

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

Absent: Member: Mueller

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

President Mooney 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.

**AMENDMENTS TO AGENDA/APPROVE AGENDA**

Motion by Oen, second by Peddie, to amend the agenda moving item 1. Review and consider approving minutes of a regular Council meeting held June 19, 2018 from the Consent Agenda to item 5 on the Business Agenda.

Motion passed.

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

Motion passed.

Abboud arrived at 7:31 p.m.

**COMMUNITY ANNOUNCEMENTS**

None.

**PUBLIC COMMENTS**

None.

**CONSENT AGENDA**

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

1. Review and file bills recapped as of Monday, June 25, 2018.
2. Review and consider resolution proclaiming July as National Recreation and Parks month.
3. Review and consider waiving sales restrictions at Beverly Park for Movie in the Park.

Roll Call Vote:

Motion passed (6-0)

**BUSINESS AGENDA**

**REVIEW AND CONSIDER REQUEST FROM CUB SCOUT PACK 1024 TO HOLD OVERNIGHT CAMP-OUT AT BEVERLY PARK**

Greg MacKenzie, Cub Master and Matt Finnerty, Committee Chairman from Beverly Elementary School Cub Scout Pack 1024 have requested to hold an overnight camp-out in Beverly Park on Saturday, September 29<sup>th</sup> from 3:00 pm to Sunday, September 30<sup>th</sup> at 10:00 am.

Cub Master, Greg MacKenzie, explained at the June 21, 2018 Parks & Recreation Board meeting that pack leaders think an overnight camp-out at Beverly Park would offer young scouts the opportunity to experience camping away from home without traveling a long distance.

They anticipate 15-20 1<sup>st</sup> through 5<sup>th</sup> graders would participate and each scout would camp with a parent using their own tents and sleeping bags. Parks & Rec Board members agreed that tents may be set up west of the sled hill at the south end of the park and the men's restroom would be unlocked overnight for their use. Further the scouts will use the fireplace in the pavilion to cook dinner, an evening snack, and breakfast. All meals will be served and eaten in the pavilion. No other fires will be allowed outside of the fireplace.

Cub Scout Pack 1024 will provide a certificate of insurance naming the Village of Beverly Hills as an additional insured under its certificate of liability for this event upon Council's approval. The Parks & Recreation Board unanimously agreed to refer this to the Village Council for consideration.

Bruce Cobb, Beverly Road, advised the scouts to be prepared for the mosquitos.

Motion by Oen, second by Peddie, that the Beverly Hills Village Council approves the request of Cub Scout Pack 1024 from Beverly School to hold an overnight camp-out at Beverly Park on Saturday, September 29, 2018 from 3:00 pm to Sunday, September 30, 2018 at 10:00 am. A Certificate of Insurance will be required naming the Village of Beverly Hills as an additional insured.

Motion passed.

**REVIEW AND CONSIDER FIVE YEAR METRO ACT RIGHT-OF-WAY PERMIT EXTENSION FROM AT&T**

Council was provided with the letter of agreement extending the existing METRO Act Permit issued by the Village of Beverly Hills to Michigan Bell Telephone Company d/b/a/ AT&T Michigan. This permit was renewed in 2013 and expires December 31, 2018.

The METRO Act regulates the use of rights-of-way for cities, villages and townships in the State of Michigan to facilitate telecommunications expansion. AT&T currently has lines and equipment in the Village of Beverly Hills and requests to renew its permit for a five year period to expire December 31, 2023. The Village receives statutory remuneration every six months from the State of Michigan for the use of its rights-of-way.

Motion by Delaney, second by Oen, that the Village of Beverly Hills Council approve the METRO Act Permit Extension Application filed by Michigan Bell Telephone Company d/b/a/ AT&T Michigan and authorizes the Village Manager to sign the permit.

Roll call vote:

Motion passed (6-0).

**REVIEW AND CONSIDER APPROVING A NEW CLASS C LICENSE FOR 13255 SOUTHFIELD ROAD**

The Village is in receipt of an application to the Michigan Liquor Control Commission for a Class C liquor license in care of 2 BLU L.L.C. The applicant is Steve Campbell. The Village has also met with Bruce Cobb, a partner in 2 BLU L.L.C. The intent of the liquor license will be to sell alcohol in a new sushi restaurant planned for the former Beverly Hills Hair Club location on Southfield Rd. The applicants are pursuing a Class C license under the Village's quota with the State of Michigan. Additional licenses are still available.

2 BLU L.L.C. has submitted a site plan to the Village for the planned renovations for the space at the address referenced above. The Village's Planning and Zoning Administrator has reviewed the site plan and finds it to be compliant. As it is an internal renovation of existing space the site plan does not need to be reviewed by the Planning Commission. Per the submitted site plan, the proposed establishment will have seating for up to 40 people. Hours of operation are proposed to be 11AM to 11PM Monday thru Sunday. The focus will be on takeout business with an option for customers to dine in.

Per the square footage (948 sq. ft.) of the site plan, the applicant will require approximately twelve spaces (11.85). The property has adequate parking on the parcel. Functionally, however, this property does often have congested parking in the lot immediately in front of this and the adjacent businesses. There is a significant number of parking spots to the immediate north of the plaza that satisfies the overall parking requirements for this plaza. Applicant will be advised to have employees utilize parking on the north end of the property and to work out parking in the lot adjacent to Southfield Rd. with the landlord and neighboring businesses.

The applicant has provided evidence of a lease for the address submitted on the application. The Michigan Liquor Control Commission requires a resolution of local government approval as part of the process of approving this type of license. The applicant(s) will also be required to pass a criminal background check by the State of Michigan and the Village of Beverly Hills prior to granting the license request. Village Administration has reviewed the site plan submitted, lease agreement and hours of operation as submitted by the applicant and has no objection to the approval of this license request.

Bruce Cobb spoke, as a longtime resident and Groves Football Coach, he looks forward to opening a business in the Village, and believes it is important to invest in local development.

Delaney confirmed that the restaurant would occupy the same footprint as the previous business, making only changes in the interior layout and design. He expressed concern that the business's single restroom and useable space would not support the estimated 40 people maximum.

Wilson explained that upon completion, the building will require inspection by the Fire Marshal, and the maximum capacity number would be established by the Fire Marshal at that time.

Motion by Oen, second by Peddie, be it resolved that the application from 2 BLU L.L.C. for a Class C License at 31255 Southfield Road, Suite A be recommended for approval by the Michigan Liquor Control Commission.

Roll call vote:

Mooney - yes

Nunez - yes

Oen - yes

Peddie - yes

Abboud - yes

Delaney - no

Motion passed (6-1)

#### **ANNOUNCEMENT OF A VACANCY ON THE BIRMINGHAM AREA CABLE BOARD**

A vacancy exists on the Birmingham Area Cable Board with a term expiration date of June 30, 2020. The Cable Board meets at 7:45 a.m. on the third Wednesday of each month in the Village Council Chamber. They advise the Village Council as to all matters related to Cable Television. The Board monitors performance of the franchisee and compliance with the franchise agreement and acts as liaison between residents and the franchisee.

Applications will be accepted until the vacancy is filled.

Mooney expressed his concern about the challenges with live broadcasts.

Delaney assured him the necessary parts have been ordered, and repairs have been scheduled.

#### **REVIEW AND CONSIDER APPROVING MINUTES OF A REGULAR COUNCIL MEETING HELD JUNE 19, 2018**

Per email submission, Muller requested the following amendments:

#### **“PRESENTATION FROM SUB-COMMITTEE REGARDING BACKYARD CHICKENS**

Mueller reviewed the history of the backyard chicken initiative which included a request to Council to consider an ordinance revision to allow for backyard chickens (Feb 14, 2017), a follow up request to Council with signed resident petition (May 2, 2017) - 98 Beverly Hills resident signatures, and a subcommittee initiated at Joint Planning Commission/Council meeting (Feb 14, 2018). He explained that 11 surrounding communities, and over **35 additional** communities across the United States **that** allow back yard chickens **were contacted**. Each of these communities have ordinances that regulate number of chickens, lot size allowances, enclosures, roosters, slaughtering, and sales. These communities report low numbers of homes that have backyard chickens and **none reported (delete very few if)** any complaints related to **hen** chickens or ordinance violations **over the 2-8 year period that hen chickens have been allowed in those communities.**

Mooney submitted emails received regarding backyard chickens; Cindy **Brody**...”

Motion by Oen, second by Abboud, that the Village of Beverly Hills Council approve the minutes of a regular Council meeting held June 19, 2018 as amended above.

Motion passed.

### **PUBLIC COMMENTS**

Brendan Losinski, staff writer at C&G Newspaper, will be drafting an article regarding the upcoming ballot proposal changing remuneration for Village Council members from \$10 per meeting to \$100 per meeting. He is in attendance to allow each member an opportunity to comment.

### **MANAGER’S REPORT**

**Offices Closed** – Village offices will be closed on Wednesday, July 4<sup>th</sup> in observance of Independence Day. Trash collection will not be interrupted the week of July 1-5.

**Birmingham Country Club Fireworks** – Birmingham Country Club has notified the Village that they will be having a fireworks display this year on Tuesday, July 3<sup>rd</sup> at approximately 10:00 PM that will last for 15-20 minutes. BCC sent notices to all the residences adjoining their property in the Village as well as Birmingham and Bloomfield Township.

**Fireworks Regulation** – As a reminder, fireworks can be legally used in Michigan on the day before, day of and day after recognized holidays until midnight. For this July 4<sup>th</sup> season, fireworks could be used on the days of Tuesday, July 3<sup>rd</sup>, Wednesday, July 4<sup>th</sup> or Thursday, July 5<sup>th</sup>. Please be safe and considerate of your neighbors in the use of fireworks.

**Water Testing** – The Village is concluding our water testing for lead and copper as has been required by the Department of Environmental Quality. We will be submitting approximately 145 tests of homes in the Village. All samples have been collected and sent to the lab. We are awaiting test results for around 40 samples as of the writing of this report. Of the more than 100 test results from residences in the Village received to date, none have exceeded the action level of 15 parts per billion (ppb) for lead. A significant majority of tests revealed levels of less than 1ppb for lead, the lowest level that our lab can detect. In addition, there have been no test results that have exceeded the action level of 1300 ppb for copper. Residents are being notified of their test results via mail. The Village has far exceeded the minimum requirement of additional testing of 60 homes.

The Village Public Safety Department recently underwent their ISO Rating evaluation. The ratings rate on a scale of 1-10, with a lower number being a more favorable rating. Previously the Village was rated at 5, the new rating is 3.

### **COUNCIL COMMENTS**

Abboud thanked all the applicants who submitted for the Boards and Commissions, and congratulated the renewed and newly appointed members.

Oen wished everyone a Happy 4<sup>th</sup> of July, and reminded them to be safe and respectful.

Mooney recognized resident Marie Nash, who recently passed away. Nash was a member of the Village Garden Club for many years, and spent many years on the Parks and Recreation Board working to improve and beautify Beverly Park. She has always worked to maintain the beauty and aesthetics of Beverly Hills.

Motion by Oen, second by Abboud, to adjourn the meeting at 8:23 p.m.

Motion passed.

**John Mooney**  
**Council President**

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

**Elizabeth M. Lyons**  
**Recording Secretary**