

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

Absent: None

Also Present: Manager, Spallasso
Assistant Manager/Clerk, Marshall
Public Services Director, Meszler
Village Attorney, Ryan
Building Official, Byrwa

President Woodrow 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 Peddie, to add an item to the agenda after item ‘a’ as follows: “Consider accepting donation from Beverly Hills Bobcats to improve and modify the north baseball diamond at Beverly Park”.

Motion passed (7 – 0).

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

Motion passed (7 – 0).

PUBLIC COMMENTS

Kathleen Berwick of 31381 Kennoway Court informed Council that her recycling was not picked up last week and voiced dissatisfaction with the rubbish collection contractor.

Sharon Tischler of 21415 Virmar Court expressed the view that the contractor who resurfaced Thirteen Mile Road between Groves High School and Lahser did a relatively good job of providing a new asphalt surface. She did not think that the work was completed as anticipated in terms of debris left on the shoulders.

Tischler related that she had her water meter replaced recently, but the meter cannot be read remotely from the street. Spallasso responded that the water meter replacement project has just begun, and the program is not at a point where remote meter reading is operational.

Paul Kleppert of 20855 W. Fourteen Mile Road commented that he is observing an increasing number of deer in his yard and neighborhood. He expressed concern that there are small children in the area who may be in danger from the increasing deer population in the community.

Doyle Downey of 30865 Lincolnshire related a recent experience with a large deer running by his wife on their driveway.

Norman Rubin of 31020 Rivers Edge Court stated that he contacted the Department of Natural Resources about the increasing deer herd in the area and was informed that it is not their problem and that any action would have to be taken by the municipalities.

Rubin stated that he was pleased with the resurfacing of Thirteen Mile Road between Groves High School and Lahser Road and thought that the contractor did a reasonably good job of traffic control.

Ernie Gargaro of 30722 Lincolnshire related two deer sightings in the community.

Bob Walsh of 20655 Smallwood Court questioned the status of the Public Safety Officers contract. Spallasso responded that signatures on the contract are outstanding, and the officers are still working under the expired contract.

CONSENT AGENDA

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

- a. Review/consider approval of minutes of the November 6, 2007 Council meeting.
- b. Review and file bills recapped as of Tuesday, November 13, 2007.

Motion passed (7 – 0).

REVIEW AND CONSIDER SUBCOMMITTEE RECOMMENDATION TO FILL VACANCY ON THE FINANCE COMMITTEE

Pfeifer related that a subcommittee of Council met earlier this evening to consider four applications from qualified candidates to fill a vacancy on the Village Finance Committee. The subcommittee recommended that Don MacDonald be appointed to fill a vacancy on the Finance Committee for a term to expire June 30, 2010.

Motion by Pfeifer, second by Koss, to appoint Don MacDonald to the Finance Committee for a term to expire on June 30, 2010.

Motion passed (7 – 0).

CONSIDER ACCEPTING DONATION FROM BEVERLY HILLS BOBCATS TO IMPROVE AND MODIFY THE NORTH BASEBALL DIAMOND AT BEVERLY PARK

Oen stated that the Parks and Recreation Board met on November 15 and reviewed a proposal from resident Ernie Moosherr from the Beverly Hills Bobcats to make an adjustment to the north baseball diamond in Beverly Park in terms of pushing the grass line back 20 ft. between the infield and outfield to accommodate a Pony League size diamond (80 ft. vs. 60 ft. bases). Little League games could still be played on the field. The Beverly Hill Bobcats is a new team that will be playing in the North Oakland Baseball Federation in 2008 and would like Beverly Park to be its home field. The team is requesting approval to make the infield larger for 13-under baseball at no cost to the Village. The Parks and Recreation Board recommended Council approval of the proposal (Nov. 15, 2007 minutes).

Motion by Oen, second by Pfeifer, to accept the donation from the Beverly Hills Bobcats to renovate the north baseball diamond in Beverly Park to accommodate Pony League play at no cost to the Village.

Motion passed (7 – 0).

PUBLIC HEARING - REQUEST FROM DETROIT COUNTRY DAY SCHOOL AT 22305 W. 13 MILE ROAD FOR SITE PLAN AND SPECIAL APPROVAL FOR GYMNASIUM AND VARIOUS SITE IMPROVEMENTS

Woodrow questioned whether Council should proceed with the public hearing if there is a possibility that the proposal will be referred back to the Planning Board for further review. Village Attorney Ryan advised Council to go forward with the public hearing for the reason that notice of public hearing has been published.

Woodrow opened the public hearing at 7:50 p.m. on a request from Detroit Country Day School for site plan and special use approval to construct a gymnasium and undertake various site improvements.

Don MacDonald of 31208 Foxboro Way, vice-president of the Metamora Green Homeowners Association, stated that he attended the last two Planning Board meetings and spoke against any more activity on Detroit Country Day property until a firm commitment is received by the School on use and hours of operation of its football field. MacDonald wrote a letter at the request of the Planning Board chairman outlining what he thought would be tolerable guidelines in terms of hours of use of the football field and facilities. MacDonald believes that the fields are overused and the resulting noise and light adversely affects adjacent residences. The situation has improved since the August Planning Board meeting, but MacDonald would like Council to require a written document from Country Day stipulating hours of operation.

MacDonald related that an early morning pep rally took place at the Country Day football field at 5:30 a.m. recently involving noise, lights, and the marching band. He said that this is typical of what has gone on for the last several years at the school. The athletic facilities are being used by outside organizations that are not related to Detroit Country Day School.

Gary Becker of 21620 Meadow stated that he lives close to Detroit Country Day in a subdivision across Lahser Road but that he hears noise coming from Groves High School. He questioned whether the Village has a different criteria for each school. Becker has a son who attends Country Day and thought that kids involved in athletics was a good thing.

Dennis Page of 30470 Lincolnshire East stated that he supports the proposed improvements that will be located directly behind his house subject to use limitations mentioned by a previous speaker. Page has an issue with the site plan because it does not include construction of sidewalks on the perimeter of Country Day property. He noted that the Village Master Plan has a provision recognizing that sidewalks are good for the community. The Village Ordinance states that all development projects requiring site plan approval shall be required to construct sidewalks on the perimeter of a lot that abuts a major, intermediate or collector street. The Planning Board did not require sidewalks as part of its recommendation to Council. Page understood that terrain may be an issue; however, he believed that it is possible to construct perimeter sidewalks. He referred to similar sidewalk construction that has occurred in Bloomfield Hills. Page urged Council to enforce the ordinance and require sidewalk construction along major roads.

Bob Walsh of 20655 Smallwood Court thought that the project should be outlined for the benefit of residents present prior to hearing public remarks.

Glenn Shilling, headmaster of Detroit Country Day, was present with project architect Tim Casai. Shilling addressed the early morning pep rally that was referenced by a resident. Country Day students were involved in a “team of the week” competition with other area schools. Detroit Country Day won the competition sponsored by WDIV, a local television station. The school football team was supported by junior, middle and upper school students who attended an early morning pep rally. This event has never occurred before and it not likely to occur again.

Shilling asked Council to look at the proposed project as a serious improvement in the Village of Beverly Hills. Country Day has been located at 13 Mile and Lahser Roads for 50 years, and the school hopes to be in existence for another 50 years. Shilling remarked that it is difficult to raise capital funds in these economic times. A donor stepped forward with a challenge grant to build a middle school gymnasium. The middle school was built in 1991 and only now is a middle school gymnasium being proposed. The building will be interior to the property. Country Day is requesting to proceed with this project, which would take a year to complete. Because of the change in athletic seasons that has occurred with the Michigan High School Athletic Association, Country Day hopes to have a gymnasium for the middle school students for the coming year.

Tim Casai narrated a slide presentation to introduce the master plan for athletics at the Country Day campus. The criteria was to meet the needs of future athletic practice and keep it as far away as residential property as possible. Casai also described the proposal to connect the middle school to the upper school. Country Day is requesting approval for the first phase of the master plan. It consists of a two-court middle school gym with locker rooms, an adjacent fitness/weight room, public toilets, and the beginning of a corridor that will connect the middle school to the upper school. Another phase would be an indoor field house to take some of the pressure off of the football field and bring game events indoors. The last phase would be construction of a new upper school gym.

Casai elaborated on the first phase of the athletic master plan including the gymnasium, fitness room, connecting corridor, parking lot modifications, and entry area. The buildings will be consistent with Village Ordinance height requirements. The architecture of the facility is intended to complement the existing architecture of new development along 13 Mile Road in terms of materials, finishes and colors. Additional landscaping has been added around the building and parking lot.

Mary Ryan of 30444 East Lincolnshire had questions on the traffic flow to the new facility. She was concerned about increased traffic along 13 Mile Road with this development as well as traffic during the construction phase. Shilling and Casai addressed inquiries on traffic flow to the new facility and during construction. The Hillview Lane entrance along Lahser leads to the middle school gym and parking lot. He emphasized that the number of students will not increase; the facility is intended to support the current student body.

Fritz Hauser of 31119 Sleepy Hollow stated that there has been an increase in the use of the Country Day football field in recent years to the point where there is weekend activity from morning until 9:00 at night in the fall and the spring. The main concern is that the field is used by those other than Country Day groups. Hauser asked for a written agreement between the Village and Country Day that would curtail the use of the facilities. He is concerned that the new

facilities will be rented out to other groups and increase traffic. Hauser agrees that sidewalks along the perimeter should be required as part of this proposal.

Paul Kleppert of 20855 W. 14 Mile Road commented that, every time Detroit Country Day has come before the Village with a site plan, the school has not been required to install sidewalks on the perimeter of the property. He remarked that the Zoning Board and not the Planning Board is the body that has the authority to grant a variance from the ordinance based on a hardship. Kleppert expressed the view that sidewalks should be installed along 13 Mile and Lahser Roads as part of this project.

Kathleen Berwick of 31381 Kennoway Court stated that she was distressed that the ordinance is not being enforced, and she believed that there is a need for sidewalks along the perimeter of Detroit Country Day School. Berwick thought that the Village should limit the hours of operation of the school facilities in order to protect the neighbors.

Pam Murdock of 30414 Georgetown supported the site plan for the Detroit Country Day improvements. She expressed the view that there is a need to make the Village attractive to potential homeowners. Providing sidewalks would enhance property and help make Beverly Hills competitive. Sidewalks along the perimeter of Country Day would be a way to improve the Village at no cost to residents. Murdock referred to the Village ordinance requiring sidewalks along major roads as part of a development requiring site plan approval.

Sharon Tischler of 21415 Virmar Court commented that the proposal before Council is not a new development; it is a request for site plan approval of an additional facility at the existing campus. She questioned whether the ordinance requires sidewalks as part of a site plan review for an expansion of a site. Tischler recalled that sidewalks were not required along the perimeter of the Westwood Commons residential development.

Doyle Downey supported Country Day's right to use the property as they saw fit as long as it did not impose on area residents. He commented that there appears to be a significant increase in use, which is why there is an ordinance in place that defines site plan requirements.

Bob Walsh of 20655 Smallwood Court said that Detroit Country Day is an established site that has undergone a number of improvements and additions over 50 years. There are major topographical problems with the terrain and the Rouge River along Lahser and 13 Mile Roads. Walsh thought that requiring sidewalks along the perimeter of Country Day property would be unreasonable and punitive.

Jolie Kaufmann of 30720 Georgetown Drive was in favor of enforcing the ordinance and requiring Country Day to construct sidewalks along the perimeter of the site. She commented on the need for sidewalks in that area.

Andy Craig of 31239 Sunset stated that he was sitting on Council when it waived the sidewalk requirement for the Westwood Common development and for the last Country Day development. The Planning Board recommended approval of the previous Country Day site plan and Council decided to waive sidewalks on the site. Craig stated that this is the first instance since a Pathway

Plan has been adopted that there is a major site plan proposal before Council. He clarified that Council adopted a Pathway Plan; the electorate voted not to finance sidewalks along major roads. If sidewalks are required to be installed along the approximate half-mile perimeter of Country Day as well as other developments in the Village, it would not be as costly to construct the remaining sidewalks along major roads included in the Pathway Plan.

Norman Rubin of 31020 Rivers Edge Court commented that this site plan review has been turned into a rally for constructing sidewalks along major roads. Cynthia Rubin welcomed Detroit Country Day and supported the expansion proposed for the interior of the campus.

Gary Becker of 21620 Meadow stated that he lives in the area and does not see a benefit in requiring sidewalks in this area.

Paul Kleppert stated that the issue here is that Council must waive the ordinance requirement to include sidewalks as part of this site plan.

Fritz Hauser commented that Country Day is also requesting special use approval, which provides the opportunity for the Village to reevaluate the entire site including noise and traffic issues.

Robert Galin of 30554 Lincolnshire East commented that he is proud to have Detroit Country Day School in the Village. Residents and Country Day staff should be constructive and work together to address noise and light issues.

Glen Shilling referred to the site plan drawing and pointed out the terrain and location of the Rouge River along the perimeter of the property, which make it impractical to install sidewalks.

No one else wished to be heard; the public hearing was closed at 8:57 p.m.

REVIEW AND CONSIDER REQUEST FROM DETROIT COUNTRY DAY SCHOOL FOR SITE PLAN AND SPECIAL APPROVAL FOR GYMNASIUM AND VARIOUS SITE IMPROVEMENTS

Oen stated that the Village Planning Board has recommended approval of the Detroit Country Day School site plan for construction of a gymnasium and fitness center with several conditions. The issue of whether sidewalks along the perimeter of the property should be required as part of this site plan approval has been a topic of discussion.

While he supports sidewalks, Oen maintained that it would be unfeasible to construct sidewalks on the perimeter of the Country Day site due to the terrain. He thought that the ordinance requirement for sidewalks in conjunction with a site plan speaks to new developments. Country Day has been at its present location for 50 years, and the request is for an addition to the existing site.

Oen stated that established case law prevents communities from demanding or exacting a public benefit from a developer that is not a direct benefit to the development itself. There is case law in Michigan whereby a community attempted to require a bike path in the public right-of-way; that

case demonstrated that a community cannot require improvements that benefit the public as a requirement for approval of a project. Oen reviewed that the Village electorate defeated a proposal to finance the Village Pathway Plan. He did not think that approval of this site plan should be contingent on requiring Country Day to install sidewalks along the perimeter of its property.

Motion by Oen, second by Pfeifer, to approve the site plan submitted by Detroit Country Day School for a middle school gymnasium and fitness center addition as indicated in site plan dated November 1, 2007.

Questions from Council were addressed by Shilling. He affirmed that the School is not increasing enrollment. The additional athletic space is needed in part due to a recent ruling by the Michigan High School Athletic Association to change the women's and girl's basketball seasons from the fall to the winter, thus requiring more gym space.

Koss suggested that it would be prudent for Country Day to go before the Zoning Board of Appeals for a variance from the ordinance requirement to provide sidewalks along its perimeter in order to have a record of the Zoning Board ruling. She referred to the November 13, 2007 letter from LSL Planning stating that most of the Planning Board conditions were met with a revised submittal. It appears that there are some items that were not addressed by the applicant.

Architect Tim Casai distributed a drawing of the north elevation that was omitted from the package. In response to an inquiry, Casai stated that he displayed a rendering at the Planning Board meeting that depicted materials and colors to be used on the building. It was indicated to the Planning Board that the new buildings would match the existing materials used on the upper school.

Koss questioned whether Council would be required to hold another public hearing on this site plan and special use proposal if the revised site plan were referred back to the Planning Board for review and if the proposal was referred to the Zoning Board of Appeals to hear a request for variance on the sidewalk requirement. Ryan responded that only one Council public hearing is required.

Peddie thought that the Planning Board should review and approve the revised site plan and the Zoning Board should hear a request for variance before Council approves the special use and site plan for the Country Day proposal.

Stearn referred to the memo from Public Services Director Tom Meszler regarding his review of the project. It states that the proposed storm sewer is planned to be under the new addition. Meszler commented that the Village is not responsible for the maintenance of the storm sewer or the buildings. In general practice, it is not a good idea to locate a utility under a building.

Stearn had questions about the interpretation of the ordinance language in terms of whether a redevelopment proposal required sidewalk installation. Stearn inquired whether it is within the authority of the Village to require a letter of understanding from Country Day relative to use of the athletic facilities as part of a special use approval. Ryan responded that it would depend on

the specific conditions. School administration should be willing to work with the neighbors in a spirit of cooperation. With respect to concerns about noise and light, there are existing Village ordinances that address those issues.

Berndt commented that this is a large project and questioned whether the focus should be on perimeter sidewalks. He suggested that the proposal be referred to the Zoning Board of Appeals for a determination on whether circumstances warrant a variance from the sidewalk requirement. In response to an inquiry from Berndt, Casai provided background on the decision by the School and the Village not to connect the internal circulation of the campus from Lahser to 13 Mile Road. This was made a condition of a previous site plan approval for an expansion at Country Day.

Pfeifer thought that Council needs an interpretation of Zoning Ordinance Section 22.08.410 Sidewalks or Bikeways and clarification with respect to the intent of that section. Pfeifer thought that it was a stretch to expect the ordinance to apply in this circumstance.

22.08.410 SIDEWALKS OR BIKEWAYS. For all developments requiring site plan approval, either a new public sidewalk or bikeway, or the reconstruction of existing sidewalks or bikeways, shall be required to be constructed to Village standards for the perimeter of the lot which abuts a major, intermediate or collector street as defined in the Village Master Plan. New or reconstructed sidewalks or bikeways shall be aligned with existing or proposed sidewalks or bikeways.

Attorney Ryan recalled that prior Councils have not required Country Day to install perimeter sidewalks as part of previous site plan amendments to construct additional facilities. The ordinance section is vague in that it says “for all developments requiring site plan approval”; it does not read “new developments”. If Council is concerned about this ordinance section, it could approve the site plan subject to receiving an interpretation or variance from the Zoning Board of Appeals relative to the sidewalk issue.

Motion by Stearn, second by Berndt, to amend the motion approving the site plan from Detroit Country Day School to construct a gymnasium and fitness center to make it subject to the recommendations from LSL Planning in its November 13, 2007 letter and subject to the Zoning Board of Appeals interpretation and/or waiver of the ordinance requirement for a perimeter sidewalk.

The maker of the original motion, Jon Oen accepted the amendment. Pfeifer, who seconded the motion, also accepted the amendment.

There were comments and questions from Council and members of the public regarding the motion to approve the Country Day site plan with conditions. There were further comments regarding the sidewalk issue from Paul Kleppert, Doyle Downey, Sharon Tischler, Pam Murdock, Mary Ryan, Gary Becker, Dennis Page and Bob Walsh.

Architect Tim Casai addressed the outstanding items noted in the LSL letter of November 13, 2007, noting that Country Day has submitted the information requested by the Planning Board.

Roll Call Vote:

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

Motion passed (5 – 2).

Motion by Oen, second by Berndt, to grant special use approval for Detroit Country Day School to construct a gymnasium and fitness center to the existing Middle School building at the southerly portion of the property.

Council members commented on the request for special use approval with particular attention to concerns voiced by residents. In response to an inquiry, Ryan stated that conditions can be placed on a special use if Council believes it is in the public interest to do so. Council members suggested that Country Day administration discuss the issues brought up by surrounding neighbors and reach a mutual agreement on use of the athletic facilities. It was also noted that the Village has ordinances in place pertaining to noise and light.

Residents commented on the special use approval. There was a request for guidelines on the use of school facilities and a suggestion that Country Day be restricted on renting its facilities to outside organizations. The following residents spoke on this topic: Don MacDonald, Andy Craig, Kathleen Berwick, Fritz Hauser, and Dennis Page.

Glen Shilling stated that Country Day thought it was being a good neighbor by allowing other groups, specifically the Catholic Youth Organization to use its facilities. He is now reconsidering any use of facilities by those other than DCDS students while honoring the commitments made by the previous headmaster for this school year. Shilling requested that Council consider approving the request from Country Day to build a gymnasium for the Middle School.

Roll Call Vote:

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

Motion passed (6 – 1).

A recess was called at 10:13 p.m.; the meeting reconvened at 10:28 p.m.

REVIEW AND CONSIDER POLICY REGARDING WATER BILL DISCREPANCIES

Stearn reviewed that all Village residents will be receiving a new water meter that has the capability of being read electronically. The process of replacing water meters in the Village may result in discrepancies between the outside reading device (ORD) and the inside meters in some cases. An inside meter reading will be taken and reported when a new meter is installed. Council is considering a policy for addressing large water bills that may result when the Village obtains an actual water meter reading. When the actual read is obtained, an adjustment in the property owner's bill has to be made in order to charge them for the amount of water they actually used, but were never billed.

Council members were asked for their suggestions for handling unbilled water discrepancies due to malfunctioning outside reading devices or inside meters that have not been read for a significant period of time. Stearn noted that the proposals from individual Council members varied widely.

Council members summarized their various approaches for charging property owners for water that was used but not billed. There was a lengthy discussion on how to proceed with a policy that would be fair to both the residents and to the Village. It was noted that Beverly Hills has water meter service and installation records dating back to January 1, 1995, at which time the water and sewage rates were \$22.41 per thousand cubic feet or \$2.241 per unit.

Spallasso mentioned that administration has dealt with water usage discrepancies over the years on a case by case basis. Arrangements have been made at times for payment plans. He mentioned that water bills going out on December 1 may include some properties with large bills.

The following residents were recognized and came forward to speak on this topic at various times during the discussion: Dennis Page, Andy Craig, Sharon Tischler, Norman Rubin, Kathleen Berwick and Ernie Gargaro.

There was consensus of Council on the following policy:

Establish water/sewage rate:

- If actual read was between January 1, 1995 and the present, establish the mean water/sewage rate from the year of the actual read to present.
- If actual read was prior to January 1, 1995 (or unknown), establish the mean water/sewage rate from 1995 to present.

Establish consumption

- If actual read was within last 6 years, charge 100% of the discrepancy times the mean water/sewage rate (as established above).
- If actual read was more than 6 years ago:
 - ❖ Divide units of discrepancy by number of years since last actual read to establish annual average consumption. If actual read is unknown, begin with 1995.
 - ❖ Multiply the annual average consumption times 6 years (statute of limitations) to determine the number of units to be billed.

- ❖ Multiply number of units to be billed times the mean water/sewage rate as established above.

Penalty/Interest

- No penalty or interest charges will be assessed against the unbilled discrepancy

(Mean = Sum of all the members of a list of numbers divided by the number of items in the list)

Council agreed that administration will continue to handle requests for a payment plan on an individual basis.

Woodrow revealed that an individual has circulated a flyer to a number of residences informing them that the contractor hired to undertake the water meter replacement program had not passed certain criteria. The flyer states, "I recommend you do not allow Rudder people into your home." The Village Attorney has addressed this issue with the author of the flyer. On behalf of Council, administration, and municipalities that have engaged the services of Rudder Limited, Woodrow assured everyone that this company is reputable.

Bob Vanderpool, President of Rudder Limited (meter installation contractor), stated that there is misinformation being distributed to Beverly Hills residents. He affirmed that background checks were done on all of his employees working in the Village. That information was submitted to the Public Safety Department for review before the employees began work in Beverly Hills. His employees are prohibited from doing any plumbing work on the side in the community in which they work. Rudder Limited employees repair anything that they damage. If residents have any concerns at all, they can turn the installer away and contact Rudder Limited to schedule an appointment. Identification of an employee can be verified with the Village or with the offices of Rudder Limited.

REVIEW AND CONSIDER RATIFICATION OF SETTLEMENT AGREEMENT BETWEEN THE VILLAGE AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME)

Woodrow passed the gavel to President Pro-Tem Koss. Before Council for consideration and ratification is the settlement agreement that was negotiated between the Village of Beverly Hills and Local Union 329.19, which encompasses three office staff members. Woodrow mentioned that this agreement follows the PSO agreement.

Motion by Woodrow, second by Stearn, that the Beverly Hills Council ratify the settlement agreement with the AFSCME union.

There were Council members who were not prepared to vote on the contract on the basis that there was no Council discussion or involvement in the negotiation process. This may be past practice, but Council members considered it their job to work with administration to negotiate the contract. It was mentioned that there were policy and procedure issues that should have been brought before Council for deliberation.

Motion by Woodrow, second by Peddie, to table ratification of Settlement Agreement with the AFSCME union until the next Council meeting.

Roll Call Vote:

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

Motion passed (4 – 3).

REFER REZONING AREAS WEST OF SOUTHFIELD ROAD TO THE PLANNING BOARD FOR REVIEW AND RECOMMENDATION

Oen reviewed that Council took action at its October 2, 2007 meeting to adopt an ordinance to amend the Schedule of Regulations and the Zoning Map in order to rezone properties in the northeast section of the Village. The next step is to refer the zoning west of Southfield Road to the Planning Board for its review and recommendation.

Motion by Oen, second by Koss, to refer the zoning west of Southfield Road to the Planning Board for review and recommendation.

There was discussion of the motion. Stearn suggested that the Planning Board focus on other work programs such as the Southfield Road corridor study and not undertake a review of zoning on the west side at this time.

Norman Rubin of 31020 Rivers Edge Court questioned the motivation for looking at the west side zoning.

Woodrow responded that the Planning Board is interested in completing its task in terms of determining whether there are nonconforming lots in neighborhoods west of Southfield Road. Koss added that there were portions of the east side where the nonconforming property extended into subdivisions on the west side of Southfield Road. There is only a small portion of the west side that is nonconforming.

Dennis Page voiced his support for referring this analysis of the west side zoning to the Planning Board for review.

Bob Walsh of 20655 Smallwood Court commented on the zoning districts west of Southfield Road.

Roll Call Vote:

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

Oen - yes
Peddie - yes

Motion passed (6 – 1).

PUBLIC COMMENTS

Andy Craig, former Council member, sincerely thanked Council for their time and commitment. He commented that we live in a great Village where there are many motivated people who are passionate about different viewpoints. People may not agree with the comments of others, but they remain friends.

Sharon Tischler of 21415 Virmar Court thought that the Village should put a policy in place to do spot checking on the accuracy of water meters.

REPORTS – MANAGER

The Villager Newsletter is being printed and the Village Calendar will be mailed out to residents in the next couple of days. Spallasso thanked Ellen Marshall for her effort on these projects.

The contract for the 13 Mile Road reconstruction project was submitted to the State. Construction will take place next spring. Ongoing construction along 13 Mile Road between Southfield and Greenfield Roads involves Consumers Energy replacing its gas lines in anticipation of the road work.

The contractor for the 2007 major and local streets resurfacing project is in the process of conducting restoration and clean up, which should be completed in a few days.

A number of trees in Beverly Park have been lost due to the Emerald Ash Borer disease. There is an opportunity to apply for a DTE Energy Foundation Tree Planting Program. Staff will begin the process of applying for this matching grant for up to \$3,000.

COUNCIL

Peddie attended a Birmingham Library Board meeting on Monday, November 19 where it was indicated that the long anticipated renovation of the library basement is underway.

Oen reported that the gazebo in Beverly Park has been refurbished and looks great. He thanked Gary Grabowski, Dave Taylor, and Todd Lange for their work. Oen thanked Eagle Scout Derek Brewer for constructing the wood border around the volleyball court in the park.

Pfeifer reported that the Finance Committee met on November 7, 2007. Council has received notification of a joint meeting with the Finance Committee scheduled for Saturday, December 8 at 9 a.m. in the Council chamber. There will be a round table discussion on the subject of Council direction to the Finance Committee. A representative from Plante Moran has been invited to make a presentation to those in attendance.

The ad hoc City Study Committee is in the process of compiling a report. The Finance Committee has volunteered to review the financial impact of becoming a city. The next City

Study Committee meeting will be in January. Pfeifer commented that she has been reviewing the bills. She asked that another member of Council take on that responsibility.

Pfeifer announced that Bloomfield Community Television has been honored for a number of regional awards for programs that staff has produced. The Birmingham Area Cable Board will meet tomorrow morning, November 21, at 7:45 a.m. in the Village Council chamber.

Berndt stated that the Zoning Board of Appeals will meet on Monday, December 10 at 7:30 p.m.

Stearn announced that former resident and current Oakland County Sheriff Michael Bouchard is sponsoring a coat drive going on in the Village Hall. People can drop off coats for needy people in the municipal building lobby. Stearn related that a flyer in his packet from Oakland County indicated that the County has had a decrease in property values over the past year of about 5.2 percent. Beverly Hills statistics are not near that percentage.

Woodrow stated that Council liaison assignments have shifted.

Motion by Pfeifer, second by Berndt, to adjourn the meeting at 12:10 a.m.

Motion passed (7 – 0).

Hugh Woodrow
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary