

Present: Council President Domzal; President Pro-Tem Woodrow; Members: Downey, Koss, McCleary, Pfeifer and Taylor

Absent: None

Also Present: Village Manager, Spallasso
Assistant to the Manager, Pasieka
Public Safety Director, Woodard
Village Clerk, Marshall
Village Attorney, Ryan
Building Official, Byrwa

President Domzal called the meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Pfeifer, second by Woodrow, to approve the agenda as published.

Motion passed.

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

Amarjit Chawney of 32850 Longbow asked that Council consider officially appointing Renzo Spallasso as Village Manager of Beverly Hills, based on his experience with Spallasso over the last ten years.

Chawney, developer of Woods of Turnberry Subdivision on Lahser Road, related that he appeared before Council on June 16, 2003 to explain the circumstances that led him to remove one tree on a building site in the Woods of Turnberry. Chawney had provided a tree preservation easement at the time he developed the property. Following a complaint by a Turnberry resident about removal of the tree, Chawney was directed by the Village building official at the request of the Village Manager to pay a fine of \$5,000 for violation of that tree preservation and maintenance easement agreement.

Chawney stated that the Council President at the time advised him that he was entitled to due process and suggested he contact Village administration in an attempt to resolve the matter. Chawney left two messages for the previous manager during the month of July, and his calls were not returned. An attorney retained by Chawney spoke with Village Attorney Ryan and sent him a letter providing background on this matter. A written response has not been received from Mr. Ryan.

Chawney asked Council how he should proceed. He does not intend to pay \$5,000 for cutting down one tree. It has been his experience as an architect and builder that a tree closer than 15'- 20' to a building site will not survive. He addressed the matter as provided in the tree preservation agreement by planting two or three replacement trees. Chawney questioned why he has not received a proper response or due process from the Village on this matter.

Domzal stated that Mr. Chawney is a respected member of the community, and the Village will forward a response to him.

Norm Downey of 23042 Nottingham commented that he approached Council a month ago and asked questions about an eight percent increase in Village water and sewer rates. He has not heard any discussion of his concerns. Downey restated his findings and questions with respect to increased water rates.

Domzal responded that Council heard his comments on the matter and has indicated that there will be a comprehensive presentation and discussion on water rates at a Council meeting in the near future.

Bob Walsh of 20655 Smallwood Court presented an account of the last Strategic Planning Development Committee meeting held on Tuesday, September 14. He had questions on the selection of individuals for subcommittees created to discuss key strategic issues for the Village. He expressed the view that this committee seems to pose more questions than answers.

Kathleen Berwick of 31381 Kennoway Court commented on traffic problems on Thirteen Mile Road and suggested that the Village consider widening Thirteen Mile Road to four or five lanes.

CONSENT AGENDA

Motion by Pfeifer, second by Taylor, to approve the consent agenda as follows:

- a. Review and consider minutes of a special Council meeting held on August 31, 2004.
- b. Review and consider minutes of a regular Council meeting held on September 7, 2004.
- c. Review and file bills recapped as of Monday, September 20, 2004.

Motion passed (7 - 0).

BUSINESS AGENDA

REVIEW AND CONSIDER 14 MILE ROAD CORRIDOR STUDY

Koss stated that a neighborhood meeting on a Fourteen Mile Road overlay zoning district proposal from the Village Planning Board was held on Monday, September 13 at the Ascension of Christ Lutheran Church at 14 Mile and Pierce. Residents who attended and spoke on this issue made it clear that they were not interested in an overlay district for that section of Fourteen Mile Road.

Motion by Koss, second by Pfeifer.

WHEREAS, the Village Council has considered proposals to provide overlay zoning on a portion of Fourteen Mile Road between Pierce and Greenfield Roads, and

WHEREAS, residents have expressed strong opposition to any overlay zoning changes that would encourage multi-family housing development.

NOW, THEREFORE, BE IT RESOLVED that this Village Council elects to maintain the Zoning Ordinance as currently written regarding the area of Fourteen Mile Road between Pierce and Greenfield Roads.

Taylor commented that he would like to have further discussion and input from the public on a landlord/tenant ordinance.

McCleary agreed with residents who do not want a zoning change along Fourteen Mile Road from Greenfield to Pierce.

Downey stated that he will support the resolution, but does not think that the root cause of poorly maintained property in the northeast portion of the Village has been addressed. He suggested that a zoning overlay district for the study area is an appropriate response that would protect the Village. Downey referred to the condominium dwellings along Southfield Road that were developed by court order because the Village did not have an appropriate multiple zoning classification. People have a genuine concern about high density housing. Downey would like this Council to continue to look for a solution that meets the desires of the residents and the needs of the Village as a whole to maintain the community.

Pfeifer thinks that the overlay district was an attempt on the part of the Planning Board to provide a plan for redevelopment of the area 10-15 years from now. She does not support the end product. The cost of the study was questioned at the neighborhood meeting. Pfeifer asked the Village Finance Director to review invoices received from the planning consultant for expenses occurred for this work over a period of three fiscal years. The Village spent a total of \$5,469.00 on this project.

Woodrow expressed the view that an overlay district is a good idea for this area. It would provide regulations and standards for multiple dwellings in an area that may be redeveloped in 15-20 years. Woodrow did not see the point in voting on a resolution that does not change anything.

Domzal commented that there are factors at play in the marketplace that will have an effect on this area. The message from Council is that it is not proceeding with an overlay district. He will support the resolution as proposed.

Rose McLennan of 19977 Sunnyslope expressed concern as to whether this Council or future Councils can reopen this rezoning issue.

Attorney Ryan responded that the law will not allow anyone to be put out of their house now or anytime in the future unless it is for public use and there is just compensation for that taking. In answer to another comment from McLennan, Ryan stated that this Council is going on record as saying that the process to amend the zoning ordinance is ended. However, any Council in the future can amend the zoning ordinance through legitimate governmental due

process. The procedures for amending a zoning ordinance include a public hearing at the Planning Board level, a Council public hearing, and two readings of a zoning ordinance amendment. No one is guaranteed that the Village ordinances are going to stay the way they are.

Mark Melendy of 16905 Kinross hopes that the people in the area will now feel secure enough to be able to maintain their homes without the threat of high density development.

Bunker Kelly of 21526 Corsaut commended the people who attended the public meeting last Monday to express their concerns about the Fourteen Mile Road overlay district proposal. He thinks that members of Council should listen to their concerns and consider that people's lives have been in a state of limbo without knowing the future status of their property. Kelly does not think it makes sense for the Village to spend its resources to make it convenient for a developer to build multiple dwellings.

Frank Worrell of 32123 Bellvine Trail stated that he reviewed invoices from the planning consultant relative to the 14 Mile Road study in September of 2002 and can provide copies to Council.

Roll Call Vote:

Taylor	- yes
Woodrow	- no
Domzal	- yes
Downey	- yes
Koss	- yes
McCleary	- yes
Pfeifer	- yes

Motion passed (6 – 1).

REVIEW TRAFFIC LIGHT AT SOUTHFIELD AND DUNBLAINE

McCleary stated that removal of the traffic signal at Southfield and Dunblaine during the Acacia Relief sewer construction led to 600 residents signing a petition asking that the signal be reinstated. This was a topic of discussion at the September 9, 2004 Council meeting. There was also concern expressed at that meeting relative to the speed of traffic on Southfield Road and safe pedestrian crossings.

Motion by McCleary, second by Pfeifer.

WHEREAS, the Oakland County Road Commission, based upon a study they conducted, removed the traffic signal at Southfield Road and Dunblaine, and

WHEREAS, residents in the local neighborhoods have objected to such removal, citing concerns regarding potential pedestrian safety concerns and vehicular safety, and

WHEREAS, the Village Council supports the restoration of the traffic light, contingent upon such safety concerns being adequately addressed, in accordance with the following.

NOW, THEREFORE, BE IT RESOLVED, that the Village Council supports the restoration of a traffic signal of the type deemed appropriate by the Oakland County Road Commission, subject to the following conditions:

- (i) Oakland County Road Commission is requested to review concerns as to the timing of traffic lights on Southfield Road between 13 and 14 Mile Roads, such that vehicular safety may be enhanced.
- (ii) Oakland County Road Commission is requested to review concerns that the current 45 miles per hour speed limit is excessive.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be forwarded to the Oakland County Road Commission and posted on the Village web site.

Spallasso stated that he has had conversations with Road Commission officials. It is his impression that it is not going to be difficult to reinstate the light, although the RCOC has to go through its established procedures.

Koss expressed support of the resolution. Pfeifer suggested that consideration be given to a reduction in the speed limit along that portion of Southfield Road and to additional signage designating the school crossing at Beverly and Southfield Roads.

Woodrow believes that the report and findings of the Traffic Improvement Association (TIA) study referenced at the last Council meeting was flawed. He stated that he will not be convinced that there is a need for a light at this intersection until a traffic study is conducted at Southfield and Dunblaine. He will support a traffic signal, sidewalk, or crosswalk if a study warrants that they are needed for safety purposes.

Taylor will support the will of the people on this matter. He thinks that there may be other means of traffic control that should be considered to address speed and pedestrian safety at this intersection. He would like to see a comprehensive traffic safety study done.

Downey suggested that the Village's policies and procedures manual should include a policy that requires area residents to be notified when action is contemplated that will affect them, such as the removal of the traffic signal at Southfield and Dunblaine. Downey believes that safety is the major issue. He commented that the Traffic Improvement Association (TIA) is an organization that judges the safety and control of traffic. He supports the Road Commission making a decision that offers the safest choice for Beverly Hills residents and those who pass through the Village.

Domzal commented on the high amount of public interest in this issue, noting that he has received about 60 e-mails on the topic. He will support the resolution, but believes that restoring the conditions to the way they were a few months ago is not a good option. People have raised a number of problems related to the safety of the crosswalk and timing of the lights. He thinks that the Road Commission should take an overall view of safety in the area including traffic speed and timing of lights. If the traffic signal is restored, Domzal would encourage area residents to install crosswalks for pedestrian safety, possibly with financing from the homeowner associations.

The public is invited to attend a meeting of the Road Commission of Oakland County on Thursday, September 23 to discuss this intersection.

Dick Maxwell of 18701 Walmer Lane questioned whether the Dunblaine intersection is a school crossing for Our Lady Queen of Martyrs. Spallasso responded that Beverly and Southfield is an official school crossing with a designated crossing guard. Maxwell suggested lowering the speed limit and enforcing it.

Sharon Tischler of 21415 Virmar Court stated that the Dunblaine light has operated very infrequently. She questioned the feasibility of lowering the speed limit on a five lane road from 45 to 35 miles per hour. She suggests increased enforcement of the 45 MPH speed limit by the Public Safety Department.

Rose McLennan commented that a 1965 traffic study warranted a traffic signal at Dunblaine and Southfield Roads. Considering that there is more traffic today, she thinks that the traffic light should be reinstalled.

Pete Walker of 17928 Dunblaine commented that he is neutral on the need for the traffic signal but thinks that the speed limit should be lowered in this area of Southfield Road.

Hildreth Buterbaugh of 18171 Dunblaine asked that the resolution be sent to the RCOC prior to its Thursday meeting if it is passed by Council tonight. He commented that he has spent some time observing the situation at Southfield and Dunblaine. He remarked that the lights have never been timed properly for crossing Southfield Road. His main concern is safety for both cars and pedestrians. Buterbaugh thanked Council for listening to the public and addressing their concerns relative to this traffic signal.

Bob Daykin of 18245 Buckingham is convinced that his family is safer with the Southfield/Dunblaine traffic signal in place. The crossing guard who has been crossing children at the Southfield and Beverly intersection for the past 16 years was present at the last meeting and urged that the light be reinstalled. Six hundred people signed a petition asking for the return of the signal. There are traffic safety concerns that can and should be addressed jointly by the Village, the Road Commission, and public safety working together. The first step should be restoring the Dunblaine light.

Roll Call Vote:

Woodrow - no
Domzal - yes
Downey - yes
Koss - yes
McCleary - yes
Pfeifer - yes
Taylor - yes

Motion passed (6 – 1).

REVIEW AND CONSIDER TRAFFIC CONTROL ORDER #227-NP-04

In response to a request from area residents, the Village erected “no parking” signs on Pierce to relieve a problem with Our Lady Queen of Martyrs parishioners using neighborhood streets for overflow parking during church services.

Motion by McCleary, second by Woodrow, to permanently adopt Traffic Control Order No. 277-NP-04 prohibiting parking at the following locations:

West side of Pierce between Dunblaine and Kinross Saturday 4 pm to 7 pm and Sunday 7 am to 2pm

West side of Pierce between Kinross and Locherbie Saturday 4 pm to 7 pm and Sunday 7 am to 2pm

Council members voiced support of the “no parking” signs at these locations on Pierce.

Mark Melendy of 16905 Kinross stated that he appreciates the work of Renzo Spallasso, Council, and the Public Safety Department on installation of these signs.

Jill Sickels of 17171 Kinross urged Council to take action to make these signs permanent for the safety of area residents.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER REAPPOINTMENT OF SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY REPRESENTATIVE AND ALTERNATE

Action is required to appoint a new representative and alternate to the SOCRRA Board due to the resignation of Brian Murphy as Village Manager.

Motion by Woodrow, second by Taylor, to appoint Renzo Spallasso as representative and Stan Pasieka as alternate to represent the Village of Beverly Hills on the Board of Trustees of the Southeastern Oakland County Resource Recovery Authority for the remainder of the July 1, 2004/05 fiscal year.

Motion passed (7 -0).

REVIEW AND CONSIDER REAPPOINTMENT OF SOUTHEASTERN OAKLAND COUNTY WATER AUTHORITY ALTERNATE

Action is required to appoint a new alternate representative to the SOCWA Board due to the resignation of Brian Murphy as Village Manager. Renzo Spallasso was previously appointed as the Village's representative to the SOCWA Board.

Motion by Woodrow, second by McCleary, to appoint Bob Wiszowaty as alternate to represent the Village of Beverly Hills on the Board of Trustees of the Southeastern Oakland County Water Authority for the remainder of the July 1, 2004/2005 fiscal year.

Motion passed (7 – 0).

REPORTS – MANAGER

Spallasso commented that the Village auditors from Plante & Moran have been in the office preparing the annual audit report. It is expected that the audit report will be presented to Council at its second meeting in October.

The Village offices will be closed tomorrow afternoon for an in-house employee training session.

COUNCIL

Downey reported that the Personnel Committee met on September 8, 2004 to review the Public Safety Department Operational Review dated August, 2004. Director Woodard is preparing a report to Council outlining a comprehensive implementation plan. The Committee also conducted an exit interview of Brian Murphy at that time. Murphy emphasized the need to improve communication with Village residents and to involve them in effectively addressing vital community issues.

Downey congratulated Larry Ruehlen on his promotion to editor of the Bloomfield edition of the Observer & Eccentric newspaper. He has done a professional job of reporting on Beverly Hills for a number of years. Downey wished him success in the future.

Downey informed residents of an organization called the Michigan Citizen Corps, a group that brings people together to participate in making their communities safer, stronger, and better prepared for preventing and handling threats of terrorism, crime, and disasters of all kinds. He mentioned that there is a 20-hour Community Emergency Response Team (CERT) training course offered to residents through Oakland County, which is funded by the Department of Homeland Security and the Federal Emergency Management Agency.

Koss reported that the Strategic Planning Development Committee met last Tuesday at which time subcommittees were selected to delve into key strategic issues for the Village. Citizen volunteers have been added to these ad hoc groups by the DESC facilitators. Koss stated that she would be happy to discuss the selection process and eligibility guidelines for Village boards and standing committees with interested parties after the meeting.

Pfeifer stated that the Birmingham Area Cable Board will meet in this chamber tomorrow morning, September 22, at 7:45 a.m. She mentioned that the Birmingham Area Seniors Coordinating Council is currently involved in a strategic planning process.

Domzal commented that he is taking the SMART bus to his office downtown. He thanked residents for supporting the SMART transit system.

Motion by McCleary, second by Taylor, to adjourn the meeting at 9:10 p.m.

Motion passed.

Dave Domzal
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary