun Day to be held on Sunday, January 20, 2002 in Beverly Park from 1:00 to 4:00 p.m.

Jim O'Reilly, Parks and Recreation Board member, has organized the event again this year. He outlined the many activities planned for the sixth Annual Winter Family Fun Day in Beverly Park.

**Motion** by Domzal that it be resolved to allocate the \$1,000 budgeted in account #101-747-894 for the 2002 Winter Family Fun Day in Beverly Park.

Questions from Council were addressed by O'Reilly. Munguia noted that the event was recognized in 1999 by the Michigan Municipal League by winning a blue ribbon award in a competition for achievement in the area of improving life for youths and families

Roll Call Vote:

Motion passes unanimously.

**CONSIDER R-01-01 ASPHALT RESURFACING CHANGE ORDER #1**

Spallasso stated that the proposed Change Order #1 to the 2001 Resurfacing Program Contract in the amount of \$218,178.00 encompasses a list of locations included in the 2002 Resurfacing Program. The contractor, Cadillac Asphalt Paving Co., has agreed to the original contract unit prices for the additional segments to be resurfaced. This contract amount will increase the total cost to \$771,321.00. Spallasso recommends approval of the Change Order.

In answer to an inquiry, Spallasso stated that a section of road on Kinross between Southfield and Pierce was removed from the list due to the sewer project scheduled in Phase B, Alternate 1 of the Acacia Park Interceptor Improvements. At the time of the sewer work, the roadway will be rebuilt as part of the project.

**Motion** by Craig, that it be resolved to approve Change Order #1 to the 2001 Resurfacing Program Contract #R-01-01 in the amount of \$218,178.00.

Roll Call Vote:

Motion passes unanimously.

### **CONSIDER FEDERAL GRANT FOR BULLET PROOF VESTS**

Craig stated that part of each Public Safety Officer's uniform equipment issue includes a bulletproof vest. The current industry standard for a vest's lifetime is five years. The proposed capital budget for the department calls for a program whereby 20% of vests (five) would be replaced each year, which would ensure that the vests being worn are not more than five years old. Funds are budgeted for the first five purchases.

Beginning on January 15, 2002, the federal government will reopen the application window for local law enforcement agencies to participate in its "Bulletproof Vest Partnership" program. This continuing effort allows local governments to submit the invoices of purchased bullet resistant vests and receive up to 50% reimbursement from federal funds.

The Public Safety Department is requesting the support of Village Council in this Department of Justice grant application program.

**Motion** by Craig to resolve that the Beverly Hills Village Council supports the Department of Public Safety grant application to the U. S. Department of Justice "Bulletproof Vest Partnership" program enabling upgrades to the ballistic armor worn by patrol officers.

Roll Call Vote:

Motion passed unanimously.

### **REVIEW AND CONSIDER PLANNING BOARD RECOMMENDATIONS ON EVERGREEN ROAD REFERRAL**

Downey reviewed that the Pathways Plan for the Village prepared by the Planning Board was adopted by Council at its October 1, 2001 meeting excluding the section of pathway along Evergreen Road between Beverly Road and Riverside Drive. At a joint meeting held on October 4, Council asked the Planning Board to consider alternate strategies for a pathway along Evergreen Road and come back to them with a recommendation.

The Planning Board took that section of Evergreen Road under consideration. Residents in the area of Evergreen Road were sent notice of a Planning Board public hearing, and they raised a number of issues at the public meeting. After considerable research, review of material, and public discussion with area residents, the Planning Board voted unanimously to recommend that Council consider adopting the Evergreen Road portion of the Pathways Plan as it was originally proposed.

Council members have received copies of a report from the Village Planning Consultant summarizing what was discussed at the Planning Board meetings and a letter from Building Official Byrwa outlining alternatives reviewed by the board. Downey clarified that the Pathways Plan is more of a vision statement than an action plan for installation of pathways. It outlines the needs of the community.

**Motion** by Downey that the Village Council of Beverly Hills adopt the Evergreen Road portion of the Pathways Plan as recommended by the Planning Board.

Pfeifer stated that her concern has been with the safety of placing any pathway along Evergreen Road and the liability to the Village. She feels that the topography of the road does not lend it to pedestrian or bicycle traffic.

Pfeifer thinks that this issue comes down to the question of accessibility to the Douglas-Evans nature preserve. A policy decision needs to be made with respect to how to use this piece of property and how people will get there. Pfeifer cannot support a motion to place the Evergreen Road sidewalk back into the Pathways Plan. She suggests that the Village move forward with the approved Pathways Plan.

Domzal said that he has been a strong supporter of the Pathways Plan in terms of the walkability of Beverly Hills. The portion along Evergreen Road is an integral part of the overall pedestrian system. He recognizes the sensitivities and concerns expressed by the area residents in terms of a pathway in that area. Other options are to either provide no sidewalk leaving Evergreen Road as it is, or directing pedestrians to cross Evergreen at Riverside, proceed through the neighborhood via Weston or Rosevear to Beverly Road and cross Evergreen again.

Domzal agrees that a key issue is the Douglas Evans nature preserve. It is 18 acres of beautiful, wooded area. Obviously, the adjacent residents have the benefit of this land. There are limitations to the use of the property under the deed provided by Catherine Douglas to the Village of Beverly Hills in 1992. The deed says that the premises shall be forever left in its natural state, and that improvements shall be limited to those necessary to make the premises more easily utilized for natural park purposes. The deed indicates that no recreational facility or structure or parking lot shall be placed in the park. We are left with a situation of limited parking.

Domzal thinks it is appropriate to have community access to this facility and does not know how this could be accomplished without installing a pathway to provide access from the north and the south.

Domzal believes that there is some sentiment on Council that the Planning Board should consider alternate materials for any pathway in the area just north and south of the nature preserve. He had hoped to see more information on alternate materials but understands that pathway construction can be part of the implementation plan. If arrangements are not made in the plan to include access for a pathway along Evergreen Road, residents will be denied an opportunity to enjoy the nature preserve.

Munguia explained that his rationale is that the placement of sidewalk along Evergreen Road and parts of 13 Mile Road are not practical due to the terrain. Council voted to have the Evergreen Road portion of the plan removed, and he does not support putting the same thing back into the plan. Munguia does not think that there were enough alternatives brought forth in this study.

Craig asserted that the Pathways Plan is a concept plan for the future. One of the goals is to tie residential areas to public lands including the nature preserve. Craig indicated that there is already a path worn along Evergreen where people are walking. Our residents are demonstrating a demand for access to this area. Craig maintains that failing to make a safer environment for people who walk this area presents a liability issue.

There will be some challenges involved in placing a pathway along that stretch of Evergreen Road as there will be along many areas of Lahser Road. Craig does not want to dismiss something from a visionary document because of a decision made before the feasibility of the project has not been investigated.

Craig remarked that he would have supported retaining the Evergreen Road portion of the Pathways Plan at the October 1, 2001 Council meeting if he had been there; and he will support putting it back into the document. He believes that the Planning Board did exactly what Council asked it to do. They held a public hearing specifically on this area, listened to comments, researched information with respect to accident and traffic reports, and came to a conclusion.

Downey commented that there has been emphasis during pathway discussions on Douglas Evans being a destination on Evergreen Road. However, safety has always been the major priority of the study.

The Pathway Advisory Committee held its first meeting on Saturday, January 5. Committee members drove around the Village and were surprised at the number of people they viewed walking, jogging and bicycling around the Village including the section along Evergreen Road. Members suggested looking at other communities to determine how they address problem areas for constructing sidewalks. It was observed that, when sidewalks cross a main thoroughfare in other communities, the crossing is at a traffic signal.

Stearn stated that there are two competing interests. There is an interest in connecting the Village and providing pedestrian safety on Evergreen Road, and there are the interests of property owners along Evergreen Road, some of whom have expressed serious concerns about constructing a sidewalk along Evergreen.

Stearn quoted Council motions from October 1, 2001 and October 4, 2001 regarding Council approval of the Pathways Plan without the Evergreen Road section and Council's direction to the Planning Board to study alternatives for the Evergreen Road portion of the plan. He appreciates the work the Planning Board has done of the pathway plan.

Stearn stated that he will vote against the motion, not because he thinks a pathway is not necessary along Evergreen Road. If the Planning Board had presented an alternate strategy that he could live with, he would vote for it. The recommendation from Birchler Arroyo is to extend the existing sidewalk on Evergreen Road. Stearn does not think that the answer is to install a concrete sidewalk on Evergreen. He is not satisfied with what has been presented to Council by the Planning Board and thinks that there are other options available.

Stearn called for the vote following his comments.

**Vote on Motion:**

Yes - Craig, Domzal and Downey

No - Munguia, Pfeifer and Stearn

Motion failed (3 –3).

**APPROVAL OF BILLS**

**Motion** by Pfeifer to approve bills for payment in the following amounts from a period of 12/17/01 through 01/07/02:

\$233,561.29	General Fund
11,980.85	Major Road Fund
367,454.69	Local Road Fund
12,332.10	Capital Projects Fund
14,376.46	Dedicated Millage
13,627.39	Water/Sewer Operation Fund
11,102.62	Water/Sewer Improvement Fund
48.48	Trust & Agency Fund
<u>\$664,483.88</u>	Total

Questions from the public were addressed by administration.

Motion passed unanimously

**LIAISON’S REPORTS**

Domzal stated that the Finance Committee will meet tomorrow at 7:00 p.m. in the municipal building.

Downey reported that the Pathways Advisory Committee met for the first time on Saturday, January 5. He was pleased with their thoughtful discourse and knowledge of the issue. The committee understands its charge to prioritize the Pathways Plan, determine costs, and consider funding alternatives.

Downey thanked Pasioka for compiling a comprehensive reference book for members, which includes data on the history of pathways in Beverly Hills and a lot of useful information. Downey thanked everyone who has volunteered to participate on this committee.

Pfeifer stated that the Birmingham Area Cable Board is continuing to receive an inordinate number of complaints from cable television subscribers regarding Comcast service. Cable Board members are in the process of working to resolve the problems with Comcast representatives. Subscriber complaints should be addressed to Kathryn Hagaman, Executive Director of the Birmingham Area Cable Board. The next Cable Board meeting will be held on Wednesday, January 16 at 7:45 a.m. at the Baldwin Public Library.

Munguia stated that the Zoning Board of Appeals will meet on Monday, January 14.

### **MANAGER'S REPORT**

The next Village Council work session is scheduled for next Monday, January 14 at 6:00 p.m. at the Public Safety building. The Zoning Board of Appeals meets in the Council chambers the same evening.

Bids for the park improvement project were let on January 2. Village staff will receive bids on January 23. The Parks and Recreation Board will review the unaudited bid results at its January 24 meeting. Staff will present the audited results to Village Council at its February 4 Village Council meeting.

The public hearing on the 14 Mile Road Corridor Plan is scheduled for the Tuesday, January 22, 2002 Village Council meeting. Area residents should receive notice of the hearing on or before January 15.

Murphy reminded everyone that petitions for those interested in running for Village Council are due on January 28 at 4:00 p.m. in the Village Clerk's office.

Stearn asked Murphy if notice of the public hearing on the 14 Mile Road Corridor Plan could be placed on the Village web site.

### **PUBLIC COMMENTS**

Sharon Tischler of 21415 Virmar Court questioned the quality of the reception of Council meetings broadcast on cable television, which was addressed by Pfeifer. Transmission problems are being investigated. Tischler mentioned problems experienced with Comcast subscriber bills and complained about the amount of service provided for the cost.

### **COUNCIL COMMENTS**

Craig stated that he was disappointed tonight that the conversation on the Pathways Plan was stifled by the Council President when members of Council wished to speak.

Domzal agreed that more discussion on the sidewalk issue was appropriate. He thinks that there could have been additional motions made that would have addressed concerns raised by the chair.

Domzal asked that Council receive an update on the Planning Board review of Village entryway signs at an upcoming meeting. Domzal continues to be concerned about sign pollution in the Village. He thinks that the Village can do a better job with regulating signs on commercial and office establishments. The Planning Board may want to look at sign standards.

Manager Murphy provided Council members with a sample of a consent agenda format for Council meetings. Domzal thinks a consent agenda would allow more time for planning and visionary items.

Domzal stated that he spoke with Murphy about using monthly financial reports as a management tool to determine whether Council is on target with its financial goals. Reports

can be generated that will show where we are in terms of expenditures versus budgeted amounts. Domzal thinks that this type of report would be more helpful to Council than looking at a list of bills.

Downey referred to a comment made earlier in the evening by an individual who submitted a petition to Council signed by residents opposed to the 14 Mile Road Corridor Plan as it pertains to the neighborhood between Southfield and Pierce Roads. Downey refuted the statement that an overlay district would result in allowing three and four-story condominiums along 14 Mile Road. He does not believe that any proposed development would violate the current building height restriction of two and one-half stories.

Downey expressed disappointment that there was no representative from the Birmingham Youth Assistance Committee present this evening on behalf of its request for funds. He spoke in support of the organization.

Downey relayed a request he received from a Village resident to ask that administration post Council meeting agendas on the Village web site. Downey also suggested that Council meeting agendas could be e-mailed to those individuals on a mailing list on the Friday before the Council meeting.

Murphy responded that he would like to proceed along those lines. Agendas are currently mailed to 96 people on a bi-weekly basis. As a test, agendas were e-mailed to a sample of those people on the mailing list with mixed results. Some people without access to computers expressed concern.

Downey commended Murphy on his progressive thinking and the fine job he is doing in the Village.

Downey encouraged people to attend the Winter Family Fun Day on Sunday, January 20 in Beverly Park.

Downey remarked that he had a few things left to say on the Evergreen Road pathway before the discussion was closed. Downey commented on a *Wall Street Journal* article on politics in America and the hazards of minority rule allowing a few people to control the agenda and the results.

Downey heard people say this evening that there should be a pathway on Evergreen Road, but that they want an alternative to the proposed plan. Attached to the recent Planning Board study was a 1997 engineering drawing demonstrating that safe sidewalk construction is feasible along Evergreen Road. That plan is not part of the pathway recommended to Council for approval. Downey emphasized that the Pathways Plan includes a section addressing alternative construction methods.

Pfeifer stated that she is not opposed to putting a pathway on Evergreen Road. She added that a soft pathway could be very appealing, but would not be handicapped accessible. Pfeifer

referred to the report from the Traffic Improvement Association of Oakland County, which calls for an eight foot sidewalk. She commented on alternative routes.

Munguia sadly announced the passing of Alan Cobleigh. Alan Cobleigh was a member of the Parks and Recreation Board, an active member of the Lion's Club, and a retired Navy veteran. He will be missed by the community as a whole.

Munguia requested further Council discussion of the consent agenda format.

Council members wished their colleague Bob Walsh a speedy recovery from a recent illness.

**Motion** by Pfeifer to adjourn the meeting at 9:25 p.m.

Motion passes unanimously.

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

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

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