

Present: President Mooney; President Pro-Tem Peddie; Members: Abboud, Borgon, Delaney, Mueller and Oen

Absent: None

Also Present: Manager, Wilson
Assistant Manager/Clerk Marshall
Village Attorney, Ryan
Public Safety Director, Torongeau

Council President Mooney called the regular Council meeting to order at 7:30 p.m. in Southfield Township municipal building at 18550 W. Thirteen Mile Road.

AMENDMENTS TO AGENDA/APPROVE AGENDA

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

Motion passed.

COMMUNITY ANNOUNCEMENTS

State Representative Jeremy Moss reported on a proposed Legislative Open Records Act that would amend the Freedom of Information Act requiring the state legislature and governor's office to be included in the Act. When the Freedom of Information Act was originally written, the state legislature and governor's office were exempt from complying with the law. Rep. Moss supports this proposed reform to the FOI Act.

Moss supports an election reform bill that would limit candidates to raising funds only during the year in which they seek election for a state office in Michigan. Moss also reported on his work to provide more oversight to the Department of Environmental Quality regarding oil drilling permits in residential areas. Moss plans to introduce a bill that regulates telecommunications companies, requiring them to provide 60-day written notice of any changes to promotional pricing.

Delaney inquired if there is any bill being offered to make the legislature a part time body. Moss explained that there have been efforts in the past via citizen driven initiatives, however it would require an amendment to the constitution, and currently there are no legislators pursuing this.

Abboud asked for further clarification on the oil drilling bill. Moss explained that he is working with Representative Peter Lucido, who represents Shelby Township, to get this bill passed in the House, however it currently does not look optimistic.

Mooney asked Rep. Moss to provide Village administration with information regarding the new marijuana dispensaries laws and their impact on local jurisdictions. Moss agreed and explained that the licensing option is an opt-in situation, so if the Village does not opt in, a business cannot be opened.

Mooney commended Moss's staff for keeping in constant communication with the Village. He is proud to have Moss represent the Village.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

CONSENT AGENDA

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

1. Review and consider approval of minutes of a regular Council meeting held September 6, 2016.
2. Review and file bills recapped as of Monday, September 19, 2016.
3. Review and consider request from Our Lady Queen of Martyrs to install banner at the northwest corner of Dunblaine and Southfield.
4. Review and consider funding 2016 Halloween Hoot.

Motion passed.

BUSINESS AGENDA

PRESENTATION OF THE CABLE BOARD 2016/17 BUDGET AND ANNUAL REPORT, ELAINE MCLAIN AND CATHY WHITE

Birmingham Area Cable Board chairperson Elaine McLain and Executive Director Cathy White presented the BACB FY 2016/17 Budget and Annual Report and provided an overview of Cable Board goals and activities.

McLain related that the fundamental goals of the Cable Board are to fund PEG programming as well as protecting the rights-of-way.

Revenues are the same as last year. In the future, PEG fees will be reducing from 3% to 2%. This year's budget reflects neutral revenue and expenses.

McLain explained that the amount of money for administrative grants is determined after the annual audit and prorated funds are available for each community. In response to an inquiry, she explained that each provider claims their rates are set based on packaging, and they cannot split up the packages. Five years ago people pushed for a la carte options, which started the trend of paying for cloud based content which is then made available on a variety of platforms. Unfortunately, this is not a pressing issue to the legislature.

Mooney thanked BCTV for their outstanding work and support.

REVIEW AND CONSIDER SUBCOMMITTEE'S RECOMMENDATION TO FILL CABLE BOARD VACANCY

Motion by Borgon, second by Oen, to recuse Borgon from the discussion and vote on this item due to him being one of the applicants for the vacancy.

Motion passed unanimously.

Mooney reported that a subcommittee consisting of himself as chair, Delaney and Mueller met prior to tonight's Council meeting to consider two applications to fill a vacancy on the Birmingham Area Cable Board. The subcommittee recommends that Council appoint Robert

Borgon to fill a vacancy on the Cable Board effective November 15, 2016 after his term on Council expires.

Motion by Delaney, second by Mueller, to appoint Robert Borgon to fill a vacancy on the Birmingham Area Cable Board effective November 15, 2016 for a term to expire on June 30, 2019.

Motion passed (6 – 0).
Abstain: 1

REVIEW AND CONSIDER THE PURCHASE AND PLANTING OF NINE TREES AT BEVERLY PARK

Mueller recapped various park improvements that occurred during 2016. One of those improvements included the purchase and planting of 20 trees at Beverly Park by Marine City Nursery. Before Council this evening is a recommendation to purchase and plant nine additional trees. Eight to be planted in the Beverly Park parking lot islands and one to replace a dead tree that was removed along the northern side of the parking lot by Beverly Road. Marine City has provided a quote of \$350 each to plant, stake, mulch and provide a one year warranty for nine 2 ½” Skyline Locusts.

Motion by Mueller, second by Oen, be it resolved that the Village of Beverly Hills Council authorizes administration to engage the services of Marine City Nursery to supply and plant nine Skyline Locust trees at a per tree cost of \$350 for a total amount of \$3,150. Funds are available in the park improvement fund.

Roll call vote:
Motion passed (7 - 0)

REVIEW AND CONSIDER PROPOSAL FROM GIBBS PLANNING GROUP FOR SOUTHFIELD CORRIDOR MARKETING PLAN

Motion by Abboud, second by Oen, to recuse Abboud from voting on this item due to his residence being located in the Southfield Road Overlay District.

Motion passed unanimously.

The Planning Commission has been working with Gibbs Planning Group (GPG) to produce a marketing plan for the Southfield Road Overlay District. The intent of this marketing plan is to produce a document that can be provided to major developers that detail the areas involved in the Overlay District, the demographics of the area and the development opportunities possible through the Code. Robert Gibbs was very helpful in the beginning stages of developing the general concepts of the Overlay district.

David Mangum, representative of GPG, explained they are a marketing and urban planning group in Birmingham, Michigan. He clarified that any time a plan of this nature is considered, form based codes must be put into place to enable developers' some reliability in going through the process.

Peddie and Mueller expressed concerns regarding the code peer review section of the project. Mueller stated that other planning companies have informed him that should the Village engage their services, they would do all of the leg work and preliminary work for the plan at no cost to the Village. Mueller would like to consider these other options.

Abboud asked Mangum how they see the current plan looking when it is executed. Mangum explained that in other communities they have worked with, the community worked with a development team and the developers put together a plan that was presented to the community; with mixed review. In another city, they worked with the elected officials to create a plan that reflects the community's goals, and then present the plan to developers. In the proposal before the Council, GPG would first look at the plan from the Village's perspective and determine the Village's goals for the corridor. That would be used as leverage in presenting it to potential developers. Task One is a code review to see what is currently in place. Task Two would put together the concept plan based on feedback received during Task One, and then they would create a drawing to show the vision, which would then be used in the presentations. Task Three would get the plan out to investors and developers.

Mangum shared that GPG would develop a timeline based on the goals of the Village, and Tasks One and Two would be happen concurrently. He informed the Council that there are several developer shows where our plan could be presented, and if that was something the Council desired, the timeline would work back from that date.

Delaney asked for a clearer picture of what the Council means by "Overlay District". Abboud explained that an overlay district can be used as mixed use residential and commercial space. In the Village this is the area from Huntley Square to Southfield, and 13 Mile to Beverly Road.

Delaney explained that his hesitation in supporting this plan comes from the varied vested interests of the many owners along Southfield Road, and the long history between those owners and the Village which create roadblocks to forward progress. He would like to see a focus on the sale of a large piece of property that has been on the market for an extensive period of time and a greater emphasis placed on the landscaping and maintenance by the existing businesses along the corridor.

Oen said the Village has already invested a large amount of time and money into the Southfield Corridor development and he agrees with Delaney.

Peddie reiterated the necessity for a plan to help move the Village forward. Abboud shared the need for a walkable community, and how a redevelopment of the Southfield Corridor would help create the identity of the Village. Mueller agrees with the need for redevelopment, he just feels that the Village needs to explore all plans and options available. Ryan suggested that in any contract a timeline should be clarified.

Mooney pointed out that a lot of time and money has already been spent developing an overlay district to promote redevelopment of the "downtown" area to make it a thriving walkable area of mixed use residential and commercial. The goal was that once this preliminary work was completed; a firm would be secured to help promote this district to developers. The current plan

before Council suggests that all of that groundwork needs to be redone. He is willing to support spending money to develop the overlay district, but would like to see that the money is well spent on a marketing plan that promotes forward progression.

Mooney suggested the creation of a subcommittee to meet with Gibbs Planning Group and members of the Planning Commission to develop a better understanding of the goals and marketing plan presented by Gibbs Planning Group.

Resident Dan Nunez, Marguerite Street, agrees that there could be opposition by the current businesses to the redevelopment, but a plan is essential to start any development happening.

Motion by Oen, second by Peddie, to postpone discussion of this item until a meeting can be held with a subcommittee of Council, representative from Gibbs Planning and representatives from the Planning Commission.

Motion passed (6 - 0)
Abstain: 1

Motion by Delaney, second by Oen, to appoint Abboud, Oen and Peddie to a subcommittee to meet with Gibbs Planning Group and members of the Planning Commission to develop a better understanding of the goals and marketing plan presented by Gibbs Planning Group.

Motion passed (6 - 0)
Abstain: 1

REVIEW AND CONSIDER APPROVAL OF COST PARTICIPATION AGREEMENT WITH OAKLAND COUNTY FOR EVERGREEN ROAD REHABILITATION

At the July 19, 2016 Council meeting, Council approved the submission of an application requesting funding for an anticipated 2017 joint project between the Village and the City of Southfield on Evergreen Road. Oakland County established this new program providing matching funds to local communities for local road improvements. For the first year, the Village of Beverly Hills is eligible for \$21,398 in funding. A 50% local match of \$10,699 is required. The Village's projected portion of this project is estimated at \$644,359.45. It is the intent of the Village to use our portion of the funding from Oakland County on the Evergreen Rd. project. The Village application was approved by the County Board of Commissioners and now requires Council's authority to execute the agreement.

Motion by Delaney, second by Oen, be it resolved the Village Council authorizes the Village Manager to sign the 2016 Local Road Improvement Matching Fund Pilot Program Cost Participation Agreement with the Board of Commissioners of the County of Oakland. These funds will be utilized for FY 2017/18 joint project with the City of Southfield for improvements to Evergreen Road as well as new signalization for the intersection of Evergreen and 13 Mile Road. Funds for the Village's required match are available in the Village's FY 2017/18 budget in fund 203-451-810.02.

Roll Call Vote:
Motion passed (7 - 0)

REVIEW AND CONSIDER PROPOSALS FOR DESIGNING AND PRINTING THE 2017 VILLAGE CALENDAR

Competitive bids were solicited by the Village for designing and printing the 2017 informational calendar.

Motion by Borgon, second by Mueller, that the Village of Beverly Hills Council award the contract for printing the Village of Beverly Hills 2017 Calendar to Compton Press in the amount of \$4,599.00. Funds for this project are available in account #101-747-881.

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

PUBLIC COMMENTS

None

MANAGER'S REPORT

Wilson reported that DTE is running behind on their 2016 tree trimming schedule. He will contact DTE and request a representative to attend a future Council meeting and provide and update.

COUNCIL COMMENTS

Mueller announced a flashlight tour of the DIA Artwork in Beverly Park that is part of the Inside/Out program. The tour will be on Thursday, September 22nd beginning at 7:30. Anyone wanting to participate should be at Beverly Park with their own flashlight by 7:30 p.m. Light refreshments will be served.

Borgon commented that Next held their Board meeting today and he provided Council members with a copy of the Next 2015/2016 Impact Report. Next has approximately 1,500 members. The Cable Board meeting will be held tomorrow morning at 7:45 am in the Birmingham Board of Education Central Administration Office.

Abboud announced that the Planning Commission will meet next Wednesday, September 28th at 7:30 p.m. in the Southfield Township building. The Zoning Board meeting on Monday, October 10 has seven cases. He attended the Michigan Municipal League convention earlier this month discussing topics like Connected Autonomous Vehicles (CAV) and their impact on downtowns, and involving Millennials as local government leaders. There is a SEMCOG meeting on October 13, 2016 that he will be attending. He commended public safety on the wonderful job they do.

Delaney attended the Parks & Recreation Board meeting last Thursday and looks forward to plans that are being discussed to take place at the park next year. While working across the street from the Park this summer he realized that thousands of people go through the park. He expressed his dismay at the quantity of drunk drivers that have been arrested or had accidents as of late. He would like to see more legislation against these drivers.

Oen reported that Sgt. Mike Miles was nominated by Mothers Against Drunk Driving for arresting the most drunk drivers in 2015 award. He congratulated Officers Davis and Danielson for their assistance to Birmingham Police in apprehending bank robbers.

Peddie stated that the Baldwin Public Library will be undergoing renovations in early November.

Mooney suggested a meeting with the Council and the Planning Commission, where administration and Ryan present the impact of the new marijuana dispensary laws on the Village. He reiterated his belief that Jeremy Moss is an outstanding state representative.

Motion by Delaney, second by Oen, to adjourn the meeting at 9:35 pm.

Motion passed.

John Mooney
Council President

Ellen E. Marshall
Village Clerk

Elizabeth Lyons
Recording Secretary