

Present: President Stearn; President Pro-Tem Pfeifer; Members: Berndt, Koss, Oen, Peddie and Woodrow

Absent: None

Also Present: Manager, Spallasso
Assistant Manager/Clerk, Marshall
Village Attorney, Ryan
Building Official, Byrwa
Director of Public Safety, Woodard

President Stearn called the Council 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 Koss, to approve the agenda as published.

Motion passed (7 – 0).

PUBLIC COMMENTS

Marcia Gershenson, Oakland County Commissioner representing District 17, announced new County programs. The County offers a foreclosure seminar that provides housing counselors and presents budgeting advice. Southfield Township can contact the County if there is interest in hosting the program.

Gershenson attended a recent meeting on legislation to eliminate townships. She has learned that there is a fiscal study being conducted on the value of villages and cities becoming independent and not part of a township. Recommendations will be forthcoming when that report is completed. Gershenson has asked to be kept advised on this important issue because she represents three townships.

A small business opportunity in technology program will be offered at Lawrence Tech on August 21 focusing on new technology trends in business. The County has instituted a program whereby they train officers on how to deal with issues related to mental health. The Beverly Hills Public Safety Department has used this training program twice. The Michigan Senior Olympics are going on with information available at www.michiganseniorolympics.com.

Gershenson reported that the anti-bullying program in Oakland County schools was eliminated when grant funding ceased. After much debate, Oakland Intermediate Schools picked up the program. Interested schools will have to request the program. Gershenson reminded Council of the County's Capital and Cooperative Initiatives Revolving Fund that offers funding to municipalities that conduct studies involving partnering with another community for services. There will be recommendations in the 2008 state budget in terms of sharing services.

Karen Greening of 16906 Georgina stated that her dog was involved in a dog attack on July 23. She and her husband expressed gratitude to the good Samaritans of Beverly Hills and the Police

Department who helped to save their dog. It was a traumatic incident for everyone, and Greening expressed her condolences to Christopher Glime and his family for the loss of their dog.

CONSENT AGENDA

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

- a. Review/consider approval of minutes of a regular Council meeting held July 17, 2007.
- b. Review and file bills recapped as of Monday, July 23, 2007.
- c. Review and file bills recapped as of Monday, August 6, 2007.

Motion passed (7 – 0).

BUSINESS AGENDA

PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING AMENDMENTS TO THE ZONING ORDINANCE REGARDING REZONING AREAS EAST OF SOUTHFIELD ROAD

Ron Berndt, Council liaison to the Planning Board, provided background information and an explanation of the proposed Zoning Ordinance amendments. The Village Planning Board has been conducting a neighborhood lot and housing study in the easternmost section of Beverly Hills, east of Southfield Road between 13 and 14 Mile Roads, with the intent of reducing the amount of non-conforming lots in those neighborhoods. He referred to a zoning map of the eastern square mile of the Village as it exists today. These lots were platted and developed prior to the enactment of the Village Zoning Ordinance in 1959 and are considered to be legal nonconforming lots in terms of not meeting the requirements of the zoning ordinance.

Berndt referred to a zoning map of the same area that designates nonconforming lots in the study area in terms of lot width and lot area. Nonconforming means that the structure on the property does not conform to present zoning restrictions. The large amount of nonconforming properties results in variance requests coming before the Village Zoning Board of Appeals from residents who want to modernize and expand their older homes. The Planning Board's goal was to encourage a more orderly renovation of the older housing stock in this particular part of the community without the need for a variance from the ordinance in every case. Berndt commented that case law shows that a variance that is granted by the ZBA can be overturned if the case does not represent a problem that is unique to the surrounding area and the decision is challenged.

It was estimated that 70%-80% of the properties in this section of the Village do not conform to existing ordinance requirements for the zoning district in terms of lot area, lot width, and side yard setbacks. Typical nonconformity in a community is about ten percent. Berndt reviewed side setback requirements in the current R-2 zoned district compared to the actual setbacks of many of the developed lots in the district.

The Planning Board through its study of plat maps and aerial photography analyzed existing conditions in the study area. They found that side yards throughout the east side of the village were five 5' and 10' in lieu of the minimum requirements of 12.5' and 17.5', with even smaller side yard setbacks in the R-3 area. The zoning regulations do not match the development patterns or the neighborhood character for this part of the community. An attempt was made to arrive at zoning districts and minimum requirements that made sense based on the existing

neighborhoods. The intent of the zoning changes are 1) to reduce the amount of nonconformity in the easternmost section of the Village; 2) to reduce the number of ZBA requests for side yard setback variances related to the modernization of older homes; and 3) to protect and preserve the established character of the neighborhoods in the study area.

Homeowners in this area who decide to remodel their homes to accommodate a modern family are likely to need a variance from the Zoning Ordinance to extend further into the side setback area. The Zoning Board of Appeals has exercised its discretion in generously stretching the limits of the law, but there are people who do not want to go before the Board for a variance. People may move out of the Village to find a home that meets reasonable expectations, which may change the nature of our community. Berndt contends that allowing reasonable improvements of property to bring homes up-to-date seems to be in keeping with maintaining the character of the neighborhood.

Berndt referred to the recommended zoning map that displays the proposed R-3 zoning district, R-2A district, and R-2B district. It does not solve all the nonconforming lot issues, but it identifies unique areas of the neighborhood by their characteristics; it changes the zoning requirements to be in accordance with the way that property was originally developed. The schedule of regulations is proposed to be amended so that the redefined zoning districts would allow side yard setbacks in accordance with what actually exists.

Berndt emphasized that lots west of Southfield Road would not be affected by this proposed zoning change. The Village Council authorized the Planning Board to conduct a neighborhood lot and housing study on the easternmost section of Beverly Hills. The proposed Zoning Ordinance Amendment language that Council will consider incorporates the zoning changes designated on the recommended zoning map.

President Stearn thanked the Planning Board for its hard work on this proposal and noted that the Planning Board has held two public hearings on the proposed zoning changes. Board chairperson David Jensen is present to help answer questions along with building official Dave Byrwa.

Stearn declared the public hearing open at 8:02 p.m. A show of hands indicated that the majority of people in the Council chamber were present with an interest in the proposed zoning ordinance amendments.

Sharon Tischler of 21415 Virmar Court informed Council that the notice published in the Eccentric newspaper advertising the hearing on the proposed Zoning Ordinance Amendments was incomplete in terms of the last bullet under Section 22.24, which should have indicated the minimal dimensional requirements of the R-2B zoning district. Tischler referred to the recommended zoning map and questioned whether there are instances of spot zoning. Berndt responded that the colored lots Tischler referred to represent lots that would remain nonconforming in terms of lot width or area after the zoning change.

Gail Gravenstreter of 15965 Fourteen Mile Road recalled a past overlay zoning district study of property along Fourteen Mile Road. Stearn affirmed that the proposal for an overlay district in that area was dropped. The proposed ordinance amendments do not relate to a rezoning proposal that would allow multiple dwellings.

Edward Toth of 17500 Kirkshire questioned the need to rezone 1600 homes in the Village when the properties on the east side were built in conformity with the law in effect at the time. After the houses were built, the Village Zoning Ordinance was adopted, which deemed that property to be nonconforming. He asserted that the nonconforming status of those lots does not negatively impact the value of the homes.

Despite the fact that the aging housing stock east of Southfield has many nonconformities, Toth stated the facts show that the properties east of Southfield are the most valuable property in the Village of Beverly Hills on a per square foot basis and maintain their values better than other property in the Village according to the annual report from the Currier team at RE/MAX realtors. The alleged nonconformities do not diminish the value of these properties.

There are houses between Southfield Road and Bates that are currently zoned R-2, and there are houses west of Southfield Road on Beverly Road and Devonshire that are zoned R-2. These properties have the same size lots, lot widths, and setbacks. Toth did not think that there was a reason why properties with the same physical attributes should be zoned differently.

Lawrence Needham of 15588 Kirkshire commented that there have been different zoning maps and charts showing current and proposed restrictions distributed over recent weeks. He had issues with the accuracy of zoning maps on display. Needham expressed concern about fire danger in terms of allowing five foot side yard setbacks, which could result in only 10 feet between homes. He believed that the downgraded standard will put residents at risk. Needham did not think that the proposed rezoning is beneficial to the community. He was convinced that the new zoning would allow increased population density in East Beverly and overtax the infrastructure.

Ed Williams of 16140 Reedmere questioned the accuracy of the maps displayed, noting that his lot exceeds 60 feet. He asked that any rezoning change made to East Beverly be made to West Beverly so that it is fair for both sides of the street.

Ann O'Connell of 17500 Kirkshire questioned the accuracy of the zoning map showing nonconforming lots. She noted that the map does not indicate nonconforming side setbacks, only lot width and area nonconformities. She offered kudos to the Planning Board and the planning consultant for their work on this project, but pointed out flaws in the proposal. She does not think that there has been a good public discussion of the proposal or proper notice of a hearing on an issue that will affect the value of many people's biggest financial asset. O'Connell stated that a direct mailing to each affected resident would be proper notice in lieu of an advertisement in the Birmingham Eccentric newspaper. She pointed out inconsistencies in the published notice advertising tonight's public hearing.

O'Connell commented on the Planning Board's deliberations and recommendation not to change the R-2 zoning district that extends west of Southfield Road. She maintains that a consequence of the rezoning proposal will be increased density. She displayed drawings that depict what she believes could happen in terms of increasing density under the new zoning requirements in the R-3 and R-2A districts. O'Connell suggested that a solution to the nonconformity issue may just be a relaxation of the side setbacks to encourage people to remodel their homes.

Stearn expressed concern as to whether there was proper notification of affected residents. Byrwa remarked that State law requires that a proposed ordinance amendment be advertised in the local newspaper of general circulation. The Village also posted notice of the hearing and supporting documents on the Village web site and included an article and maps in the last Villager quarterly newsletter mailed to each household.

Byrwa stated that there is an ordinance provision that would prevent people from buying multiple lots and constructing more homes than would be allowed under the current zoning ordinance restrictions. Ordinance Section 23.16, Land Division Regulations, includes a paragraph entitled *Character of Surrounding Development*, which states, in part: “In evaluating character of surrounding development, the Planning Board and Village Council shall consider the size, dimensions, and proportions of existing surrounding parcels. The Village Council shall not approve a division of land resulting in a parcel which has a land area less than the average land area of all land parcels of a like zoning classification located within the Village within 500 feet of any portion of the proposed division”.

Byrwa added that the Village Master Plan states that 80% of the houses in the Village were built between 1940 and 1970, and that most households are in need of major remodeling every 30 years. The attempt has been to reduce the nonconforming status of much of the older housing stock on the east side of the Village and encourage redevelopment of property.

Stearn clarified that there will not be vote on this ordinance tonight. There must be a first and second reading before an ordinance is adopted.

Pat Westerlund of 18540 Devonshire commended the Planning Board for studying that area of the Village and providing some direction. He thinks that there is a need to look at the housing stock and to consider the way people live today. The Planning Board considered ways to increase the ability of people to improve their homes by proposing new zoning regulations.

Westerlund commented on the topic of rezoning R-2 properties west of Southfield Road. Those lots were deemed R-2 in the past for the reason of their similarity to the other R-2 district east of Southfield Road. He hopes that Council looks at other zoning districts in the Village that warrant consideration in terms of nonconformities. An attempt to limit nonconforming lots throughout the Village is a good thing and affects the community at large in a positive way.

Kay Michael of 15767 Kirkshire remarked that she appreciated that the Planning Board listened to concerns raised by residents at prior public hearings and made changes to the zoning ordinance amendment. As a result, she is in support of the R-2A zoning proposed for Kirkshire because it matches the structures presently constructed on those lots. She thinks the Village needs to work on the R-3 zoning district, particularly in terms of allowing five foot setbacks on both sides. Driveway placement should be a concern and protective restrictions considered so that a garage does not dominate the lot frontage.

Bob Walsh of 20655 Smallwood Court commented that the premise on which this rezoning proposal is based was the idea that the Zoning Board was overwhelmed by requests from residents for variances for side and rear yard setbacks to improve their homes. Walsh stated that the record indicates that the ZBA averaged one case of this type per month for the last four or

five years. Walsh mentioned that there were discrepancies in the July 15 public hearing notice. He added that the rezoning proposal is affecting areas west of Southfield Road, which was not the scope of this project. He thought that the entire proposal was flawed and required more review and clarification.

David Jensen of 31130 Stafford, Planning Board member for nine years and chair for the last seven years, commented on how the Council and Planning Board got to the point of conducting a study of east side neighborhoods where there are a large number of nonconforming lots. The Village ordinance says that a nonconforming lot can exist as it is. However, the ordinance does not encourage the expansion of nonconformity. That means that a person is not encouraged to build onto his house. It was determined that the nonconforming lot designation was unfair. Before a homeowner can remodel or construct an addition to their home, they are required to go before the ZBA and request a variance from the ordinance. The applicant has to demonstrate a hardship and present a case based on their problem being unique to the area and not self-imposed. It was unreasonable to have 75%-80% nonconforming homes in an area. The Planning Board set out to create a standard of conformity within limits that were reasonable and more consistent with the rest of the Village.

Bunker Kelly of 21526 Corsaut talked about deficiencies in the notification of public hearing that appeared in the Villager newsletter and noted that information was not posted on the Village web site until last week. Kelly agreed that residents should have setback relief so that they can improve their homes unencumbered. He maintained that setback relief and lot size reductions are separate issues and suggested that existing nonconforming lots based on lot size should be grandfathered in lieu of a zoning change. Kelly was concerned that a consequence of the proposed zoning changes would be to encourage higher density and cause an adverse affect on the infrastructure. He asked why there are no safeguards to prevent “big foot” housing.

Tim Mercer of 17400 Locherbie commented that he received an unsigned flyer at his home notifying residents of the public hearing. He urged Council to adopt the proposed zoning changes. The Planning Board has worked diligently to study and help alleviate many nonconformities on the east side of the Village. Mercer attended most of the Planning Board meetings and learned how and why the decisions were made and why they made the most sense. No new issues have been raised tonight that were not considered by the Planning Board. Unless other streams of revenue can be realized, Proposal A coupled with the Headlee Amendment will continue to challenge the Village to maintain the current level of services without increasing taxes or cutting services. A voluntary stream of revenue is possible through home remodeling and renovation. These proposed zoning changes will make it easier for homeowners to remodel, which will translate into an increase in property values.

No one else wished to be heard; the public hearing was closed at 9:13 p.m. Stearn thanked everyone for attending the meeting.

REVIEW AND CONSIDER PREPARING NEW ORDINANCE FOR THE AREAS EAST OF SOUTHFIELD ROAD

Stearn proposed that Council hold a first reading of this ordinance at a future meeting. Ryan will provide Council with an attorney/client privileged memo prior to the next meeting addressing

issues raised including the legality of the notice of public hearing on the Zoning Ordinance Amendment.

Stearn proposed mailing letters to the property owners who are affected by the proposed zoning changes to notify them of a first reading of the ordinance amendment. The notice should include specific information on the content and intent of the ordinance. A larger venue may be required for the first reading of this ordinance.

Berndt stated that the new Zoning Enabling Act refers to conveying the intent and purpose of an ordinance and not the specifics. Pfeifer noted that the draft ordinance distributed as part of the material for this agenda item does not include maximum coverage percentages.

Ryan clarified that the ordinance language before Council is a draft prepared by the planning consultant for discussion purposes only. The agenda item tonight provided an opportunity for Council to authorize the Village attorney to prepare a draft ordinance for Council consideration and first reading. The purpose of tonight's hearing was to discuss with the public the proposed zoning changes to create new zoning districts (R-2A, R-2B, and R-3). Graphics were displayed and distributed to illustrate the proposal; the enabling ordinance language has not been authorized.

Motion by Berndt, second by Pfeifer, to authorize the Village Attorney to prepare a draft ordinance to Amend Chapter 22 of the Municipal Code of the Village to reflect the zoning changes being consideration.

Motion passed (7 – 0).

This will be an agenda item for the September 18, 2007 Council meeting. Notices of the meeting will be sent to residents affected by the proposed zoning ordinance amendment. Consideration will be given to moving the meeting to a larger venue to accommodate a large number of people.

PUBLIC HEARING ON REQUEST FROM APOSTOLIC CHRISTIAN CHURCH, 19400 W. 13 MILE ROAD, FOR SITE PLAN AND SPECIAL USE APPROVAL FOR CONSTRUCTION OF NEW FELLOWSHIP HALL AND VARIOUS SITE IMPROVEMENTS

Berndt reported that the Village Planning Board has reviewed the proposal and recommends approval of the site plan and special use approval for construction of a new fellowship hall and various site improvements for Beverly Hills Apostolic Christian Church at 19400 W. Thirteen Mile Road.

Architect and church member Slobodan Varga displayed a rendering of the proposal for construction of a new fellowship hall. The project includes tearing down the existing house, redesigning and paving the existing driveway and parking lot, and adding landscaping. The existing storage shed will be rebuilt and relocated on the site.

Stearn opened the public hearing at 9:26 p.m.

Bob Walsh of 20655 Smallwood Court stated that the agenda indicates an incorrect address for the church property.

David Tyrrell of 31133 W. Chelton stated that the back of his property abuts the parking lot of the church. He reviewed the plans for the fellowship hall construction about a month ago. There is a garage structure that will be built close to his property line, which he asked to be relocated where it would not be as close to a residential dwelling.

Varga stated that the structure is a small accessory outbuilding to replace the current structure that is in a state of disrepair. The existing outbuilding is located closer to 13 Mile Road. It is proposed to build a brick structure of similar size and scale and locate it further to the north in order to provide flexibility in the event that the church requires an addition in the future. There is existing vegetation and additional plantings proposed to be added along the east side of the property.

Byrwa stated that the Planning Board conducted two reviews of the site, which included the accessory building. The drawing before Council is the third revision, which incorporates items requested by the Planning Board. The landscaping architect on the Planning Board made suggestions that were incorporated into the plans to add landscaping to provide additional screening for residential property.

Varga stated that the church will be reducing the size of its parking lot and moving it further away from the property line. Church representatives are willing to work with the resident in terms of providing additional landscaping. They added more evergreen trees based on a request from the Planning Board.

No one else wished to be heard; therefore, the public hearing was closed at 9:36 p.m.

REVIEW AND CONSIDER REQUEST FROM APOSTOLIC CHRISTIAN CHURCH FOR SITE PLAN AND SPECIAL USE APPROVAL

Stearn suggested postponing approval of the site plan and special use to provide Council with an opportunity to receive and review Planning Board meeting minutes of May 23 and June 27, which outline its review of the proposal. Koss commented that the minutes of these meetings were included in the last Council packet.

Pfeifer remarked that the Planning Board conducted a public hearing and two reviews of the site plan for this addition. The Planning Board has forwarded a recommendation that Council approve the site plan and special use for this site. The church representative is willing to work with the neighbor. She sees no reason to ask the applicant to wait another month.

Berndt remarked that the petitioners have complied with all the requests of the Planning Board. He noted that an outbuilding could be located five feet from the property line if this site was a residential property.

Motion by Berndt, second by Koss, to approve the site plan dated 7/27/07 for Beverly Hills Apostolic Christian Church to construct an addition for a new fellowship hall at 19400 W. Thirteen Mile Road.

Ayes - Berndt, Koss, Oen, Peddie, Pfeifer, Woodrow
Nays – Stearn

Motion passed (6 – 1).

Motion by Berndt, second by Pfeifer, to grant special use approval for Beverly Hills Apostolic Christian Church to construct an addition for a new fellowship hall at 19400 W. Thirteen Mile Road.

Ayes – Berndt, Koss, Oen, Peddie, Pfeifer, Woodrow
Nays – Stearn

Motion passed (6 – 1).

REFER THE REQUEST FROM DETROIT COUNTRY DAY SCHOOL TO THE PLANNING BOARD FOR SITE PLAN AND SPECIAL USE APPROVAL

Berndt stated that the Village has received a request from Detroit Country Day School for special use approval and site plan approval for a two-story gymnasium addition to the existing three-story Middle School. This request was referred to the Planning Board for review and recommendation to Council.

Sharon Tischler of 21415 Virmar Court commented that the published agenda does not refer to the nature of the site plan or special use approval application.

REVIEW AND CONSIDER 2008 COUNCIL MEETING DATES

Council is in receipt of a proposed list of meeting dates for 2008 from Assistant Manager/Clerk Marshall. Because January 1, 2008 is the first Tuesday of the month, it is suggested that the first meeting in January be moved to Wednesday, January 2.

In November of 2008, the presidential election falls on the first Tuesday, November 4. Council can decide whether to hold the first meeting of November on election day or on Monday or Wednesday of that week. With respect to swearing in the new Council, Section 3.5 of the Village Charter states “All terms shall commence the next Tuesday following the scheduled election.” It will be necessary to call a special Council meeting on Veteran’s Day, Tuesday, November 11 to swear in the new Council and select a Council President and President Pro-Tem.

Administration’s recommendation would be to review the Charter language and consider a Charter amendment to Section 3.5, asking voters to revise the above sentence to read, “All terms shall commence the next regular Council meeting following the election”. This would eliminate the need to hold a special meeting where no regular business is conducted except for swearing in new members and election of officers.

Motion by Oen, second by Peddie, to change the first Council meeting in January of 2008 from Tuesday, January 1 to Wednesday, January 2.

Motion passed (7 – 0).

Motion by Oen, second by Woodrow, to move the first meeting in November of 2008 to Monday, November 3.

Council discussed whether to hold the Council meeting on election day. Southfield Township Clerk Sharon Tischler commented that Tuesday will be a busy day for those people seeking re-election to Council. She mentioned that she has used the Council chamber as an absent voter counting facility on election day. If Council chooses to meet on election day, the AV Counting Board could meet at a church facility.

Ayes – Berndt, Koss, Oen, Peddie, Stearn, Woodrow

Nays – Pfeifer

Motion passed (6 – 1).

Ryan disagreed with the recommendation for a Charter Amendment and proposed that Council set an organizational meeting date of November 12 in lieu of meeting on Veteran's Day. This would allow Council to meet before their first official meeting to be sworn in and elect officers. The terms of office start the Tuesday after the election, which would exclude a meeting on Monday, November 10.

Motion by Pfeifer, second by Koss, to change the organizational meeting of Council from Tuesday, November 11 (Veteran's Day) to Wednesday, November 12.

Motion passed (7 – 0).

REVIEW AND CONSIDER APPLICATION FOR SMART FISCAL YEAR 2008 MUNICIPAL AND COMMUNITY CREDIT AGREEMENT

Before Council for consideration is the contract from the Suburban Mobility Authority for Regional Transportation (SMART) for financial assistance to support public transportation programs in Beverly Hills. This contract is for fiscal year 2008 (July 1, 2007 through June 30, 2008).

The amount of funding available to the Village from the SMART program is \$24,022 allocated under two separate programs, the Municipal Credit Program in the amount of \$9,833 and the Community Credit Program in the amount of \$14,189. Council will consider action authorizing the Village to enter into a contract with SMART to accept the funds and allocate them in accordance with the terms of the contract. The funds are proposed to be allocated to the Birmingham Area Seniors Coordinating Council (BASCC) to be used for transportation related services.

The amount of funding available to Beverly Hills through the Municipal Credit Program is \$9,833, the same as last year. It is recommended that \$2,499 be designated to the BASCC transportation program and \$7,334 be allocated to the SMART Connector and Dial-A-Ride services (\$3,667 is mandatory for SMART Connector & Dial-A-Ride).

The amount of funding available to the Village through the Community Credit Program is \$14,189. This amount has increased due to a new policy implemented by the SMART Board of Directors. Community credits will automatically increase by at least the rate of inflation each

succeeding year beginning FY 2006. It is recommended that this entire amount be allocated to BASCC for its transportation program. This brings the total allocation for BASCC up to \$16,688.00. BASCC uses this money for operation, maintenance and repair expenses as well as wages for its Senior Citizen Van Program. BASCC estimates that its annual costs for operating the Van Program are \$108,877, and their current records indicate that 35% of their van users are Beverly Hills residents.

Motion by Pfeifer, second by Woodrow, to authorize the Village Manager to enter into a Municipal Credit and Community Credit Contract for program year 2008 between the Suburban Mobility Authority for Regional Transportation (SMART) and the Village of Beverly Hills under which contract the Village would accept \$9,833 in Municipal Credits and \$14,189 in Community Credits to be allocated as set forth in the contract. For the amount of funding that will be allocated to the Birmingham Area Seniors Coordinating Council, BASCC will provide the appropriate insurance coverage as required by SMART.

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

REVIEW AND CONSIDER PROPOSAL FOR PAINTING PARKING LINES AND BASKETBALL COURT LINES AT BEVERLY PARK

Oen stated that the Village went out for bids on July 24, 2007 for re-stripping the parking lot at Beverly Park and painting the regulation lines on the basketball court. Only one bid was received in the amount of \$1,283 for this work. Oen noted that there were 44 hits on the web site subscribed to by the Village that reaches contractors interested in bidding on projects (MITN – Michigan Intergovernmental Trade Network).

Motion by Oen, second by Pfeifer, that the Village Council award the bid for painting parking lines on the parking lot of Beverly Park and painting regulation playing lines on the basketball court in the park to B & J Parking Lot Maintenance at a cost of \$1,283.00. Funds are available from account #101-440-778.03 (R&M Park).

Questions regarding the lack of bids, the web site used by the Village, and previous methods for obtaining quotes were addressed by Spallasso. He commented that the lack of bids can be explained by the small size of the job, which larger companies are not interested in pursuing.

Woodrow thought that the price quoted for the project was high. He questioned whether seal coating the parking lot in Beverly Park or another municipal area could be done in conjunction with this work to increase the number of bids and reduce the cost of the re-stripping work.

Roll Call Vote:
Woodrow - no
Berndt - no
Koss - no
Oen - yes
Peddie - no
Pfeifer - yes

Stearn - no
Motion fails (5 – 2).

Council rejected the sole bid for this project and asked administration for an analysis of how soon the parking lot in Beverly Park or another municipal surface will need seal coating.

REVIEW AND CONSIDER AUTHORIZING ADMINISTRATION TO SIGN 3-YEAR CONTRACT WITH AT&T FOR LOCAL AND LONG DISTANCE PHONE SERVICE

Pfeifer provided background on negotiations conducted by Village staff between multiple phone service providers to secure savings over the current provider. The cost comparisons resulted in a proposal from AT&T that would save the Village 44% per year compared with current rates if the Village extended its existing contract with the company. Council is in receipt of a memo dated July 25, 2007 and related documents from Renzo Spallasso on this topic.

Motion by Pfeifer, second by Koss, that the Village Council authorize administration to sign a three-year contract with AT&T for local and long distance phone service.

Council discussed the proposal. The lack of bids was a topic of discussion.

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

PUBLIC COMMENTS

Sharon Tischler suggested that Council might be able to better inform residents on certain pending issues if notices were sent to affected residents at the Planning Board level inviting them to attend meetings and become involved in the discussion earlier in the review process. Individuals would still have an opportunity to come before Council.

Edward Toth asked and received confirmation that affected residents on the east side of the Village would be mailed a fair and balanced notice informing them of the Council meeting date when the rezoning issue would be discussed.

Toth raised what he believed to be legal issues associated with the zoning ordinance amendments. He asked if the R-2 zoning districts east of Southfield and the R-2 zoned property west of Southfield can be called something different if those properties have the same physical attributes.

Ryan responded that it is proposed that there will no longer be an R-2 zone district on the east side of Southfield Road. New R-2A and R-2B zoning districts are being created. There may be further discussion and analysis of zone districts on the west side of Southfield Road at a later time.

Toth questioned whether lots splits can occur on the east side of Southfield Road under the proposed rezoning. He asked if four R-2A lots can be split to create five lots.

Ryan responded that it is possible; he cannot say that there will never be a lot split east of Southfield Road in the future. There are safeguards in place to prevent this activity, and the Village has successfully defended lot splits.

REPORTS – MANAGER

The Acacia Park Sewer Relief Project is winding down; all asphalt roads, asphalt driveways, and concrete driveways have been replaced. Hydro-seeding of the right-of-way areas will be done in early September. Since this project is now completed, Spallasso has asked Hubbell, Roth & Clark to submit a plan to identify any needs within the local sewer system and prepare recommendations for necessary repairs or improvements.

Spallasso reported that a business from outside of the Village is willing to advertise in the Beverly Hills calendar. He received a consensus of Council to accept advertising from businesses outside of the Village with the proviso that the amount of advertising space in the calendar be limited.

A letter went out to the Police Officers Association of Michigan urging them to sign the PSO contract, which was ratified by the Union and the Village Council. Council will receive a copy of the signed contract.

Bids were opened on August 7 for the 2007 resurfacing program. The low bid came in within the estimate. A recommendation will come before Council at the August 21 Council meeting.

Stearn asked for an update from administration on communication with businesses in the Village. Spallasso responded that he will be calling a meeting to propose a plan of action involving a staff member making direct contact with business owners.

Stearn referred to the Public Safety Activity Statistics and questioned the fact that there were only 126 speeding tickets issues in 2007. Director Woodard stated that it should be kept in mind that this number represents specific violations for speeding. Some vehicles that are stopped for speeding are warned on the speed and given a ticket for another violation. There are many more cars stopped and warned than tickets issued.

COUNCIL

Berndt thanked everyone for coming out to discuss the east side zoning issue and particularly thanked the people who had attended Planning Board meetings on this topic.

Koss referred to a memo in Council's information packet from staff member Erin Saur reporting on a grant writing workshop she attended.

Pfeifer reported on the July 30 ad hoc city study committee at which time the group reviewed the information covered to date. The committee has reached a point where it needs the aid of legal counsel. Pfeifer requested a consensus of Council to approach the Village attorney to solicit the necessary assistance.

After some discussion, it was the consensus of the majority of Council members to authorize the Village Manager to spend an amount within his discretionary \$1,000 limit to utilize the legal services of Tom Ryan to assist the ad hoc city study committee.

Pfeifer stated that she is interested in attending the upcoming Michigan Municipal League Convention. Jon Oen will also attend. Pfeifer asked that Council consider moving the regular meeting date of Tuesday, September 18 to Monday, September 17 so that they can attend the MML Conference and not miss the Council meeting.

Motion by Pfeifer, second by Oen, to change the regularly scheduled Council meeting date of Tuesday, September 18 to Monday, September 17.

It was noted that Council informed residents present at tonight's meeting that it would address the east side rezoning issue on Tuesday, September 18.

Nays – Berndt, Koss, Peddie, Stearn, Woodrow
Ayes – Oen and Pfeifer

Motion failed (5 – 2).

Peddie reported that the July Zoning Board meeting was cancelled. The Zoning Board will meet on Monday, August 13. Oen stated that the Southfield Township Board will meet on Tuesday, August 14 at 7:30 p.m. The Parks and Recreation Board will meet in the park on Thursday, August 16 at 7:30 p.m.

Stearn requested that Council members come prepared to schedule a study session in September at its next meeting.

Motion by Pfeifer, second by Oen, to adjourn the meeting at 10:38 p.m.

Motion passed (7 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary