

Present: President Mercer; Members: Burry, Kelly, LaFerriere, Oen and Mooney

Absent: President Pro-Tem Briggs

Also Present: 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. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

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

Motion passed.

PUBLIC HEARING – SPECIAL ASSESSMENT ROLL FOR THE SOUTHFIELD ROAD BUSINESS ASSESSMENT DISTRICT

The Village maintains the public right-of-way along the Southfield Road business district and assesses the cost of landscape maintenance and water for the sprinkling system to the property owners on the west side of Southfield Road.

President Mercer declared the public hearing open at 7:32 p.m. No one wished to be heard; therefore, the public hearing was closed at 7:33 p.m.

COMMUNITY ANNOUNCEMENTS

None

CONSENT AGENDA

- a. Consider approval of minutes of a regular Council meeting held February 5, 2013.
- b. Consider approval of minutes of a special Council meeting held February 9, 2013.
- c. Review and file bills recapped as of Monday, February 11, 2013.

The following corrections were made to the special Council meeting minutes of February 9, 2013: 1) On page 2, add LaFerriere as a champion of Financial Issues; 2) Page 2, move 'Health care cost increase' from the list of Threats to the list of Challenges.

Motion by Mooney, second by Burry, to approve the minutes of a special Council meeting held February 9, 2013 be approved as amended.

Motion passed.

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

Motion passed.

BUSINESS AGENDA

PRESENTATION OF THE ANNUAL CABLE BOARD REPORT BY CABLE BOARD CHAIRPERSON ELAINE McLAIN

Birmingham Area Cable Board chairperson Elaine McLain presented the BACB Audit and Annual Report and provided an overview of Cable Board goals and activities. The Board has transitioned from former Executive Director Bob Borgon to Cathryn White, who has filled that position. McLain commented on the involvement of Beverly Hills representatives on the Cable Board including Ken McFadden, Dorothy Pfeifer, Maryann Verdi-Hus and Alan Heyman and Greg Burry.

McLain reported that the Cable Board has a current fund balance of \$1.3 million, 77% of which are PEG (public, educational, governmental) funds. These funds are designated for PEG capital improvements or services. At its February 13, 2013 meeting, the Cable Board approved a grant request from Beverly Hills to purchase a 70” interactive flat panel display system for its council chamber. A Birmingham Public Schools grant was also approved to provide necessary audio and video equipment to outfit their new Board room at Groves High School for cablecasting. McLain added that the Cable Board distributed administrative grants to each of the member communities based on FY 2012 franchise fee funds available after reconciliation of all operating expenses and verified after completion of the annual audit.

McLain related that the fundamental goals of the Cable Board are to fund PEG programming as well as protecting the rights-of-way. She talked about the three service providers within the communities and new technology. McLain mentioned the Board’s recent effort in terms of outreach and involvement in various state and local organizations. She concluded that the Cable Board remains Beverly Hills’ voice in cable and telecommunications.

Burry thanked McLain for the update and said that the Cable Board is doing a great job under her leadership.

REVIEW AND CONSIDER 2012 SPECIAL ASSESSMENT ROLL FOR THE SOUTHFIELD ROAD BUSINESS ASSESSMENT DISTRICT

Motion by Mooney, second by Oen, that the Southfield Road Business District incurred the following costs for 2012: maintenance \$3,393.55, water costs for the sprinkling system \$1,676.60 and electric costs for Beverly Hills Grill \$179.50. In addition, each property incurred a 10% administrative fee for a total of \$524.97. The Village of Beverly Hills Council confirms the Village Business District Assessment Roll for the 2012 season in the amount of \$5,774.62 as follows:

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|-------------------------|-------------|
| Beverly Hills Club | \$ 1,053.15 |
| Bed, Bath & Beyond | 411.65 |
| Beverly Hills Grill | 358.27 |
| C.G. Holdings, LLC | 301.41 |
| Emile’s | 471.89 |
| Taco Bell | 356.25 |
| 31333 Building | 471.56 |
| Beverly Venture | 1,058.87 |
| J & D Karmo Real Estate | 1,291.57 |

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

REVIEW AND CONSIDER SUBCOMMITTEE’S RECOMMENDATION TO FILL ALTERNATE VACANCIES ON THE ZONING BOARD OF APPEALS

LaFerriere reported that a subcommittee consisting of himself as chair, Burry and Kelly met prior to tonight’s Council meeting to consider three applications to fill two alternate member vacancies on the Zoning Board of Appeals. The subcommittee recommended that Council appoint Charles Raeder to fill an alternate member vacancy on the Zoning Board. LaFerriere mentioned that an application was received from a highly qualified individual, Antonia Grinnan, who did not meet the strict interpretation of the continuous residency requirement. For that reason she was precluded from being considered for this appointment.

Motion by LaFerriere, second by Kelly, to appoint Charles Raeder to fill an alternate member vacancy on the Zoning Board of Appeals for a term to expire on June 30, 2015.

Motion passed (6 – 0).

REVIEW AND CONSIDER RESOLUTION DESIGNATING BEVERLY HILLS’ STREET ADMINISTRATOR

Before Council for consideration is a resolution sent by the Michigan Department of Transportation for the designation of a Street Administrator for the Village of Beverly Hills. This resolution identifies the individual responsible for maintenance, traffic control, construction, and repair of the streets under the jurisdiction of the Village. Public Services Director Tom Meszler has performed the duties of Street Administrator for the Village for some time. The State is asking communities to adopt a formal resolution designating their Street Administrator. The resolution requires approval by the Village Council by February 28 in order to comply with Act 51 requirements.

Motion by LaFerriere, second by Oen, to adopt the Resolution designating Public Services Director Thomas H. Meszler as Street Administrator for the Village of Beverly Hills as required by the Michigan Department of Transportation.

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

The Resolution in its entirety is available for public review at the Village offices.

REVIEW AND CONSIDER EXTENDING VILLAGE-WIDE MORATORIUM ON NEW SIGNS WITHIN THE VILLAGE

In August of 2012, the Village Council approved a 180-day moratorium on site plan review within the Southfield Road corridor area and a moratorium on sign permits that would require Planning Commission review. The Planning Commission requested this moratorium because it was working on revisions to the sign ordinance and on developing an overlay zoning district for the Southfield Road business district.

At the Joint Planning meeting with the Village Council on Feb. 13, the Planning Commission provided Council with an update on the state of current sign ordinance revisions and an overview

of the Beverly Hills Town Center Plan. A final draft of the sign ordinance amendments has been developed and distributed to Council. The Village Council is required to hold a public hearing and a first and second reading of the ordinance before it can be adopted. Because the current moratorium was going to expire on February 18, 2013, there was a concern that a sign permit could be accepted and reviewed prior to the new ordinance being adopted. This led to discussion about the need for an extension of the previous moratorium to allow time for the adoption of revisions to the Sign Ordinance.

Before Council for consideration is a draft Resolution extending the moratorium until April 30, 2013 in order to meet notification requirements and hold a public hearing on the sign ordinance on March 19 to be followed by a first and second reading of the ordinance prior to adoption. Wilson noted that there is a section of the proposed moratorium that would allow any property owner who thinks that they are placed in a hardship situation by this action to appeal for relief and have their sign permit application reviewed.

Motion by Oen, second by LaFerriere, that the Village of Beverly Hill Council set a public hearing date for proposed Sign Ordinance amendments on March 19, 2013 and adopt the following Resolution.

RESOLUTION EXTENDING THE MORATORIUM ON NEW SIGNS
WITHIN THE VILLAGE OF BEVERLY HILLS

RECITALS

WHEREAS, the Village Planning Commission has been studying the village sign ordinance to the end of making amendments and improvements to the sign ordinance to provide for uniform and consistent sign standards for the entire Village; and

WHEREAS, the development and passage of this revision is forthcoming it would be counter-productive if approval of signs were permitted to move forward; and

WHEREAS, the Village Planning Commission and Village Council recognize that delays in sign permit approval may inconvenience property owners; and

WHEREAS, the Planning Commission has held a public hearing on proposed revisions to the current sign ordinance, has updated the Village Council as to these proposed revisions and has produced a final draft of desired revisions to the sign ordinance for the Village of Beverly Hills; and

WHEREAS, the Village Council will need to conduct a public hearing, first and second reading and approval of the proposed revisions,

NOW, THEREFORE, BE IT RESOLVED that the Village of Beverly Hills hereby declares an extension of the moratorium on new signs in the Village that took effect August 22, 2012, and was in effect for 180 days. The extension of this moratorium will conclude at midnight on April 30, 2013 during which time no signs requiring Planning Commission approval will be considered.

BE IT FURTHER RESOLVED that during the effective period of this moratorium, any aggrieved property owner or business shall be entitled to a hearing for the purpose of attempting to demonstrate to the Village Council that the temporary deferral or moratorium pronounced in this Resolution will result in a preclusion of any viable economic use of their property or otherwise violates applicable provisions of

state or federal constitution or law. Such hearing shall be conducted on an expedited basis before the Village Council. At the conclusion of the hearing, the Village Council shall make findings and conclusions with respect to whether the Petitioner has demonstrated that all viable economic use of the property has been precluded by this moratorium and/or this moratorium on its face or applied constitutes a violation of applicable constitution or law. If it is found and demonstrated that the deferral has the effect of precluding all viable use of property or that it violates law or constitutional provision, the Village Council shall grant relief from the deferral to the degree necessary to cure the contravention.

There followed a lengthy discussion of the resolution extending the moratorium on sign permits in the Village. Questions and concerns from Council were addressed in detail by Wilson. Council member Mooney expressed the view that the Planning Commission and LSL Planning had sufficient time during the 180 moratorium period to draft a sign ordinance. The ordinance amendments should have been completed in time to schedule the required hearings and adoption before the conclusion of the moratorium. Members Burry and LaFerriere reinforced the belief that it was the expectation of Council that the sign ordinance be drafted within 180 days.

Oen talked about the effort and work accomplished by a subcommittee of the Planning Commission that met outside of regular meeting dates to develop sign ordinance revisions that would improve the quality of signage that has been allowed in the Village for many years under the current ordinance. This is an ordinance that will be in place for a long period of time. Oen supported an extension of the moratorium. Kelly commented that the draft ordinance before the Council is impressive and will benefit the community.

Mercer stated that he asked Administration to place this item on the agenda for this meeting. He suggested that Council adopt the Resolution and move towards completing the sign ordinance revisions. He is in support of extending the moratorium until April 30 because he has a copy of the proposed sign ordinance in hand.

Alda Maria McCook of Riverside Drive was in favor of the moratorium if it meant that Beverly Hills would have signs that are respectful of our Village.

Vince Borowski of West Chelton, Planning Commission member, said that there are four members on the sign ordinance subcommittee – Stempien, Westerlund, Abboud, consultant Brian Borden and himself. Borowski thought that the subcommittee did a tremendous job of addressing an important issue for Beverly Hills. He thanked Council for their consideration and urged them to approve the extension of the moratorium.

Roll Call Vote:

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

Motion passed (4 – 2).

PUBLIC COMMENTS

Alda Marie McCook of Riverside Drive asked for information on how she could contribute to the Veterans Memorial in Beverly Park. Manager Wilson informed the public that anyone who would like to make a donation towards the Veterans memorial monument may do so at Independent Bank at 14 Mile and Southfield Road. They can make a check out to the Beverly Park Veterans Memorial Fund and it will be deposited to that fund.

Dan Nelson of Sheridan stated that Disney came into town in 2011 to make a film called Oz: The Great and Powerful. Many local actors and craftsmen were hired to help make this movie thanks to the Michigan Film Tax Credit. Nelson talked about the connection between the movie and Southfield Township, Beverly Hills and Franklin. Director Sam Raimi graduated from Groves High School in 1977. Nelson went on to mention a number of individuals acting in the movie who went to GHS, or lived in Franklin or Beverly Hills. He named former Groves and West Maple teachers, who were in the movie. The film opens on March 8.

REPORTS – MANAGER

Wilson compiled and distributed a report on the financial statement for the Village through December 31, 2012. Administration was then asked to provide a written summary of the statement and address any issues that could arise from a review of these numbers. Wilson referenced a couple of issues regarding Major and Local Roads and the Water and Sewer summary

The Village of Beverly Hills Public Safety Department now has a presence on Crimedat. The Department has provided Crimedat with all activity to date, a total of 409 calls for service. The Public Safety Department and Village Administration are still reviewing the nature and relevance of the information submitted to Crimedat and will likely be revising the categories report in the future.

LaFerriere and Kelly commended Administration on the details provided to the financial report figures. Mooney commented on the Village's participation in Crimedat. Kelly suggested that public safety track how much time personnel spends on compiling data to be posted on the Crimedat site.

Burry commented that he asked that the DPW place bales of straw in front of the disc golf pole near the sled hill to prevent injuries by people on sleds. Wilson stated that Comeau Equipment Co. has been given this direction. Burry also related that there have been complaints regarding cars being parked on the lawn of rental property along 14 Mile Road, creating an eyesore. Wilson responded that he spoke with the rental property owner, code enforcement officer, and LSL Planning regarding this issue. They are trying to work with the property owner to build a parking area at the rear of his property, which would be allowed by code.

REPORTS – COUNCIL

Burry stated that Council has received the Joint Senior Services Committee Mid-term Report to the Municipalities. The report was sent to the participating communities of Birmingham, Beverly Hills, Bingham Farms, Franklin and Southfield Township. The Joint Senior Services Committee was established to address areas of need for the rising senior demographic, including the appropriate funding and governance models necessary to support these needs. Burry related that

focus groups have completed their mission and a report is being prepared. This will be followed by a policy recommendation to the municipalities and input at public meetings.

Burry provided background on the Village's grant request to the Birmingham Area Cable Board that resulted in approval of a grant in the amount of \$10,685.00 to purchase a 70" Sharp Aquos Board Interactive Display System from AVI Systems to be installed in the Beverly Hills Council Chamber for use during public meetings. Burry talked about some of the features of this equipment.

LaFerriere urged the community to contribute to the Veterans Memorial to be installed in Beverly Park. He would like to fund this monument without using public funds if possible.

Oen stated that he appreciated the work of the volunteers who serve on the Planning Commission. He commented on the progress of PSO Danielson.

Mooney commented on the Park Survey conducted by Clerk Marshall on behalf of the Parks and Recreation Board. The responses and evaluation of the community indicate that 74% of the people think we have a fantastic park system. The Village will be redrafting the Park Master Plan before the middle of the year.

Mooney expressed condolences on behalf of Council on the loss of resident Jeanne Benson, wife of former Council President Pro-Tem Cliff Benson. Mr. and Mrs. Benson contributed a great deal to the community. Jean Benson was a consistent volunteer to Baldwin Public Library and a great person who will be sorely missed by this community and by her family.

Mercer commented on the Veterans Memorial monument for the park. He would encourage donations to get this monument in place in time for a Memorial Day dedication.

Motion by Mooney, second by LaFerriere, to adjourn the meeting at 9:03 p.m.

Motion passed.

Tim Mercer
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary