

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

Absent: None

Also Present: Manager, Spallasso

President Stearn called the meeting to order at 6:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

MOTION by Koss, second by Pfeifer, to go into closed session to discuss collective bargaining.

Roll Call Vote:
Motion passed (6 – 0).

Woodrow entered the meeting at 6:50 p.m.

The closed session was adjourned at 7:18 p.m. Council reconvened in open session at 7:30 p.m.

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

President Stearn called the regular Council meeting to order at 7:30 p.m. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

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

Motion passed (7 – 0).

PUBLIC COMMENTS

Les Millichamp of 18630 Chelton stated that he was disappointed by the conduct he observed at recent Council meetings.

Ann O'Connell of 17500 Kirkshire asked that the September 18, 2007 Council meeting minutes be amended to include specific inquiries and comments she made at the public hearing. She had asked why Beechwood was being included in the R2-A zoning district and not the R-2B zoning district when the area has the characteristics of R-2B zoning. She said that the planning consultant was not able to answer her inquiry.

Bob Walsh of 20655 Smallwood Court inquired about the Public Safety Officers labor contract, and was informed that the contract was pending. Stearn said that he may have more information at the next Council meeting.

Fritz Heuser of 31119 Sleepy Hollow brought it to Council's attention that sidewalks are being constructed in neighboring communities and that those living in the Birmingham-Bloomfield area have access to sidewalks. Beverly Hills is being left behind, and Heuser hopes that the Village will revisit its stance on sidewalks in the future.

Jean Martell of 32231 Verona Circle expressed concern about the operation of the traffic signal on Beverly Road that makes it difficult to get onto Southfield Road. Spallasso responded that he has asked the County Road Commission to investigate the malfunctioning traffic signal and make the necessary adjustments.

State Representative Chuck Moss related that the State has adopted a budget with an income tax increase from 3.9% to 4.35% from October 1, 2007 through September 30, 2011. A service tax was also passed that will expand the 6% sales tax to select services that were previously exempt. Moss indicated that he voted against both of these taxes. Some necessary reforms won approval including school financing and benefits. He believes that these reforms are necessary to keep the system solvent.

Pamela Rijnovean of 32420 Evergreen asked why there was a Beverly Hills public safety officer stationed outside of the municipal building. Stearn responded that an officer was asked to be present in the event of disorderly conduct at the meeting.

Jill Sickels of 17171 Kinross referred to a neighborhood meeting on the topic of the Fourteen Mile Road corridor study at which time there was discussion on the possibility of a Village rental property ordinance. She also referred to a July 15, 2007 article in the Eccentric Newspaper relative to Beverly Hills considering a landlord license that would require rental property owners to acquire a permit and open their property to a housing inspector at least once every two years. Sickels stated that Council subsequently decided not to pursue a rental property ordinance. She suggested that the Village should consider adoption of rental property regulations to protect property and discontinue the pursuit of zoning changes on the east side of Beverly Hills.

Bunker Kelly of 21526 Corsaut asked Council for a report on the Village's unfunded liability with regard to retiree health care. Stearn responded that this will be a topic for the next Retirement Board meeting scheduled for Tuesday, November 27 at 7:30 pm in the Public Safety Department building.

Rukni Abboud of 18207 Gould Court stated that he made an inquiry at the last meeting about the effect of the proposed zoning change on Gould Court. He was asked to contact the Village building department to receive an answer to his specific question, which he did not do. Stearn stated that Council was not prepared to answer his question regarding Gould Court rezoning versus the area of the Village east of Southfield Road.

Jeff Pynnonen of 31724 Allerton stated that he was opposed to a zoning ordinance amendment that would change the zoning requirements for property on Allerton Drive.

CONSENT AGENDA

Pfeifer asked to remove item "a" from the consent agenda, "Review and consider approval of minutes of a regular Council meeting held September 18, 2007".

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

b. Review and file bills recapped as of Monday, October 1, 2007.

Motion passed (7– 0).

BUSINESS AGENDA

CONSIDER APPROVAL OF REGULAR COUNCIL MEETING MINUTES HELD ON SEPTEMBER 18, 2007

Pfeifer questioned whether Council wished to consider amending the September 18 meeting minutes to include comments suggested by Ann O’Connell. Pfeifer understands that meeting minutes are not required to reflect more than the business conducted. Stearn added that there was lengthy discussion on numerous items at the public hearing; he did not think it would be fair to include one specific issue and not others.

Motion by Pfeifer, second by Oen, that the minutes of a regular Council meeting held on September 18, 2007 be approved as submitted.

Yes: Berndt, Oen, Peddie, Pfeifer, Stearn

No: Koss and Woodrow

Motion passed (5 - 2).

ACCEPT TAMMY WILMS’ RESIGNATION FROM THE PARKS & RECREATION BOARD AND MAKE FIRST ANNOUNCEMENT OF VACANCY

Tammy Wilms has submitted her resignation from the Parks and Recreation Board after six years of service due to increased family and work commitments. Oen made the first announcement of a vacancy on the Board and called for interested residents to submit an application to fill this vacancy for a term to expire on June 30, 2008. The deadline for accepting applications will be Friday, October 26, 2007 at 4:30 p.m.

Motion by Oen, second by Pfeifer, to regrettfully accept the resignation of Tammy Wilms on the Parks and Recreation Board.

Stearn remarked that Tammy Wilms has done an exceptional job of serving on the Parks and Recreation Board. There have been extensive improvements to Beverly Park over the years thanks to the dedication of volunteers like Tammy Wilms. On behalf of Council and Village residents, Stearn expressed his gratitude to Ms. Wilms for her dedicated service on the Parks and Recreation Board.

Yes: Berndt, Oen, Peddie, Pfeifer, Stearn and Woodrow

No: Koss

Motion passed (6 - 1).

SECOND READING AND POSSIBLE ADOPTION OF ORDINANCE #326 AMENDING CHAPTER 22 ZONING ORDINANCE – REZONING R2 DISTRICT EAST OF SOUTHFIELD ROAD AND ALL R2A, R2B AND R3 DISTRICTS

Berndt conducted the second reading of Ordinance 326, an Ordinance to Amend Chapter 22 of the Municipal Code of the Village of Beverly Hills.

Section 1 amends Section 22.24, Schedule of Regulations, to change the definition of the R-2A Zone District: R-2A Zone District, Minimum Area Requirement 6,000 square feet, Minimum Width Requirement 60 feet, Minimum Side One Setback 5 feet, Minimum Side Two Setback 10 feet.

Section 2.01 defines the R-3 Zone District: R-3 Zone District, Minimum Area Requirement 4,000 square feet, Minimum Width Requirement 40 feet, Minimum Side One Setback 5 feet, Minimum Side Two Setback 5 feet.

Section 3.01 amends multiple sections of Chapter 22 in order to create the R-2B Zone District classification: R-2-B Zone District, Minimum Area Requirement 9,000 square feet, Minimum Width Requirement 75 feet, Minimum Side One Setback 5 feet, Minimum Side Two Setback 10 feet, Minimum Front Yard Setback 40 feet, Minimum Rear Yard Set Back 40 feet, Maximum height for two stories 30 feet, Minimum area for One Story equals 1200 square feet, One and One-Half Story or Two Story equals 1600 square feet.

Section 4.01 amends the Zoning Map. There is a Repealer Clause, Severability and Savings Clause, Penalty Clause and Effective Date of Adoption.

Woodrow stated that there were questions asked at the September 18 Council meeting regarding properties on Allerton, Gould Court, and Beechwood. He thought that questions on several issues need to be answered before Council considers adoption of the Zoning Ordinance Amendment. Woodrow added that he generally supported the proposed zoning changes.

Woodrow remarked that he was having difficulty understanding the reasons for opposition to a zoning ordinance amendment that would bring a large number of houses and property on the east side of the Village into compliance with the zoning ordinance so that they would no longer be nonconforming. It is not Council's intent to allow higher density housing or multi-family dwellings. The change will not adversely affect property or alter the character of the Village.

Berndt stated that he took notes at the public hearing on this ordinance amendment and has researched a number of the issues raised. There was concern as to whether a nonconforming house that was demolished could be rebuilt as it was. Berndt explained the "lot of record" rule in the Village ordinance. If a person owns a lot of record that does not conform in terms of lot width or area, they may build an otherwise conforming structure on the lot. This may mean rebuilding a house with a second story in order to meet side yard setbacks required in that zoning district. Berndt supported the zoning change for the reason that building a tall, narrow house in place of the original home may not be in character with the neighborhood. Berndt added that the Zoning Board of Appeals does not always grant variances.

Berndt explained that the existing nonconforming lots and structures that were identified on a map at the last meeting reflect nonconforming lot area and width. There would be additional nonconforming properties if side setbacks were included in those calculations. Spot checking of aerial maps determined that there were quite a few properties that were conforming in lot size and width but had setback nonconformities.

At the public hearing, it was questioned why Beechwood was being included in the R2A zoning district and not the R2B zoning district when the area has the characteristics of R2B. Berndt stated that the answer relates to the size of the lots. There are a significant number of lots that are less than 9,000 square feet in that zone. Beechwood was included as part of the R2A zoning district because the average lot size in that area is more in conformance with R2A dimensions than R2B.

Berndt related that having a zoning ordinance that is more restrictive than what is built does not provide additional safeguards. It results in a defective law that can be challenged or overturned by the courts. The proposed zoning ordinance amendment is an opportunity to put regulations in place that can be defended and upheld.

Berndt offered a comprehensive explanation to demonstrate that the proposed ordinance is not conducive to allowing lot splits. He referred to two specific areas mentioned at the last meeting. Berndt studied these groups of lots and applied an existing ordinance section that regulates land division. Chapter 23, Section 16 e. 8. Character of Surrounding Development:

The Planning Board and Village Council shall consider the impact of subsequent construction on the character of surrounding development. 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. The average land area of the surrounding parcels shall be computed, sealed and certified as accurate by a licensed engineer or registered land surveyor at the expense of the petitioner.

Berndt also referred to a land division ordinance requirement entitled Depth to Width Ratio. The depth to width ratio of a resulting parcel created through land division shall not exceed four to one. His calculations indicate that it may be conceivable to add 10 homes to the Village's 4400 homes under the proposed zoning changes.

Residents have expressed opposition to changing the minimum side yard requirements in the R-3 district to five feet on either side. Berndt noted that there are a large number of houses in the area with five foot side setbacks. However, he agreed that there is merit in calling for a 15 foot separation between houses, and he will propose an amendment to the proposed ordinance to that effect.

Oen commented that he reviewed the rezoning proposal from the standpoint of a builder and concluded that compiling property for the purpose of splitting lots and rebuilding homes was not reasonable nor cost effective. He said that he liked the Village as it is now. The proposed ordinance will not increase density or allow "big foot" housing. The zoning changes will result in

decreasing the nonconforming homes and lots on the east side of Beverly Hills. He thinks the proposal is good for the community.

Peddie stated that she has attended Planning Board and Zoning Board meetings in order to better understand the neighborhood issues. A large number of nonconforming lots and structures is detrimental to the community. She affirmed that it is not the intent of this action to increase density. Peddie supports the current front and rear yard setback requirements. People need the ability to invest and grow in their homes. Peddie thought that the zoning amendment was good for the homeowners and for the community.

Koss stated that the proposed zoning will reflect the way the property was built. It is proposed to change the ordinance so that people will live in a conforming home on a conforming lot. Koss remarked that she would like the opportunity to live here for 50 years. There is no ulterior motive; Council is trying to look out for the future of the Village.

Pfeifer stated that the point behind the proposed zoning ordinance amendment was to make Beverly Hills zoning laws reflect what was built in this Village. It behooves residents to protect their investment. She questioned the concern about building multiple homes on small lots because people are purchasing larger homes. Pfeifer commented on the need to preserve open space and suggested that structural coverage maximum percentages be included in the ordinance to control overbuilding of property.

Stearn opened the floor for comments from the public.

Carl Cutright of 19116 Hillcrest expressed the view that neighborhood charm is the essential part of Beverly Hills. He proposed that Council discard the proposed zoning changes and grandfather nonconforming lots.

Pat Streiff of 32428 Madison stated that she has observed a large number of home additions and renovations on the east side of the Village over the years. If it would behoove the neighborhood to change the zoning to decrease the number of nonconforming houses, she would be in favor of the proposal.

Edward Toth of 17500 Kirkshire stated that, if an ordinance is clear and unambiguous, it will be enforced as written. Intent does not matter. It may be the intent of Council not to increase density, but density is not addressed in the ordinance. Toth proposed that the ordinance language be modified to state that lot splits will not be allowed in this part of the Village.

Steven Bechtolt of 17124 Beechwood expressed concern about the potential for lot splits in the Beechwood and Bates area. He understood that there are a large number of nonconformities in the area in terms of side yard setbacks. Bechtolt suggested an ordinance amendment to adjust side yard setbacks without changing lot width.

Ann O'Connell of 17500 Kirkshire stated that Beechwood has as many nonconformities as any other street in the R2B district. Beechwood also has lots that are 120 feet or more wide. She asked how the 500' average came into play with the Christie case on Mayfair. O'Connell

differed with the idea that the 500 foot rule is going to prevent lot splits. She believed that piecemeal density increases will occur.

O'Connell believed that ordinance language matters and not the intent of Council. Council is allowing increased density and larger homes with smaller side yards. O'Connell questioned why her zone district will be changed to R2 B requiring a minimum of 5 ft. and 10 ft. side setbacks when her lot currently has 12.5 ft. and 17.5 ft. setbacks. She does not want a house 15 feet closer to her home.

Bob Walsh of 20655 Smallwood Court noted that property west of Southfield Road on Allerton Drive and Gould Court were included on the map published in the Eccentric newspaper for the September 18 public hearing. Up to that point, zoning changes were proposed only for property east of Southfield Road. Walsh stated that Michigan Zoning Enabling Act of 2006 states that notice must be sent to occupants within 300 feet of the proposed zoning area across municipal boundary lines. He questioned whether Birmingham, Royal Oak or Southfield residents were notified of the proposed zoning change. The Village may be in violation of the Michigan Zoning Enabling Act.

Walsh talked about minimum building requirements and the building envelope for the R3 zoned area. He expressed concern that the minimum side yard requirements would place public safety officers in jeopardy in the event of a fire. Walsh suggested that it would be difficult to build a garage on a lot with five foot setbacks. Lost green space and pressure on sewer capacity were other issues raised by Walsh.

Gene Lukianov of 19101 Hillcrest expressed concern with the minimum 5 ft. side yard setback in the R3 zoning district. He thought that reducing side yard minimums could result in the expansion of many houses on the east side of the Village.

Elizabeth Downey of 17151 Kinross explained that many residents are against this zoning change because they like their houses the way they are with 30 feet between many of the homes. She stated that most of the houses and lots on Kinross are conforming. If the proposed ordinance is passed, people can build houses that are closer to each other than they are now.

It has been stated that a nonconforming house that burns down cannot be rebuilt in the same footprint. People have suggested that Council consider adopting an ordinance that says, in the event of catastrophic loss to a nonconforming house, the Village shall grant variances to build on the same footprint. Downey maintained that the Village should address the problem and determine whether rezoning is the way to solve it or if there are alternative measures.

Les Millichamp of 18630 Chelton questioned what Council is trying to achieve. It appears to be an attempt to make all property in the Village conform to the zoning ordinance. Millichamp stated that he would be upset if legislation was passed that had the potential of allowing an addition to an adjacent home that would create an imposition on his property.

Pam Rijnovean on Evergreen expressed the opinion that the Village was not in compliance with the Michigan Zoning Act with respect to notifying property owners within 300 feet regardless of whether the property or occupant is located within the zoning jurisdiction. She contends that

Council's action will open the Village to lawsuits. Rijnovean also expressed the view that residents have been excluded from meetings where nonconforming property and zoning changes have been discussed. Residents do not want this zoning change. She thought that Council should be looking at alternative solutions to the issues raised.

Stearn responded that Council received a written opinion from its legal counsel on the requirements of the Michigan Zoning Enabling Act in terms of notification of zoning ordinance amendments. The Village went beyond the requirements of the Zoning Act by sending out 1600 notices to affected property owners.

Jill Sickels of 17171 Kinross suggested that Council put this issue to a vote of the people to determine how the residents in east Beverly Hills feel about the proposed zoning changes. Sickels was in favor of development in east Beverly but believed that there must be restrictions on building and renovation. Residents asked for a rental ordinance and are getting a zoning change. Sickels did not question Council's intent but questioned the necessity for rezoning.

Tim Mercer of 17400 Locherbie encouraged Council to pass the proposed zoning changes, which would result in 80% of the properties on the east side being in conformance with the Zoning Ordinance. He addressed what he believed to be misleading statements about lot sizes, distances between homes, density, storm water runoff and sewer capacity. The zoning changes will reflect what exists today in east Beverly Hills. Mercer commented that the proposal is a conservative application of lot size and setbacks. Mercer talked about the benefits that the proposed changes will have on property value. He outlined the Planning Board's work to study and alleviate nonconformities east of Southfield Road.

Tom Streiff of 32428 Madison commented that he and his wife have lived in the community for 47 years because they like the location and the environment. There is a strong degree of concern about how this ordinance change would affect individual homeowners. Streiff suggested that the decision to adopt this zoning ordinance change should be obtained by a vote of the people.

Jeff Pynnonen of Allerton expressed opposition to the rezoning proposal. He asked that this issue be placed on the ballot for a vote of the people.

Sandra Lajoie of 16045 Dunblaine expressed concern with the possibility of increased density and with maintaining the character of the neighborhoods.

Bunker Kelly on Corsaut posed questions and comments on the proposed zoning ordinance amendments and on the term "grandfathering". He addressed remarks made by Council members regarding this proposal. Kelly expressed the view that the Village owed it to the residents to correct nonconforming problems without causing undue consternation. Villagers have suggested that Council change lot setbacks and not reduce lot size.

President Stearn reviewed that this has been a topic of discussion in the Village since 2004. The previous Council authorized the Planning Board to conduct a neighborhood and housing study of the northeast section of Beverly Hills with the intent of reducing the amount of non-conforming lots and structures in those neighborhoods. It was identified that almost 80% of the homes in the study area did not fit within the current zoning regulations. The Village Zoning Ordinance

adopted in 1959 did not take into account many of the lots and structures in Beverly Hills, which resulted in a high number of nonconforming lots in the older section of the community.

The question for the Planning Board became how to make changes that would encourage renovation and improvements and match current zoning without increasing density, unduly affecting open space, or placing stress on the infrastructure. On October 13, 2004, Planning Board Chair David Jensen stated that the Village's goal was to encourage improvement to properties and to prevent owners from becoming overburdened by unnecessary and time consuming procedures that tend to discourage the improvement of houses built in the 1940s and 1950s. Following a comprehensive study, the Planning Board recommended to Council a proposal to amend the Schedule of Regulations and the Zoning Map in order to rezone properties in the northeast section of the Village so that lot area and setback requirements match the character of existing neighborhoods.

Stearn pointed out that Village councils in 2005 and 2006 did not halt this process or prevent the Planning Board from taking further action. There have been numerous meetings to which the public has been invited to speak at both the Planning Board and Council levels. The Planning Board made significant changes to their proposal after receiving input from area residents at one of those public meetings. Council mailed 1600 meeting notices to assure that every affected homeowner was informed of the September public hearing.

Stearn understands that there is quite a bit of opposition as well as some support of the rezoning proposal. There has been misinformation distributed to residents by a contingent of people who do not want this proposal to be adopted. Council is attempting to make a decision based on the best information it has. Many points were made during public meetings, and Council has addressed a number of those issues.

Stearn stated that he was concerned with allowing 5 ft. minimum side setbacks in the R3 zoning district. Council member Berndt is prepared to offer a motion to amend the proposed zoning ordinance to require a minimum of 15 ft. between structures in all zoning districts. The potential for lot splits was a concern raised by the public. Based on information presented, Stearn has come to the conclusion that lot splits could affect a small number of homes, probably less than 20, assuming that developers can afford to buy large tracks of property and construct new homes.

Stearn commended the Planning Board for the amount of work they did on this project. He believed that the overall zoning changes were in the best interest of the Village. Beverly Hills is a great place, and many residents want the Village to remain the way it has been for 50 years. Stearn believed that communities will stagnate without change, and people will move to other areas. He wants to make sure that Beverly Hills remains a vibrant, quaint, and charming community that attracts families. He thought that the proposed zoning ordinance will keep Beverly Hills moving forward. Stearn thanked everyone for coming out and expressing their opinions.

Motion by Berndt, second by Koss, that the proposed zoning reform ordinance, Ordinance No. 326, be amended to add the following section:

Section 3.02. That Zoning Ordinance No. 216, as amended, Chapter 22 of the Municipal Code, Section 22.08 shall be amended to include “Section 22.08.130 Minimum Separation. No principle structure shall be erected, altered, or enlarged in zone districts R-2A, R-2B or R-3 within fifteen feet (15’) of any structure on an abutting parcel within the same zone district classification.”

Gene Lukianov of 19101 Hillcrest commented that this amendment is changing a 5 foot minimum setback to 7.5 feet. The proposed ordinance will allow wider houses on the lots.

Bob Walsh of 20655 Smallwood Court asked for clarification on the ordinance amendment. He questioned the ability of an R3 property owner to have a garage and a 10 foot side yard setback.

Tim Mercer of 17400 Locherbie commented that the amendment addresses all zoning districts being considered in this ordinance. He stated that many of the structures in the R2 and R3 zoning district exist with 15 feet between homes.

David Jensen of 31130 Stafford stated that a property owner with a set amount of space allocates 8 or 10 feet for a driveway and builds from that point on.

Vote on amendment:
Motion passed (7 – 0).

Pfeifer asked that the proposed ordinance be amended to include percentages for structural coverage maximums. These figures have been distributed with information on the proposed zoning ordinance amendment. She suggested that including the percentages in the ordinance would alleviate concerns related to overbuilding of lots.

Motion by Pfeifer, second by Oen, to include the structural coverage maximums in proposed Ordinance No. 326 as follows: 35% in the R2A zoning district; 30% in the R2B zoning district, and 40% in the R3 zoning district.

Woodrow maintained that adding structural coverage maximums to the proposed ordinance is not necessary. Front, rear and side yard setbacks already restrict building size and prevent “big foot” houses. He added that it would also be restrictive to apply structural coverage maximums to the west side of the Village.

Peddie concurred that further regulations are not needed for the reason that setbacks and other ordinance requirements restrict lot coverage.

David Jensen related that the Planning Board studied lot coverage issues in depth and came to the conclusion that existing front and rear setback requirements already establish lot coverage restrictions. He maintained that the intent is to relieve pressure in areas where people have the smallest lots. If you allow 20% lot coverage in an RA district, you could build a 50,000 square foot house and not burden the property owner.

Village Attorney Ryan stated that the lot coverage amendment is out of order and not properly before the Council. The previous amendment relative to requiring 15 feet between houses was

germane to the ordinance, whereas restrictions relative to lot coverage were not previously published or discussed as being part of this ordinance amendment. The Planning Board or Council can consider lot coverage issues at another time.

There was no further discussion on the topic of lot coverage.

Woodrow stated that Gould Court and Allerton Drive rezoning was not part of the original rezoning proposal that affected only property east of Southfield Road. He made a motion to remove those two areas from consideration in this ordinance.

Attorney Ryan clarified why these two areas west of Southfield were included in the rezoning proposal. Before notice of public hearing was mailed, Council was asked to determine whether there were any other R3 or R2A areas in the Village that would conform to this ordinance, because the ordinance must be uniform to all zone districts. There were two such areas west of Southfield Road, Gould Court (R3) and Allerton Drive (R2A). In order to be in compliance with State Law, those districts need to be included in the Zoning Ordinance Amendment. The properties were properly noticed and a public hearing was held. It was clarified that this property is not being rezoned; zoning restrictions are being changed.

It was determined that the motion suggested by Woodrow would be out of order. Gould Court and Allerton Drive zoning could be considered at a later time.

Motion by Berndt, second by Koss, that Ordinance No. 326, An Ordinance to Amend Chapter 22 of the Municipal Code of the Village of Beverly Hills, be adopted as amended.

There were a few additional comments from residents. Planning Board Chairperson David Jensen stated that real estate law defines a nonconforming use as a legal violation of the current zoning ordinance because the use of the land or structure existed before the ordinance was passed. Nonconforming uses are often referred to as grandfathered uses.

Roll Call Vote:

Woodrow	- no
Berndt	- yes
Koss	- yes
Oen	- yes
Peddie	- yes
Pfeifer	- no
Stearn	- yes

Motion passed (5 – 2).

Motion by Oen, second by Koss, to call a recess at 10:30 p.m.

Motion passed (7 – 0).

The meeting was reconvened at 10:40 p.m.

REVIEW AND CONSIDER INSTALLING FLOOR IN WEIGHT ROOM AT PUBLIC SAFETY BUILDING

The Public Safety Department weight room is a 25' x 30' area located in the building basement and used by personnel for strength and conditioning workouts. It is proposed to install an insulated flooring material in order to provide a safer workout environment. Quotes were received from two vendors for the flooring product, with the low bid from All Pro Exercise Equipment in the amount of \$2,735.00.

Motion by Woodrow, second by Oen, that the Village Council approve the purchase of Interlock Flooring for the Department weight room from All Pro Exercise of Farmington Hills in the amount of \$2,735.00. Funds are available in Account #401-905-982.00, a Public Safety Equipment Fund established by a private trust designation existing outside of the General Fund.

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

REVIEW AND CONSIDER PURCHASE OF ELLIPTICAL TRAINING EQUIPMENT FOR PUBLIC SAFETY DEPARTMENT

Woodrow stated that the Public Safety Department requested that Council approve the purchase of an elliptical trainer apparatus for the weight room to provide for targeted cardiovascular fitness training. Quotes were received from two vendors, with the low bid from All Pro Exercise Equipment in the amount of \$4,295.00.

Motion by Woodrow, second by Pfeifer, that the Village Council approve the purchase of one Precor C546EFX Elliptical Trainer from All Pro Exercise of Farmington Hills in the amount of \$4,295.00. Funds are available in Account #401-900-890.00, Public Safety Equipment Fund, a fund established by a private trust designation existing outside of the General Fund.

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

SET PUBLIC HEARING DATE OF NOVEMBER 6, 2007 FOR PROGRAM YEAR 2008 COMMUNITY DEVELOPMENT BLOCK GRANT PROPOSAL

Pfeifer announced that Council will conduct a public hearing on Tuesday, November 6, 2007 for review of the 2008 Community Development Block Grant proposal. This procedure takes place each year in preparation of receiving this federal funding.

REFER REQUEST FROM BEVERLY HILLS ORTHOPEDIC SURGERY, 17877 W. 14 MILE ROAD, TO PLANNING BOARD FOR SITE PLAN APPROVAL AND RECOMMENDATION TO REDESIGN EXISTING PARKING LOT

Motion by Berndt, second by Pfeifer, to refer a request from Beverly Hills Orthopedic Surgery at 17877 W. 14 Mile Road to the Planning Board for site plan review to redesign their existing parking lot.

Motion passed (7 – 0).

PUBLIC COMMENTS

None

REPORTS – MANAGER

Spallasso reported that the contractor for the water meter replacement project is distributing notices to residents in the southwest corner of the Village. The 2007 resurfacing project is in progress. The weather has caused delays, but 13 Mile Road should be paved by the end of this week to be followed by paving of local streets.

Village staff is in the process of preparing documents to solicit bids for repairs of the tennis courts and fence at Beverly Park with construction to follow in the Spring of 2008.

The Village offices will be closed on Monday, October 8, 2007 in observance of Columbus Day. Trash collection will not be affected.

Spallasso informed Council that the company that was awarded a contract to replace windows in the municipal building offices backed out of the contract. Administration will come before Council with another proposal for this work in the spring.

Stearn asked for a copy of the report prepared by a consultant relative to the Southfield Road Corridor Study. He requested an update on the future paving of Thirteen Mile between Greenfield and Southfield Roads. Spallasso responded that an Intergovernmental Agreement is being prepared between the City of Southfield and Beverly Hills and will come before Council for approval. The cost of the project to be shared between Southfield and Beverly Hills will exceed original estimates. This will be a project for Spring of 2008.

In response to an inquiry, Spallasso stated that the staff member assigned to communicate with local businesses is working on making those contacts. A report will be forthcoming. Attorney Ryan will provide a draft amendment to the solicitation ordinance for Council consideration at the next meeting.

Koss asked Spallasso about the status of a Traffic Improvement Association of Oakland County study for the intersections at Birmingham, Kinross and Locherbie. Spallasso responded that a traffic report on Locherbie indicated that the TIA did not recommend any changes. Koss related that traffic issues at the corner of Locherbie and Birmingham pose a danger to motorists and pedestrians in the area. Spallasso commented that he can request that the TIA conduct a study of that entire area at the direction of Council.

COUNCIL

Berndt thanked everyone for their involvement in the Zoning Ordinance Amendment passed tonight. He commented on provisions of the Zoning Enabling Act adopted in 2006. The planning body is called upon on an annual basis to advise the municipal governing body as to inefficiencies in zoning law. He asked that this be a business item on the next Council agenda. Berndt reported that the Planning Board did not meet in September.

Pfeifer reported that the Birmingham Area Seniors Coordinating Council is offering flu shots at its facility on Tuesday, October 16, from 9 a.m. to 1 p.m. BASCC will be celebrating its 30th

anniversary on November 14. Pfeifer attended the Michigan Municipal League annual convention two weeks ago and will provide Council with a written report on the sessions she attended.

Oen thanked Tammy Wilms for her six years of service on the Parks and Recreation Board. He mentioned that the Southfield Township Board will meet on Tuesday, October 9 at 7:30 p.m.

Woodrow reported that the Birmingham Bloomfield Art Center is having its Fiftieth Anniversary celebration. There is an invitation only event on Thursday, October 11. The Center will host a public celebration on October 12-14.

Stearn affirmed that the Village's general liability insurance policy covers the Village for any incidents that may occur during the Halloween Hoot. Stearn asked for the support of neighborhood subdivision associations and area businesses to assist with the Halloween Hoot. Support and donations are down this year. He also asked for the continued support of the Public Safety Department.

Director Woodard clarified that public safety participation in the Halloween Hoot in terms of officers in uniform and public safety fire apparatus has been a volunteer activity as part of officers' union function. It is not a Department function.

Stearn thanked Assistant Manager/Clerk Ellen Marshall for doing a great job of preparing the latest edition of the Villager Newsletter. It contains a lot of important information.

The Public Safety Open House will be held on October 21 from 1-4 p.m. Stearn stated that it is a good experience and encouraged residents to attend.

Motion by Pfeifer, second by Oen, to adjourn the meeting at 11:05 p.m.

Motion passed (7 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary