

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
Public Safety Director, Torongeau
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. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Oen proposed an amendment to item ‘c’ on the consent agenda to change the date of the public hearing on a land division from March 4, 2014 to March 18, 2014, the second Council meeting in March.

Motion by Mooney, second by Oen, to amend consent agenda item ‘c’ as proposed.

Motion passed.

COMMUNITY ANNOUNCEMENTS

County Commissioner Bill Dwyer was present to update the Village on County matters. Oakland County has several full and part-time positions posted on its website, www.oakgov.com. Dwyer mentioned that the County offers free email and text alert subscriptions. More information is available on the County website. The Oakland County Library is hosting three legal aid clinics for the public at no charge, at which time people can consult with an attorney or a law student. More information is available by calling 248/858-0012.

The Oakland County Board has budgeted \$200,000 to fund a new program called Buy Local. It is designed to strengthen and support local businesses and local economy. More information will be forthcoming. Dwyer announced that County Executive L. Brooks Patterson will give the State of the County Report on February 12 at the Centerpoint Marriott in Auburn Hills at 7 p.m.

Commissioner Dwyer referred to the report on Gun Violence in Oakland County prepared by the Public Services Committee of the Board of Commissioners and co-sponsored by Dwyer and Commissioner Marcia Gershenson. Dwyer provided information from the study group formed to assess the recommendations and discuss implementation of those proposals. The group is moving forward on many fronts. Items being proposed are Public Service Announcements by Diana Lewis regarding the rating of violent video games and gun lock safety. A study group will be looking at mental health treatment and programs, background checks, and other topics. Dwyer will continue to report to Council on efforts being made to decrease gun violence in Oakland County.

Members of Council thanked Commissioner Dwyer for his efforts to reduce gun violence. Council commended the County Road Commission for doing a great job of clearing the roads this winter. A request was made by Council that the County seek funding to improve area roads that are in terrible shape due to the severe winter weather.

CONSENT AGENDA

Council member Kelly asked to move item “b. Review and file bills recapped as of Monday, January 27, 2014.” to the Business Agenda.

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

- a. Consider approval of minutes of a regular Council meeting held January 21, 2014.
- b. Set public hearing date of March 4, 2014 to review and confirm 2013 Special Assessment Roll for the Southfield Road Business Assessment District.

Motion passed.

REVIEW AND CONSIDER APPROVAL OF QUOTA TAVERN AND SDM LIQUOR LICENSES FOR THE SALE OF CRAFT BEER IN A RETAIL STORE FRONT AT 31215 SOUTHFIELD ROAD

Before Council for consideration is a revised liquor license application from the Michigan Beer Growler company as well as a proposed Operating Agreement between the Michigan Beer Growler owner and the Village of Beverly Hills. It was indicated that the applicant would have to obtain site plan approval from the Village Planning Commission and Council if this request for Quota Tavern and SDM Liquor licenses were approved by Council. Before a liquor license can be issued by the State, the Village must sign off that all ordinances and requirements of the Village have been met by the applicant.

Manager Wilson referred to correspondence dated January 30, 2014 from Attorney Kelly Allen representing the applicant, Janae Condit, owner of Michigan Beer Growler Company. The letter addressed questions and concerns raised by Council at its January 21 meeting and included an “Agreement with Village”. In this document, the petitioner agrees to the following: MBG agrees to limit the hours of operation; MBG will not change the classification of the license from a Tavern license to full Class C license; MBG will not increase its seating capacity from 20 persons; and MBG will not change its concept without prior approval of the Village.

Wilson stated that this Agreement between the applicant and the Village does not involve the Michigan Liquor Control Commission (MLCC). If there is a violation by MBG, the Village would have to notify the MLCC and request enforcement action be taken against the applicant/licensee. As liquor licenses expire on April 30 of each year, Beverly Hills must notify the MLCC no later than March 31 if the Village objects to the renewal of the liquor license. A hearing would be held by the MLCC, at which time Village representatives would be present and a decision would be forthcoming by the MLCC as to the enforcement of the Agreement.

Attorney Kelly Allen introduced the applicant Janae Condit and her husband Brian Condit. Allen related that the petitioners provided written material addressing questions and concerns expressed at the last Council meeting. She affirmed that the Village of Beverly Hills has four remaining quota on-premise licenses available to the community. An on-premise license can

either be a Class C or a Tavern license. MBG has applied for a Tavern license, which enables the sale of beer and wine only. The applicant has stated in the Agreement, that they will not move to change that classification to a full Class C.

Allen provided information on the actual growler jug and referred to the Health Department standards. She reported that the applicant had a meeting with Bob Berg, owner of Brady's Tavern, and he was supportive of the business concept proposed by the Condit. Mr. Berg was willing to work with them on food and marketing issues.

Allen referred to concerns addressed in the proposed Agreement with the Village regarding Hours of Operation, Classification, Capacity and Concept. She stated that the concept has been placed in writing, and it cannot be changed. Allen provided the Village with a letter of approval from Bob Berg from Brady's. Also included is a petition signed by businesses, neighbors, residents and friends in support of the Michigan Beer Growler Company proposal to operate a growler business with a Tavern license at 31215 Southfield Road. Allen remarked that she and the applicants understand that they have to go through the site plan review process and that there will be zoning requirements for parking that must be met. Allen urged Council to direct their inquiries regarding the concept and details of this operation to the owners, Janae and Brian Condit.

Janae Condit of 32035 Crossbow commented that she, her husband Brian, and their four children are active in the community and with their church. Condit expressed the view that the proposed establishment would be a positive addition to Beverly Hills and would benefit the current tenants in the strip mall. Brian Condit expressed his support for the community and his excitement about the opportunity to open a business in Beverly Hills.

Questions from Council members were addressed by Janae and Brian Condit and Kelly Allen. Topics included parking availability, enforceability of the Agreement with the Village, bar vs. retail environment, seating/building capacity, events held on the premises, license conditions, transfer of licenses, cleaning of growlers, property inspections from various agencies, types of beer, and staffing.

Allen clarified that the Agreement with the Village, if adopted, would be enforceable by the MLCC through its annual review process. The proposed Agreement with the Village is between Beverly Hills and the applicant. If the applicant violates the agreement, the Village's remedy is to ask the MLCC not to renew the license. As long as the licensee is given notice and a hearing, the MLCC will uphold the Village's Agreement with the applicant. This is based on case law and past practice.

Janae Condit described an arrangement with Mike Palmer from Premier Pet Supply and the landlord whereby the pet store would be using the back portion of the former dry cleaners for storage and the MBG would be using the front of the store.

Mike Palmer, owner of Premier Pet Supply at 31215 Southfield Road whose business would be adjacent to the MBG company, remarked that the opening of their business would be integral to his obtaining extra space at the rear portion of the former Lois Gross cleaners store. The Michigan Beer Growler Company will be occupying the front portion of that space, and Palmer

will be using the back half for additional storage. Palmer related that that he has outgrown his space due to the tremendous support of Beverly Hills customers. He likes the concept of the MBG and thinks it will be a good addition to the community.

Sharon Tischler of 21415 Virmar Court asked for clarification of a Tavern License. She was informed that it allows for the sale of beer and wine only.

Motion by Briggs, second by LaFerriere. Be it resolved that the Village of Beverly Hills Council approve the request from Michigan Beer Growler Company (Owner Janae Condit) for a Quota Tavern Liquor License pursuant to MCL 436.1531 for a business to be located at 31215 Southfield Road, Beverly Hills, Michigan, 48025, Oakland County, Michigan.

Roll Call Vote:

LaFerriere	- yes
Mercer	- yes
Mooney	- no
Oen	- no
Briggs	- yes
Burry	- yes
Kelly	- yes

Motion passed (5 – 2).

Mercer stated that the owners must submit a site plan for this location, which will be referred to the Planning Commission for review and recommendation to Council. Council discussed entering into a binding agreement that restricts the operation of MBG in terms of hours of operation, classification, capacity, and concept.

Motion by Briggs, second by Burry, that the Village of Beverly Hills Council authorize the Village Manager to enter into an Agreement between the Michigan Beer Growler Company and the Village regarding the Quota Tavern License and restrictions on the MBG business within the Village of Beverly Hills as outlined in a letter dated January 30, 2014 from Attorney Kelly Allen.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER RECOMMENDATION FROM THE PARKS & RECREATION BOARD TO PAINT PICKELBALL LINES ON ONE TENNIS COURT AT BEVERLY PARK

Motion by Mooney, second by Oen, that the Beverly Hills Village Council authorize the expenditure of an amount not to exceed \$2,000 to paint one tennis court in Beverly Park for dual use as a pickleball court. Funds for this project are available in the park dedicated millage fund.

Mooney stated that the Parks and Recreation Board approved this proposal unanimously. It is an opportunity to increase the use of the tennis courts in Beverly Park.

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

REVIEW AND CONSIDER RECOMMENDATION FROM THE PARKS & RECREATION BOARD TO ACCEPT PROPOSAL FROM JH HART TO TRIM HAZARDOUS TREES ADJACENT TO THE PATH AT BEVERLY PARK

Motion by Mooney, second by Oen, that the Beverly Hills Village Council approve a proposal in an amount not to exceed \$3,400 from JH Hart Urban Forestry as outlined in correspondence dated November 26, 2013 from Judd Hart. Hart will be directed to leave as many of the dead trees and limbs on the ground as reasonably possible. Funds for this expenditure are available in the R & M Park account 101-440-778.03.

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

REVIEW AND CONSIDER PURCHASING TWO RADAR UNITS FOR THE DEPARTMENT OF PUBLIC SAFETY

Motion by Oen, second by Mooney, that the Village of Beverly Hills Council authorize the purchase of two Stalker Dual-SL Radar units from Applied Concepts Inc. located in Plano, Texas at the price of \$1819.00 each for a total price of \$3,638.00. The funds for this purchase are available in account #205-900-980 Capital Purchases Public Safety Equipment.

This cost was obtained through the State of Michigan bidding process.

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

REVIEW AND FILE BILLS RECAPPED AS OF MONDAY, JANUARY 27, 2014

In response to an inquiry, Manager Wilson provided explanations on several of the invoices received in the last month.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council review and file the bills recapped as of Monday, January 27, 2014.

Motion passed.

PUBLIC COMMENTS

Daniel Pamukcu of 18131 Saxon questioned why Beverly Hills crimes are no longer reported in the Birmingham-Bloomfield Eagle newspaper. Mercer suggested that this question is best answered by the reporters or editor of the Birmingham-Bloomfield Eagle. It was noted that Beverly Hills participates in the online crime reporting site Crimedat. Mercer added that a detailed Public Safety Department activity report is available on the Friday before each Council meeting in the E-Packet posted on the on the Village's website (villagebeverlyhills.com).

REPORTS – MANAGER

Wilson stated that there will be a joint meeting between the Council and Village Planning Commission on Wednesday, February 12 at 7:30 p.m.

Wilson will attend a meeting hosted by the Water Resources Commissioner Jim Nash along with Public Services Director Meszler and a representative from Hubbell, Roth & Clark. The topic will be a sewer rate simplification process requested by the Detroit Water and Sewer Department Board. This would result in a change in billing methodology to all of the sewage districts outside of the City of Detroit. The group will meet on February 25 to discuss what rate simplification with DWSD could mean. Wilson will provide updates to Council.

The Village has submitted Phase 2 reports required by the Michigan Economic Vitality Incentive Program (EVIP). These annual reports on consolidation of services were provided to the State last week. A copy of the report is available on the Beverly Hills website.

The Village office will be closed on Monday, February 17, due to the President's Day holiday. Trash collection and snow plowing services will not be interrupted.

REPORTS – COUNCIL

Burry stated that, according to the Movoto Real Estate list of the safest cities in Michigan, Beverly Hills ranks #12. He thanked Chief Torongeau and the Public Safety Department for their efforts in keeping the Village safe.

LaFerriere remarked that tomorrow, February 5, is National Signing Day, which is the first day that a high school senior can sign a binding letter of intent to play college sports. He named five exceptional Groves and Seaholm High School students/athletes who have committed to play sports and indicated the schools that have recruited them.

Mooney reiterated that a detailed Beverly Hills Public Safety Department Activity Report is included in each Council meeting packet, which is posted on the Village website. Mooney stated that he views it as a duty of Council to safeguard the future of the Village, which is why he voted against the application for a liquor license this evening.

Mooney reported on the Winter Family Fun Day held on Sunday, January 26 in Beverly Park. It was well attended, and fun was had by all who participated.

Oen suggested that a topic for the joint meeting with the Planning Commission should be drafting of a liquor ordinance for the Village. Oen voiced his support of Commissioner Dwyer's report and recommendations on preventing gun violence in Oakland County.

Briggs commented that he served as a judge at the Annual Birmingham Youth Assistance Kid's Dog Show last Sunday, February 2 at Berkshire Middle School. He thanked Mike Palmer, owner of Premier Pet Supply, for being a major sponsor of that event. The Dog Show raises money to assist an organization that provides important services to families in our community.

Mercer thanked John Mooney for serving as liaison to the Parks and Recreation Board and attending the Winter Family Fun Day. He thanked scouts from Troop 1024 for building a great snow cave and tending the fire at the event on Sunday.

Mercer has received many positive comments regarding the snow plowing in the Village this winter during above average snowfalls. He appreciated the Public Works Department for doing a good job.

The Birmingham Education Foundation is preparing for this year's Unabashed Bash scheduled for Saturday, February 8 at the Townsend Hotel. The proceeds from the BASH will support important programming and enrichment opportunities for all of our students at all 13 schools.

Council members wished Brian LaFerriere a Happy Birthday.

Motion by Mooney, second by Oen, that the meeting be adjourned at 9:12 p.m.

Motion passed.

Tim Mercer
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary