

Present: Council President Downey; President Pro-Tem Domzal; Members: Mooney, Pfeifer, Schmitt, Stearn and Woodrow

Absent: None

Also Present: Village Manager, Murphy
Public Services Director, Spallasso
Assistant to the Manager, Pasieka
Village Attorney, Ryan
Deputy Director of Public Safety, Smith

President Downey called the meeting to order at 7:30 p.m. at Berkshire Middle School at 21707 W. 14 Mile Road.

ADDITIONS TO AGENDA/APPROVE AGENDA

The agenda was approved as published.

PUBLIC HEARING – PATHWAYS PLAN

Domzal reviewed that Beverly Hills currently has an adopted Pathways Plan that was approved by Council at its October 1, 2001 meeting. The plan provides for the construction of pathways on most but not all of the major roads within the Village with the exception of 14 Mile between Old Post and Evergreen; Evergreen Road between 14 Mile Road and Ronsdale; and Lahser from 13 Mile going south to the Village limits.

Following the adoption of the Pathways Plan, Council appointed a Pathways Advisory Committee to assist with implementation of the Plan. That group was initially comprised of seven members with five members currently serving on the Committee. The Committee forwarded its recommendations to Council, and has provided further information on specific items as requested by Council.

There will be a public hearing at this meeting on Pathways Committee recommendations followed by Council review and consideration of those proposals. Council may decide how to proceed with implementing the Pathways Plan including modifications to the Plan, matters dealing with the maintenance as well as snow removal on pathways, and authorizing language to be drafted to place a millage question on the March ballot for funding of pathways.

Domzal emphasized that there is a Sidewalk Ordinance in place in the Village stating that it is the responsibility of the residents to repair sidewalk abutting their property. If the repairs are not done, the Village will perform the repairs and charge the resident. The Ordinance requires that snow be removed by the resident with a penalty being that the resident is subject to a misdemeanor fine.

Domzal introduced Pathway Committee members Dennis Page and Paul Kleppert, who will present the Committee recommendations.

Dennis Page of 30470 Lincolnshire stated that the Committee has been looking at including Evergreen Road and related segments into the Pathways Plan adopted by the Village Council.

Page described a segment plan developed by the Committee that takes into account the Evergreen Road portion between Beverly and Riverside as well as the 14 Mile/Evergreen Road segment. He outlined the scoring system that was followed to identify segments, score each segment, assign priorities, and sequence the order in which the segments would be built.

Page outlined the recommendations from the Advisory Committee in response to a request from Council to review these items and provide recommendations.

Location of pathway on 13 Mile Road

There has been discussion on whether the pathway should be located on the north or south side of 13 Mile from Lahser to Evergreen. The plan as presented to the Committee has the walk on the south side. The committee recognized that there is about 1000 feet of existing sidewalk on the north side. While some savings might be realized from eliminating the 13 Mile portion from Embassy to Evergreen on the south side of the street, cost savings are relatively minor. Forcing pedestrians and bicyclists to cross at Embassy creates further pedestrian-traffic conflicts and does not justify the savings. The Committee recommends that the pathway be constructed on the south side of 13 Mile from Lahser to Evergreen.

Designate pathways as “seasonal”

Page commented that this item relates to the ordinance requiring abutting residents to clear and repair pathways. The Committee believes that this is a policy decision for Council. It appears that the issue of potential liability for residents for “slip and fall” type of injuries related to snow and ice on pathways has already been determined by the courts and the State Legislature. The designation of pathways as “seasonal” neither increases or decreases the potential civil liability with respect to the Village or residents. Removing the current ordinance requirement that residents remove snow by calling the pathways “seasonal” offers two advantages. It tracks reality because it is currently up to the residents to determine whether they wish to remove snow. It eliminates the resident from being exposed to a civil fine if the resident chooses not to remove the snow. Page remarked that residents may choose to remove snow from their sidewalk for many reasons including the delivery of mail.

Extension of pathway on 13 Mile Road from Groves to Kennoway

The committee recommends that this segment be built out as indicated in the current implementation plan. The Committee recommends that the Groves to Kennoway segment be built even if Council should elect to remove the 13 Mile portion of sidewalk from Embassy to Evergreen.

Responsibility for snow removal/maintenance for commercial properties

The Committee recommends that the downtown special assessment district be assessed for the cost of snow removal along with the other charges related to maintenance. The cost should be modest, and the committee recommends that the downtown businesses be notified of the charges. The committee does not take a position as to whether or not an ordinance should be developed to require other commercial properties owners to clean their walks. This is a policy issue of Council. If paths are designated as “seasonal” throughout the Village, this would apply to commercial properties that would have the discretion whether or not to remove snow.

Funding of maintenance program

The committee reaffirms its prior recommendation that 0.1 mil should be included in any ballot proposal for a new millage to be dedicated solely for sidewalk maintenance. During any five year millage period (or 6 years if that option is selected) homeowners would not be assessed for maintenance of any sidewalks. The millage would generate about \$40,000 per year and would leave sidewalks in good repair for the next several years. Post-millage, the Village may want to consider assuming responsibility for maintenance of sidewalks on both local and major roads. As possible alternatives, the Committee discussed: 1) Funding maintenance from the Major/Local funds (which would only serve to defer road maintenance); 2) establishing a separate millage for repairs only (which would tend to balkanize the Village as the existing sidewalk owners would have less incentive to support a new sidewalk construction program); or 3) utilizing general fund revenue.

Inclusion of Evergreen Road segment (Riverside/Beverly) and 14 Mile/Evergreen corner

The Committee takes no position on whether or not these segments should be included in the Plan as that is strictly a policy issue. The Committee was split in its views on this matter. The Committee prepared a segment plan which takes into account the Evergreen segment between Beverly and Riverside as well as the 14 Mile/Evergreen corner. This was reviewed earlier in the meeting by Page.

Conclusion/Recommended ballot language

If Council elects not to include Evergreen and the related segments in the Plan, the Committee reaffirms its recommendation to ask the voters to approve a 5 year millage of .45 mills, of which 0.1 mil is earmarked solely for maintenance. If Council elects to include Evergreen Road and related segments, the Committee recommends a millage request of 0.50 mil, of which 0.1 mil is earmarked solely for maintenance, for a period of 6 years. Page noted that this recommendation represents a majority view of the Committee.

Downey declared the public hearing open at 7:54 p.m. He read three letters into the record.

A letter from Joseph and Alice Wilberding of 20023 W. 14 Mile Road states their strong objection to including the Evergreen and 14 Mile Road segments into the Pathways Plan. William and Sally Johnson of 31805 Evergreen Road expressed opposition to including the Evergreen and 14 Mile Road segments in the Plan. The letter included signatures from 13 property owners. Bobby Watson of 31680 Lahser wrote a letter to Council in opposition to the pathways in the Village on the basis that they will destroy homeowners' privacy.

Tammy Wilms of 32085 Waltham stated that she is speaking as a resident in support of pathways and as a member of the Parks and Recreation Board. Pathways are a natural extension of the ongoing park improvement program. One of the fundamental reasons for improving Beverly Park is to unite the Village and provide a central area for residents to congregate. Residents should have a safe way to access the park. Wilms said that all members of the Parks and Recreation Board support the Pathways Plan.

Wilms does not understand how pathways could harm the Natural Beauty Road portion of Evergreen Road. She thinks that the best way to view the beauty of that area is to walk or ride a

bicycle. There should be a safe way to access the Douglas-Evans nature preserve. Wilms expressed concern for the safety of school children who walk along Evergreen Road. She mentioned the recent “Walk to School Day”, a national program that could not occur in Beverly Hills because there is no safe way to walk to schools. Wilms supports all the pathways and the additions being discussed tonight.

Tom Nowland of 31720 Evergreen strongly support the pathways and would like his two children to be able to walk safely to Berkshire School. There is no safe access for walking or bicycling north on Evergreen Road. He asked Council to make the community accessible for all people. Nowland does not think a pathway would detract from the natural beauty of Evergreen Road.

Chad Swain of 22822 Highbank commented on the increase in traffic and people in the area over the last 20 years. He urged caution relative to making the Evergreen Road segment the sole decision maker considering that there are other areas that will benefit from pathways. In an effort to move forward, he suggested that Council proceed with the recommended priorities for the first four years and make a decision on how to handle Evergreen Road in the fourth or fifth year. Swain thinks it is time to follow the lead of neighboring communities and move forward with the pathways.

Mike Sabourin, President of the Georgetown-Lincolnshire neighborhood association, related that a survey was conducted of the 142 families in the subdivision. He indicated that 125 homeowners were contacted, and at least 120 of them were in agreement with the Pathway Plan. Sabourin stated that the major message he receives from homeowners is that their kids are using those pathways now and are in danger. Residents want safe access to the rest of the community.

Caryn Callanan of 22656 Highbank supports the Pathways Plan on the basis that it will connect her neighborhood to the surrounding areas of the Village, particularly Beverly Park. She commented on the danger of walking or riding a bicycle on 13 Mile Road.

Scott Grady of 31532 Robinhood, President of the Nottingham Forest Association, voiced support of the pathway program on behalf of the 200 plus homes in the subdivision. The neighborhood thinks it is a safety issue that is long overdue. Grady commented on the significant increase in the amount and speed of traffic along 14 Mile Road and Lahser over the 10 years that he has lived in the area. Grady expressed concern about the 14 Mile and Lahser intersection and mentioned that residents would like to make sure that any new sidewalk connects to a safe intersection for pedestrians. He questioned “seasonal” designation for sidewalks on the basis that snow and ice would make some sidewalks impassible for three or four months during the winter. Overall, the subdivision supports the Pathways Plan and will be out in force to see its approval on election day.

Allan Zemmol of 21501 W. 13 Mile Road heartily endorses the project and the benefits to be derived by the children. On behalf of the older folks, pathways will provide a great opportunity for those who seek exercise by walking on a regular basis.

Christine Kageff of 20761 13 Mile Road affirmed that she regularly walks, runs, and bicycles on 13 Mile, 14 Mile, and on Evergreen, but not during rush hour. She moved to the Village two years

ago because of the beauty, woods, large properties, quiet, and privacy of the community. Kageff stated that installing sidewalk across her front yard will result in the loss of trees. Clearing off a sidewalk abutting her property would be burdensome. Kageff made the point that people in the subdivisions who support sidewalk construction on major roads will not be personally affected by the sidewalk.

David Shelton of 20835 W. 13 Mile Road voiced concern with the loss of trees and shrubs on his property that will occur if sidewalks are constructed. He depends on the trees to reduce noise and dust. Shelton thinks that there is adequate space to walk and jog along 13 Mile Road without danger.

Patrick Ervin of 31485 Lost Hollow stated that traffic patterns have changed over the years, and roads have become more dangerous. It is dangerous to ride a bicycle in Beverly Hills, especially on 13 Mile Road. He commented favorably on the sidewalks installed by Bloomfield Hills. Ervin cited his experience in the Real Estate industry and contends that these pathways will only improve property values and make Beverly Hills a more attractive place to live. He does not think that the proposed millage is unreasonable.

Soter Art Liberty of 20850 W. 13 Mile Road commented that the proposal will result in about 270 feet of sidewalk abutting his property. He reiterated a statement made previously that many of the people who support these sidewalks are not affected by them. Liberty questioned the frequency of accidents involving pedestrians and bicyclists on major roads. He expressed concern with possible liability to homeowners resulting from this sidewalk installation.

Kathy Hilfinger of 20051 Wellesley, who lives one-half mile from Groves High School, stated that her daughter cannot walk to school because there is no sidewalk, and it is unsafe to walk due to the narrow shoulder. She would like her four children to be able to use sidewalks. Her family would like to be able to ride their bikes to other areas of the Village.

Richard Urquhart of 20555 W. 13 Mile Road questioned whether there will be a drainage study to consider runoff connected with the pathway construction. Spallasso answered that drainage issues will be considered during the design phase if the sidewalk program moves forward. Urquhart related an alternative route to reach Beverly Park.

Fritz Heuser of 31119 Sleepy Hollow has two boys in Berkshire School who cannot ride their bikes to school due to unsafe conditions. He thinks it is our civic responsibility to provide sidewalks in the community to keep citizens safe.

Jim McCook of 19370 Riverside Drive questioned whether a “seasonal” designation on sidewalks and an ordinance that would relieve residents from the responsibility to shovel snow would lessen their liability and cost of a civil suit in the event of an accident. McCook commented on the proposed millage to repair sidewalks on the east side of Southfield Road and questioned who would pay for repairs after the dedicated millage expires.

Gordon Nyquist of 31493 Lost Hollow questioned a designation that appears on the Pathway Plan in the area of his home. He was advised that the colored circle on the map handed out this evening

is not part of the adopted Pathways Plan. That circle is related to a recommendation from the planning consultant on how to connect subdivisions, which is not being considered at this time.

Melvin Koykka of 31515 Lahser had questions about the proposal for constructing sidewalks on the west side of Lahser. There is a ravine and a large number of Evergreens at the edge of his property. He does not object to the pathway but would like it installed so that it does not impair his Lahser frontage.

Spallasso stated that these types of situations will be addressed when the pathway is engineered with retaining walls or elevated timber construction. Pathway construction will not impede drainage. Trees will have to come down in some instances, but pathways can be installed around trees in certain circumstances. It is proposed to preserve as much vegetation as possible. The Village has worked with property owners in the past to obtain sidewalk easements in order to retain trees and shrubs.

Diane Warren of 30860 Vernon at 13 Mile Road stated that she purchased her house because of the privacy and absence of sidewalks. She opposes the Pathways Plan.

Pam Murdock of 30414 Georgetown thanked Council and the Advisory Committee for the time and energy they put into this project. Traffic has increased over the past 20 years, and it is nearly impossible to get around the Village safely. Murdock implored Council to construct the pathways with as little disruption to the abutting property as possible. As far as the Evergreen Road segment, she agrees that the best way to enjoy the beauty of that area is to walk or ride a bike on a pathway as opposed to driving in a car.

Murdock commented that her family supported the park improvements, but cannot access Beverly Park safely. Pathways are an appealing asset to any community. If the Evergreen Road segment is going to keep the Village from going forward with the plan, Murdock suggests that Council move forward with what it can do and fill in the Evergreen gap at a later date.

Frank Worrell of 32123 Bellvine Trail commented on the millage recently passed for the SMART bus system and for Beverly Park improvements. A 0.50 mil for sidewalks is now being proposed. He anticipates that Council will be asking for a property tax increase in the near future. Worrell is concerned with how young families and seniors are going to be able to live in this Village. He does not think there is much of a safety issue in Beverly Hills, and he does not support the Pathways Plan.

Andy Craig of 31239 Sunset is in favor of sidewalks. If lifestyle sidewalks are constructed so people can access the Village on majors roads, he thinks that the community should pay for the sidewalks, maintain them, and keep them clear of snow and ice. He questioned why the local sidewalks on the east side of the Village are included in the maintenance millage. Craig objects to changing policy in the Village for a short period of time. The Village should continue to assess individual homeowners in the neighborhoods that have sidewalks right now. The topic is providing sidewalks for the betterment of the whole community, not just the few homes that abut the sidewalk.

Harold Milinsky of 32467 Evergreen Road commented that he moved into the Village for the country atmosphere. He mentioned the adverse affect that sidewalk construction will have to the section of Evergreen Road designated as a Natural Beauty Road. He does not think there is a safety issue and expressed concern about the liability to residents who will about the sidewalks. Milinsky commented that Council is elected to represent all residents of this village. Senior citizens are finding it difficult to live in the Village because the taxes are getting too high.

Ann Kleppert of 20855 W. 14 Mile Road believes that it is time to provide sidewalks for the entire community. She concurs with designating pathways on the major roads as seasonal on the basis that people do not walk on them in the winter time. Kleppert hopes that sidewalks are constructed soon.

Kathleen Berwick of 31381 Kennoway Court is in favor of pathways for safety reasons. It would be wonderful to be able to bike or walk down 13 Mile Road. Communities abutting the Village are installing sidewalks and becoming walkable communities. Beverly Hills needs to do the same thing to maintain property values.

Doug Seymour of 31495 Sleepy Hollow is in favor of sidewalks, but suggests a 4 foot wide pathway. He suggested that preservation of trees where possible should be the key for all people involved.

Bob Walsh of 20655 Smallwood Court questioned the 0.1 mill for maintenance of existing sidewalks. He contends that continuing the existing policy for sidewalk maintenance is the only practical way short of increasing the millage for sidewalk repair and maintenance. A “seasonal” designation will eliminate the use of sidewalks for three to four months in the winter. On the other hand, removing ice and snow would be cost prohibitive for the Village. Walsh commented on liability issues for the Village and individual property owners. He maintains that there is no data available to document that safety is an issue. Walsh noted that most of those who support pathways live west of Lahser where there are no sidewalks.

Randy Munguia of 31773 S. Verona Circle commented on what he perceives to be problems with the Pathways Plan. He questioned the maintenance program suggested as part of the Committee recommendations.

Jan Cannavo of 30823 W. Lincolnshire is strongly in favor of pathways and is happy to see the Village moving forward. She would like to get to a point where the majority of the people in the Village feel this way. She has evidenced situations that convince her that safety is a real issue and that it is dangerous to walk or bicycle along 13 Mile Road or Lahser.

Paul Kleppert of 20855 W. 14 Mile Road commented on the cost of implementing the Pathways Plan and possible ways to reduce costs. He referred to a 1997 study prepared by consulting engineers Hubbell, Roth & Clark for a pathway on 14 Mile Road and on Evergreen Road. Kleppert stated that participants who attended an Oakland County Walkway Symposium held about six weeks ago were informed that 75% of the homeowners in Oakland County list sidewalks as a major item in purchasing a home.

In response to previous comments, Kleppert stated the pathways proposed in the plan are 5 feet wide. The Pathways Plan includes almost a mile of pathway that is needed in the area of Greenfield School. He mentioned that the Village has identified properties where sidewalk repairs are needed in anticipation of a sidewalk repair program. Kleppert thinks that the people of this Village deserve a right to decide whether they want to spend their money on this pathway program.

David Tillman of 30665 Vernon urged Council to have the vision to implement a meaningful sidewalk plan.

No one else wished to be heard; therefore, the public hearing was closed at 9:17 p.m.

Downey recognized members of the Pathways Advisory Committee for the information they have provided and their recommendations to Council – Paul Kleppert, Dennis Page, Michael Freedman, Michelle Tillman, Pamela Burbott, Ana Dan, Dave Domzal and Stan Pasieka.

PUBLIC COMMENTS – CONSENT AGENDA AND ITEMS NOT ON THE BUSINESS AGENDA

Sharon Tischler of 21415 Virmar Court noted that there is a payment in the bills to Casey Signs for constructing the wood carved signs that Council has chosen to install at Village entranceways. She has seen a couple of those signs installed and is disappointed in the color, appearance, and how they have been installed. She thinks the Village could have done better.

CONSENT AGENDA

Motion by Stearn, seconded by Pfeifer, to approve the Consent Agenda as follows:

- a. Review and consider approval of minutes of a regular Council meeting held on September 17, 2002.
- b. Review and consider approval of minutes of a joint meeting between Council and the Parks & Recreation Board held on September 19, 2002.
- c. Review and file bills recapped as of Monday, September 23, 2002.
- d. Review and file bills recapped as of Monday, October 7, 2002.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER PROPOSALS FOR CORYELL ESTATES AND HUMMEL CT. SPECIAL ASSESSMENT DISTRICTS

On August 19, 2002 Council approved the establishment of a special assessment district for both Coryell Estates and Hummel Court for drainage and street improvements. The two projects were combined to achieve economies of scale. The total estimated cost for the work was \$1,261,000. Bids were opened on September 16, 2002 for these improvements. Domzal related that the bids came in roughly 24% below the estimates. The low bidder is Oakland Excavating Company with a total bid price of \$679,185.50.

Motion by Domzal, seconded by Schmitt.

Resolved to award the contract for the Drainage and Street Improvement Project for Coryell Estates and Hummel Court to Oakland Excavating Company, 31 Oakland Avenue, Pontiac, Michigan, for the total bid price of \$679,185.50. This award of the contract is contingent upon the contractor submitting all bonds and insurance coverage as required in the project contract documents.

Murphy commented on the favorable bid results and expects the project to come in at less than the estimated cost that was given to the affected homeowners.

Questions from Council were addressed by administration. Hubbell, Roth & Clark has conducted a review of several references and held a pre-award meeting with Oakland Excavating Company. Spallasso mentioned that this contractor completed a project satisfactorily in the Village four years ago.

Roll Call Vote:
Motion passed (7 – 0).

REVIEW AND CONSIDER FUNDING REQUEST FROM THE BIRMINGHAM AREA SENIORS COORDINATING COUNCIL

Before Council is a request from the Birmingham Area Seniors Coordinating Council (BASCC) to forward the funds to their organization that were allocated by the Village in its 2002/03 fiscal year budget. Pfeifer commented that contributions to BASCC from the five municipalities within the Birmingham School District represent a significant portion of the organization's annual operating budget. BASCC is a non-profit group that benefits many Beverly Hills residents.

Motion by Pfeifer, seconded by Domzal.
Resolved to forward \$12,650 allocated in the Village of Beverly Hills 2002/03 budget to the Birmingham Area Seniors Coordinating Council.

Comments and questions from Council were addressed by administration.

Roll Call Vote:
Motion passed (7 – 0).

A recess was called at 9:20 p.m. The meeting reconvened at 9:40 p.m.

REVIEW AND CONSIDER RECOMMENDATIONS REGARDING PATHWAYS PLAN

Domzal referred to the comments made during the public hearing portion of the meeting and said that he favors providing the community with the opportunity to decide whether to pass a millage to support the construction of pathways in the Village. He commented on the difficult economy and the demands upon the voters. Council needs to be mindful of the tax load it is asking its residents to bear. The first resolution he will propose for Council consideration pertains to additions to the Pathways Plan. Another resolution will determine whether to authorize preparation of ballot language. Other issues deal with maintenance of pathways and snow removal.

Motion by Domzal, seconded by Stearn.

Resolved to add the following segments to the Pathways Plan of the Village of Beverly Hills approved by Council on October 1, 2001:

- Fourteen Mile between Old Post and Evergreen on the south side of the road.
- Evergreen between Fourteen Mile and Riverside on the west side of the road.
- Evergreen between 14 Mile and Ronsdale

Woodrow indicated support for the added pathway segments. He would like the design of the pathway along Evergreen to come before Council for final approval.

Pfeifer believes that there are a number of issues with respect to Evergreen Road including safety, rights-of-way, and cost that need more thorough review before she can support adding this segment to the Plan.

Stearn supports sidewalks on all major roads in Beverly Hills and agrees that the voters have a right to decide the issue. Council will consider a resolution to prepare ballot language. He has reservations about the Evergreen Road pathway and pointed out pros and cons. A pathway on Evergreen Road would connect all of the sidewalks that are planned for Beverly Hills. He noted, however, that there is an alternate route circumventing Evergreen Road. An Evergreen Road pathway would provide access to Douglas Evans Nature Preserve. It is dangerous to walk along Evergreen Road. Stearn maintains that placing sidewalks along Evergreen Road will disrupt the look of Evergreen Road. The Village is going to experience money problems in the near future, and he is concerned about voter approval of an impending millage proposal.

Stearn asked Village Attorney Ryan if residents will be responsible for people slipping and falling on snow and ice on sidewalks that the Village constructs adjacent to their property.

Ryan responded that there has been a change in the law that causes the Village to be primarily responsible for sidewalks in the road right-of-way, which is not to say the property owner would not be joined in a lawsuit.

Stearn stated that he will support this addition to the Pathways Plan and placing a ballot question before the voters at the March Election.

Mooney is in favor of including Evergreen Road in the Plan, which would connect the entire Village. Downey indicated his support to adding Evergreen Road to the Plan.

Harold Milinsky of 32460 Evergreen is opposed to adding Evergreen Road to the Pathways Plan on the basis that it will destroy the beauty of the road. He asked that Council direct the Village Clerk to mail absentee ballots to every senior citizen and home-bound person in the Village so they can vote on the ballot question.

Doug Seymour of 31495 Sleepy Hollow is pleased to see the Pathways Plan progressing for the protection of people walking on these roads. He suggested constructing a pathway using wood chips in lieu of concrete along Evergreen Road.

Tammy Wilms of 32085 Waltham thinks that residents will be asked to vote on financing pathway construction, which is the way the system is supposed to work.

Paul Kleppert of 20855 W. 14 Mile Road referred to the 1997 engineering drawings that detail the placement of a pathway along Evergreen and 14 Mile Roads. He maintains that engineering solutions are available to do this well. It will be a costly piece of pathway, and funding will be a question.

Frank Worrell of 32123 Bellvine Trail does not think the Village can afford to construct a sidewalk along Evergreen Road. He disagreed with the figures presented by the Pathways Committee and suggested asking a cement contractor to provide cost estimates for this segment.

Schmitt expressed the view that pathways on major roads are necessary for safety and recreation and to compete with other communities. It is important to unify the community with this section of pathway. Evergreen Road is the most treacherous stretch of walking in the Village. Schmitt maintains that alternative routes are not used. He thinks that the natural beauty area should be enjoyed while walking, jogging, or pushing a stroller. The liability concern has been addressed by the Village Attorney, who indicated basically that the Village is liable. Schmitt stated that there is public right-of-way along the entire stretch. The Village may want to obtain additional right-of-way in some areas so that the pathway can be relocated to preserve vegetation.

Woodrow commended the Pathways Committee on its work. He noted that cost estimates were obtained from data available on sidewalk construction done in neighboring communities in similar situations. Woodrow thinks that the Evergreen pathway is needed for the safety of people in the community.

Pfeifer stated that all pathways must be handicapped accessible. A soft path would not be viable on Evergreen Road.

Pfeifer related figures on the width of right-of-way on Evergreen Road and traffic counts on that stretch. She maintains that constructing pathways on Evergreen will necessitate acquiring rights-of-way in some sections to locate pathways far enough away from the road. Pfeifer does not think this has been reviewed in enough detail to include it in the plan. She does not think that the cost of constructing a pathway on this segment is acceptable, nor is it prudent to include Evergreen Road pathways in a ballot question.

Roll Call Vote:

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| Domzal | - yes |
| Downey | - yes |
| Mooney | - yes |
| Pfeifer | - no |
| Schmitt | - yes |
| Stearn | - yes |
| Woodrow | - yes |

Motion passed (6 – 1).

Domzal proposes a dedicated millage no greater than 0.33 mil, which does not include maintenance. He does not think Council should incorporate maintenance in a millage for the construction of pathways. Voter approval of the millage will allocate money to a plan, but this amount will not fund the entire plan. Domzal commented that it is possible that grant funds may be available as well as savings associated with contract bids.

Domzal suggests that Council decide at meetings in the next month or two whether or not it accepts the priorities recommended by the Advisory Committee. Council may decide to adjust the priorities. It is important that Council provide a millage proposal that will provide a level of funding that will accomplish much of the plan as adopted.

Domzal recommends that Council not make decisions this evening on issues regarding maintenance, repair, and snow removal on existing sidewalks. There are Village Ordinances that address this. Before the pathway issue goes to the voters in March, Council will need to have a well thought out program dealing with new construction and repairs and snow removal on new and existing pathways. He suggests that Council limit its focus tonight to construction, maintenance, repairs and snow removal on new pathways to be constructed. Modification of existing ordinances could be addressed at an upcoming meeting.

Motion by Domzal, seconded by Stearn.

Resolved to direct the Village Manager and Village Attorney to prepare appropriate ballot language to be submitted to the voters in the March 2003 election, which would provide for a five year dedicated millage in the amount of 0.33 mils to be dedicated solely for the construction of new pathways, subject to the following three conditions: 1) The priority for the expenditure of such funds would be established by this Council; 2) For all new construction, there would be no requirement that the residents adjacent to such pathway would be obligated to maintain it; 3) That the new pathways to be constructed would be considered seasonal pathways with no obligation to adjacent residents to remove snow.

Woodrow commented in favor of a maintenance program.

Pfeifer proposes drafting three ballot questions on the basis that there is risk to the entire effort if all the issues are combined. The ballot questions would be to fund the Pathways Plan as presented at a 0.35 millage rate for five years, to fund maintenance of existing sidewalks at 0.1 mil for five years, and to make Evergreen Road a stand-alone issue.

Stearn stated that Councils have been talking about pathways on major roads for a number of years. It is time to put something on the ballot in March. Stearn thinks that the Village needs to maintain sidewalks on major roads wherever they exist.

Downey believes that there is a strong commitment on Council to address the details of the pathway program at a later meeting with respect to maintenance, repair, and snow removal. He suggests that maintenance not be included in the ballot issue. Downey supports funding the Pathway Plan at a 0.33 mil level. He understands that it does not address every segment of the plan, but it will accomplish a large portion of the plan.

Mooney agrees with not including the 0.1 mil repair portion in the ballot language and addressing that issue separately by the end of the year. She thinks that a dedicated millage of 0.33 mil is a good start and will go farther than anticipated. Hopefully, it is something that the residents will accept and support.

Schmitt stated that he has a problem with the “seasonal path” designation. He thinks sidewalks should be cleared. People on major roads currently have to shovel their snow. Schmitt would like to see two optional ballot proposals drafted for consideration, one with 0.1 mil for maintenance and one without. Schmitt thinks that the Village should be responsible for maintenance of sidewalks.

Domzal feels that there are valid concerns regarding snow removal and maintenance obligations that require thoughtful attention. He suggests that Council move forward on the motion and take up the other issues at a later date.

Council discussed how far 0.33 mil for five years would go towards completion of the Pathways Plan. Spallasso has estimated the cost of the program at approximately \$800,000 without the Evergreen segment. The Pathways Committee indicated a cost estimate of \$1.1 million for the entire project.

Murphy stated that he feels reasonably confident that the Village can accomplish what was originally proposed with the money generated from the dedicated millage. There are potential opportunities for grants to assist with Evergreen Road pathway construction. He added that there are contingencies built into the numbers that may not materialize and other possible savings related to how the contract is written. A self-performing contract would allow the Village to bid out the entire project as one piece in the first year to achieve economies of scale in future years.

Downey commented that the pathway system has to make sense and provide connections, but the Village does not have to complete every piece of the plan. Council is attempting to collect an efficient amount of money.

Art Liberty questioned Village requirements for sidewalk maintenance. He was informed that Village Ordinances addresses sidewalk maintenance. Liberty suggests changing the Ordinance to state that residents are not responsible for clearing sidewalks.

Andy Craig expressed the view that Council should adopt all sidewalks on major roads, which should include Beverly and Pierce Roads. He urges Council to accept responsibility for these pedestrian commuter paths. Craig thinks that pathway maintenance issues should be resolved before the millage proposal goes to the voters.

Bob Walsh commented on the cost estimates presented for the project and questions the accuracy of estimates based on projects undertaken by large communities. He thinks it is confusing that the millage proposal will fund only 65% of the project. Walsh remarked that Council will probably be approaching the voters with a request for operating millage in a year. He thinks Council should look carefully at how the Village is spending its money.

Tammy Wilms questioned the difference between 0.33 mil and 0.45 mil per average household per year. Murphy answered that the approximate difference would be \$24 per year.

Fritz Heuser suggested that Council come up with a plan that is structured so that there is something in it for the majority of the Village in order to gain the support of the community.

Paul Kleppert commented on the figures and cost estimates provided by the Pathways Committee.

Schmitt commented that the motion before Council is to have Village legal counsel draft ballot language. Council is not deciding tonight about pathway maintenance or snow removal. He does not think the designation of “seasonal paths” should be included in the ballot language. That is a policy decision to be made by Council at an upcoming meeting. Schmitt proposed that Council request optional ballot language with regard to maintenance for consideration.

Schmitt questioned the minimum number that will complete the project. Murphy indicated that 0.45 mil for five years would bring in \$1.1 million.

Schmitt offered an amendment to the motion before Council to direct legal counsel to prepare ballot language for a five year dedicated millage in the amount of 0.45 mil for construction of pathways and optional language that would provide 0.45 mil for construction and 0.1 mil for maintenance. The amended motion would not address snow removal.

Domzal, who made the motion, did not accept the amendment.

Mooney commented that the sidewalk repair, maintenance, and snow removal issues will be resolved prior to the election. She questioned why these issues are included in the motion authorizing preparation of ballot language

Domzal agreed with deleting the conditions set forth as part of his motion on the basis that these issues can be dealt with separately. He reiterated his concern to be reasonable with the taxpayers and move forward with a modest proposal. Domzal thinks the Village should stretch and see what can be done with grant funds and through the bidding process to accomplish as much of the program as possible.

Downey proposed that Council discuss policy relative to pathway maintenance and snow removal at a later meeting, possibly the first meeting in November. He mentioned that bids for the Coryell Estates and Hummel drainage and road projects came in roughly 24% under the estimated cost. He noted the 20% contingency cost built into the estimate for the Pathways Plan and opportunities for grants. He thinks the Village can accomplish a large amount of this plan with 0.33 mil.

Ryan reminded Council that five out of seven members must support the ballot language in order for the proposal to proceed.

Motion by Domzal, seconded by Stearn, to amend the motion to strike the language dealing with maintenance and seasonal pathways. The first item would remain indicating that priorities would be established by Council prior to spending the money.

Council discussed the proposed resolution. A suggestion was made that the ballot question specifically refer to the Pathways Plan as adopted on October 7, 2002.

Domzal restated the resolution as follows:

Resolved to direct the Village Manager and Village Attorney to prepare appropriate ballot language to be submitted to the voters in the March, 2003 Election to provide for a five year dedicated millage in the amount of 0.33 mils to be dedicated solely for the construction of pathways with the priority for the spending of funds to be established by Council at a later date.

Vote on amended resolution:

| | |
|---------|-------|
| Downey | - yes |
| Mooney | - yes |
| Pfeifer | - no |
| Schmitt | - no |
| Stearn | - yes |
| Woodrow | - yes |
| Domzal | - yes |

Motion passed (5 – 2).

Stearn proposed a resolution to amend the Pathways Plan to locate the pathway proposed for 13 Mile Road from Lahser to Evergreen from the south side to the north side of the road.

Motion by Stearn, seconded by Woodrow.

Resolved that Pathways Plan of the Village of Beverly Hills dated July 16, 2001 as approved by Council on October 1, 2001 and as further modified by the resolutions adopted by this Council on October 7, 2002 be modified to relocate the pathway segment on Thirteen Mile Road from Lahser to Evergreen from the south side of the road to the north side of the road. Such pathway on the north side of the road would connect from the existing pathway along Thirteen Mile Road east of Lahser to the existing pathway adjacent to Groves High School.

Council discussed the motion.

Residents Fritz Heuser and Dave Shelton asked questions about the sidewalk location, which were addressed by administration. Several residents spoke in favor of locating the 13 Mile Road segment either on the north or south side and stated their reasons. Residents who support sidewalk placement on the south side were Norman Rubin, Sue Plummer, and David Tillman. Andy Craig stated his case for locating the sidewalk on the north side of the road.

Roll Call Vote:

Mooney - no
Pfeifer - no
Schmitt - no
Stearn - yes
Woodrow - yes
Domzal - no
Downey - no

Motion fails (5 – 2).

Motion by Pfeifer, seconded by Schmitt, to direct the Village Attorney to prepare additional ballot language to provide a five year dedicated millage of 0.1 mil for maintenance and repair of existing sidewalks.

Roll Call Vote:

Pfeifer - yes
Schmitt - yes
Stearn - no
Woodrow - no
Domzal - no
Downey - no
Mooney - no

Motion fails (5 – 2).

REVIEW AND CONSIDER PURCHASE OF TWO GARAGE DOORS FOR THE DEPARTMENT OF PUBLIC SAFETY BUILDING

The fiscal year 2002/03 budget contains funds for the replacement of two garage doors that secure storage areas at the west end of the Village carports. Quotes were received on two replacement sectional steel garage doors with the low bid received from Home and Door Products in the amount of \$1,560.00.

Motion by Mooney, seconded by Domzal.

Resolved that the Village of Beverly Hills Council award the purchase of two replacement overhead sectional steel doors to Home and Door Products in the amount of \$1,560. Funds are available for this purchase in Account #101-345-934, Repair & Maintenance Building and Grounds.

Roll Call Vote:

Motion passed (7 – 0).

SECOND READING AND ADOPTION OF ORDINANCE #310 AMENDING MUNICIPAL CODE CHAPTER 43 REGULATION OF ALARM SYSTEMS

SECOND READING AND CONSIDERATION OF ORDINANCE #311 AMENDING CHAPTER 1 SECTION 1.06 PENALTIES OF THE MUNICIPAL CODE

Motion by Mooney, seconded by Stearn, to table agenda items e. and f. until the first Council meeting in November.

Motion passed unanimously.

PUBLIC COMMENTS

Sheila Johnson introduced herself as a candidate for the 46th District Court Judge. She remarked that it is important to her as a District Court Judge to understand the issues of concern to residents in all of the communities served by the Court. She affirmed her commitment to serve open mindedly and fairly.

REPORT - COUNCIL

Schmitt reminded Council of a joint meeting with the Planning Board on Wednesday, October 9 at 7:30 p.m. He invited interested Council members to join him at a Birmingham Youth Assistance breakfast on Thursday, October 10.

Mooney reminded everyone that the Public Safety Open House will be held on Saturday, October 12 from 11 a.m. to 2 p.m.

Downey invited Council to join him and the Village Manager in preparing breakfast for Public Safety Officers at a pancake breakfast at 7:30 a.m. before the Open House.

Motion by Pfeifer, seconded by Schmitt, to adjourn the meeting at 11:58 p.m.

Motion passed (7 – 0).

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary