

Present: President Mercer; President Pro-Tem Briggs; Members: Burry, Kelly, LaFerriere, Mooney and Oen

Absent: None

Also Present: Village Manager, Wilson  
Assistant Manager/Clerk, Marshall  
Village Attorney, Ryan

President Mercer called the regular Council meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. Boy Scout Peter Chekal from Troop 1634 led those present in reciting the Pledge of Allegiance.

#### **ADDITIONS TO AGENDA/APPROVE AGENDA**

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

Motion passed.

#### **COMMUNITY ANNOUNCEMENTS**

Pat Greening and Janet Mooney were present to report on this year's Halloween Hoot in Beverly Park. The 18<sup>th</sup> Annual Halloween Hoot was a big success again with a large amount of children participating in the event. Greening thanked Council for its support. Janet Mooney acknowledged the participation of the Parks and Recreation Board, Council members, and the help of student volunteers from Groves High School, U of D, and other schools. Mooney gave special thanks to Jason Gross for assisting with the Hoot throughout the entire day. Resident Vince Borowski was recognized for helping in the morning and coming back after the Hoot to assist with the clean up.

Council member John Mooney related that Pat Greening conceived of the idea of the Halloween Hoot, which has been a privately organized event for 18 years with some assistance from the Village. Janet Mooney and a number of other residents have supported the efforts of Pat Greening throughout this period of time. All members of Council thanked Pat Greening, Janet Mooney and all of the volunteers who did a wonderful job on this extraordinary community event.

#### **CONSENT AGENDA**

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

- a. Consider approval of minutes of a regular Council meeting held November 5, 2013.
- b. Review and file bills recapped as of Monday, November 18, 2013.

Motion passed.

#### **FIRST READING OF AN ORDINANCE ESTABLISHING THE SOUTHFIELD ROAD CORRIDOR VILLAGE CENTER OVERLAY DISTRICT**

Wilson stated that the Planning Commission has been working on a plan for redevelopment of the Southfield Road corridor for many months. The Planning Commission and LSL Planning have prepared a Village Center Overlay District and have submitted a proposal for Council review and approval. Village planning consultants will make a presentation on the Overlay

District followed by a first reading of an ordinance amendment to adopt the Village Center Form-Based Code. There is a public hearing and second reading scheduled for the December 3 Council meeting. Planning Commission chairperson George Ostrowski was present in the audience.

Brad Strader of LSL Planning provided background information on the Village Center Plan, and planning consultant Sherrin Hood presented a review of the Form-Based Code. Strader related that the Planning Commission and its Southfield Road corridor subcommittee conducted an extensive review that resulted in the development of an Overlay Plan. There was input from public workshops and meetings with business owners.

Strader reviewed that the Village's master plan talks about the need for a Village Town Center along the Southfield Road Corridor encompassing a mixture of uses and designs that would promote the character of the Village and create a unique sense of place for the community. The purpose of this redevelopment would be to enhance the tax and economic base by retaining and expanding existing business and encouraging new business. The Town Center encompasses the west side of Southfield Road from 13 Mile Road up to Beverly Road as well as the Southfield Township property and commercial property across the street.

The Planning Commission consulted with urban planner Bob Gibbs, an expert on downtown and commercial development. Gibbs provided impetus to the Council and Planning Commission to move forward with a master plan and design guidelines for the area to include buildings, drives, signs, lighting, parking and landscaping.

Concurrent with the Village's redevelopment plan, the Road Commission for Oakland County has been undertaking the redesign and reconstruction of Southfield Road from the Lodge Freeway towards 13 Mile Road. The County created a steering committee with participation from the City of Southfield, Lathrup Village, and Beverly Hills with the intent of reviewing designs for the road redevelopment. It was anticipated that the Village Town Center plan would be adopted so that Beverly Hills would have a plan in place and be ready to accommodate that construction into its concept as the Road Commission rebuilds Southfield Road.

The Planning Commission and LSL staff has been working on a Form Based Code that will achieve the vision for the redevelopment of the Southfield Road corridor. The new code will provide for taller mixed-use buildings; buildings closer to the street; better traffic flow; walkable area; coordinated parking and access; and green gathering spaces. Strader referred to a 3-D image of the existing corridor set next to a concept drawing of a proposed layout where existing businesses can be included in the redevelopment and enhanced by more opportunities for retail, office, and living space. The idea is to allow taller buildings with less parking; buildings closer to the road; more walkways; shared parking; reduction in the number of access points; and a possible service drive connecting the uses. Strader emphasized that there is flexibility in the proposed code so that other designs would fit into the district.

Planning consultant Sherrin Hood presented details of the Form Based Code. She explained that the design guidelines developed by the Planning Commission were the major component and basis of the code drafted as part of the project. Hood addressed the elements included in the design guidelines: orientation/setback; massing/scale/height; windows; landscaping; lighting; signage; building materials; utilities; street furnishing; access/streets; parking lots/decks.

Standards were prescribed in the code to create the character of the Town Center. The Form Based Code was intended to achieve more uniformity and cohesion in the redevelopment of the commercial district.

Hood talked about the consideration of a slip street in the Form Based Code. The Code has been drafted to be flexible enough to respond to whatever design is finalized by the Road Commission. The idea discussed with the Road Commission includes a median design on Southfield Road and the potential to use excess right-of-way for one row of parking along the front of the buildings.

Hood addressed the differences between the current zoning ordinance and the proposed Form-Based Code. The new code is clear about the character of proposed redevelopment but flexible in its approach. The code incorporates tables and graphics that illustrate how the standards and the code would work. She talked about the Form Based Code in terms of structure, standards and applicability. Hood referred to a drawing of the Regulating Plan that incorporates the use locations. The idea of the overlay district is to maintain the underlying zoning so that existing businesses and residents have the protection of the underlying uses. However, the regulating plan is providing a broader range of uses for the area. The Code allows minor expansions under the current zoning; new development must comply with the new code. Modifications are allowed where reasonable or due to existing conditions.

Next steps include adoption of the form-based code; development of a streetscaping “pattern book”; and ongoing communication with the RCOC. Hood commented on optional steps: approve a concept plan as a preliminary site plan; market the incentives and opportunities; and consider creating an improvement district.

Questions from Council were addressed by the planning consultants. Council President Mercer thanked Strader and Hood for their presentation. Council will hold a public hearing on the Village Town Center and second reading at the Council meeting scheduled for December 3.

Attorney Tom Ryan conducted the first reading of an amendment to the Village Zoning Ordinance to add Section 22.23 Village Center Overlay District and a new definition for ‘Articulation’. Ryan highlighted each section of the proposed ordinance amendment. The document will be available on the Village’s website and at the Village offices for public review.

### **REVIEW AND CONSIDER RECOMMENDATION FOR 2013 COMBINED SEWER REHABILITATION PROGRAM**

The Village accepted sealed bids on Tuesday, November 5, 2013 for the 2013 Combined Sewer Rehabilitation Program to conduct relining work on combined sewer sections that were determined to be in need of immediate repair during routine maintenance. Five companies took out plans for the project. Two bids were received for the work, a bid from Liquiforce Services at \$106,434.00 and a bid from Lanzo Trenchless Technologies at \$84,710.00. Wilson recommended that Council award the project to the low bidder, Lanzo Trenchless Technologies, a company that has worked for the Village in the past.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council award the 2013 Combined Sewer Rehabilitation Program to Lanzo Trenchless Technologies in the

amount of \$84,710.00. The funds for this project are available in account #592-537-974.09, which presently has a balance of \$1,256,000.

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

**REVIEW AND CONSIDER RESOLUTION FOR MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM (MERS) APPLICATION FOR ADDITIONAL CREDITED SERVICE FOR MICHAEL VARGAS**

Lieutenant Mike Vargas has made inquiries of the Municipal Employees' Retirement System (MERS) regarding the purchase of additional service credit. Lt. Vargas is a vested member of the Public Safety Department with over 20 years of service. MERS has run a calculation for the purchase of five years of service credit. Five years is the maximum amount of service credit that can be purchased. Council is in receipt of the service credit purchase calculation produced by MERS. The purchase price of \$138,237 is the full responsibility of Lt. Vargas.

Village Administration has reviewed this option with Lt. Vargas and is confident that he is aware of the regulations and ramifications of this purchase. Manager Wilson recommended that the Council approve the resolution approving the MERS Application for Additional Credited Service.

Motion by Mooney, second by Briggs, that the Village of Beverly Hills Council resolve to approve the Application of Lt. Mike Vargas to purchase additional credited service as provided by the MERS Plan Document and to authorize Village Administration to sign the agreement on behalf of the Village.

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

**SET PUBLIC HEARING DATE OF DECEMBER 17, 2013 REGARDING PROGRAM YEAR 2014 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

Part of the requirements for receiving Community Development Block Grant funding is to hold a public hearing to review next year's CDBG proposal. Mercer set a public hearing date of December 17, 2013 for review of the 2014 Community Development Block Grant proposal. This procedure takes place each year in preparation of receiving this federal funding.

**REFER LAND DIVISION REQUEST FOR PARCELS 24-03-101-009 AND 010 ON LAHSER ROAD FROM JAMES MERRITT TO THE PLANNING COMMISSION FOR REVIEW, RECOMMENDATION AND PUBLIC HEARING**

Motion by Mooney, second by Oen, to refer the land division request for parcels 24-03-101-009 and -010 on Lahser Road submitted by James Merritt to the Planning Commission for review, recommendation and public hearing.

Motion passed.

## **PUBLIC COMMENTS**

Sharon Tischler of 21415 Virmar Court had inquiries relative to a recent Zoning Board of Appeals case regarding front yard setback requirements for a new house construction on Bellvine Trail. Attorney Ryan addressed a question regarding application of the ordinance section that states that the depth of the front open space of a house erected or remodeled shall not be less than the average of the front yard setbacks of homes within 200 feet of property on that side of the street. Mercer added that the Planning Commission has been asked to look into this ordinance language to improve its effectiveness in the community. The current wording creates a moving target with some amount of variation in front yard setbacks from house to house. It is not the intent of this section to create nonconformity. Tischler was informed that grading issues will be handled appropriately.

## **REPORTS – MANAGER**

**Building Services Contract** – The Village is working with the City of Royal Oak and Southfield Township on a contract for building department services. As currently drafted, this agreement would formalize much of the current arrangement with Royal Oak for inspection Services. The primary change would be that permits for activities governed by the State Building Code would be taken and issued by Royal Oak at the Royal Oak City Hall. The Village would still take and issue permits for various functions including rentals, fences, signs and driveways. In addition, the Village would maintain its Code Enforcement responsibility. The Village would also adopt the fee schedule for the City of Royal Oak for all permits and bonds.

Wilson has received a final copy of the proposed contract today and a fee schedule. Council will be reviewing the language of the contract in order to move forward with the agreement as early as next month.

**13 Mile Road Closure** – The Road Commission for Oakland County is still reporting that 13 Mile between Lahser and Telegraph will be open by the end of November. The weather has not been cooperative during the last two weeks, but RCOC still believes that this road will be open to traffic by the end of the month.

**Kurt Melendy Eagle Scout** – Resident Kurt Melendy has received his Eagle Scout designation. His Eagle Scout project was to install benches on the sled hill in Beverly Park. Kurt has worked with Village Administration and the Parks and Recreation Board to complete this addition to our community. The Village thanks and congratulates Kurt, his troop and his family for their work on this project.

**Offices Closed** – Village Offices will be closed on Thursday and Friday, November 28 and 29 in observance of Thanksgiving.

Council is in receipt of the quarterly reports for SOCWA and SOCRRA in their information packets.

Council had questions for the Village Manager on a number of topics. LaFerriere referred to the pilot project for single stream recycling. Wilson provided information on this SOCRRA project to develop a single stream recycling facility. There is a realization that the combined recycling effort is the way to go. He added that getting the facility built is a major investment and involves

negotiations between all parties. Wilson updated Council on the status of this undertaking and the pilot project.

LaFerriere extolled the benefits of roadside leaf collection in some neighboring communities. He asked the Wilson to solicit quotes on leaf collection in Beverly Hills for consideration in the upcoming budget process. Wilson discussed factors related to leaf collection, noting that it may be a question for the residents to decide.

Questions from Kelly on the proposed building department services contract with Royal Oak, whether it is cost effective, and the affect on the Village office were addressed by Wilson. Kelly referenced a resident who attended a recent Council meeting with several concerns. One of the issues was the number of dead trees in Beverly Park. Kelly asked if there is a program in place to address threats posed by dead trees.

Wilson responded that there was a tree removal program in place in past years following the Emerald Ash Borer disease that affected the area. The Village has directed Comeau Equipment Company to remove dead trees in the park within the confines of its equipment and capacity. Wilson related that he spoke to Public Services Director Meszler about preparing a proposal for tree removal for Hart Forestry on a priority basis. This will be a winter or spring project.

Wilson recalled that the resident in question also mentioned the problem of a sinkhole on Beaconsfield, which was caused by a failure of a storm sewer. The Village is working with Comeau Equipment Company to address this. Wilson may ask Lanzo Trenchless Technologies to look at that piece of pipe to determine whether it needs to be lined.

Kelly stated that she has been contacted by residents with a concern regarding the intersection of Saxon at Norchester following a recent accident in that location. She questioned the need for a four-way stop at the intersection. Wilson responded that he has discussed this intersection with Public Services Director Tom Meszler, who suggested that the Village contact the Traffic Improvement Association of Michigan and request a traffic analysis. The TIA will make a recommendation on how to proceed with this intersection. Wilson proposed coordinating these efforts with the City of Birmingham.

Mercer congratulated Manager Wilson on his new vice-chair position on the SOCRRA Board. He noted that the Village is running an annual coat drive through the Oakland County Sheriff's Department. People can drop off coats in the lobby of the Village municipal building to be donated to those in need.

### **REPORTS – COUNCIL**

Burry explained why WOW customers are not able to view the municipal or public access channels at this time and how this situation will be resolved. Burry announced that the Birmingham Area Cable Board will meet tomorrow morning, November 20 at 7:45 a.m. in the council chamber. Beverly Hills will be presenting a grant request to update the equipment in the municipal building cable control room. The update would allow for integration of the SmartBoard and other computer equipment with cable broadcasting equipment.

Burry informed everyone about a fundraising event at the new Rojo restaurant in downtown Birmingham supporting the Birmingham Youth Assistance. The event will be held on Monday,

December 2<sup>nd</sup> from 5:30-7:30 p.m. Tickets are available for \$25/person. Call the BYA at 248.203.4300 for ticket information. Birmingham Youth Assistance will also be hosting a Breakfast with Santa on Saturday, December 7<sup>th</sup> at 9 am and 11:30 am. Cost is \$19/person.

LaFerriere encouraged residents to be vigilant with regard to keeping their house and garage doors locked to discourage home invasion.

Mooney voiced personal observations at the approach of Thanksgiving that affirmed why he is thankful to be living in Beverly Hills. Mooney commended the Beverly Hills Public Safety Officers for their courage and professionalism in handling the recent house fire on Riverside Drive. Mooney expressed his gratitude to the people who make this Village what it is.

Briggs stated that the Communications Committee met last Thursday at which time they welcomed their newest member Julia Slatcher. The Committee will be working on developing a community survey. They will be exploring alternatives and will provide Council with a recommendation in January or February on options for conducting a survey in terms of the survey mode, providers, and cost.

The Baldwin Library Board met last night, November 18, and voted to recommend that the Birmingham City Commission move forward with the library expansion plans. Birmingham will be looking at a citizen vote in May to fund the renovation.

The 2013 Books & Bites at Baldwin fundraising event will be held on Thursday, November 21, 2013 from 6 – 9 pm at the Library. The proceeds from this year's event will support the Library's Outreach Services.

Mercer commended Public Safety Director Torongeau for his leadership and the public safety officers for keeping Beverly Hills a safe community. Mercer mentioned that Chief Torongeau prepares and publishes a Public Safety Activity Report on the Friday before each Council meeting, which is posted on the Village website. The report details almost everything that occurs in the Department related to public safety in that two-week period. Mercer wished everyone a Happy Hanukah and Happy Thanksgiving.

Motion by Mooney, second by Oen, to adjourn the meeting at 9:30 p.m.

Motion passed.

**Tim Mercer**  
**Council President**

**Ellen E. Marshall**  
**Village Clerk**

**Susan Bernard**  
**Recording Secretary**