

Present: President Koss; President Pro-Tem Briggs; Members: Burry, LaFerriere and Mooney

Absent: Mercer and Oen

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

President Koss called the regular Council meeting to order at 7:30 pm 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 Mooney, second by Briggs, to approve the agenda as published.

Motion passed (7 – 0).

COMMUNITY ANNOUNCEMENTS

Birmingham Area Cable Board chairperson Elaine McLain was present with Treasurer Ken McFadden and Executive Director Bob Borgon to address questions on the 2012-13 BACB Budget. The Interlocal Agreement between the four consortium communities requires that the Cable Board submit its annual budget for approval to Birmingham, Beverly Hills, Bingham Farms and Franklin.

McLain and McFadden replied to several inquiries from members of Council regarding the following topics: reduction in PEG expenses due to decreased program expense; updated BACB website; subscriber refund loss of service; forecast for Franchise Fee revenue; trend toward “cutting the cord” (cable and satellite connections) and what is occurring on a nationwide basis; alternative viewing; and state or national legislation affecting subscribers.

McLain provided statistics from a report analyzing use of franchise fees and PEG fees received and anticipated as well as money forwarded to the communities. She informed Council that she will be meeting with State Representative Chuck Moss regarding the CAP (Community Access Preservation) Act to discuss flexibility relative to spending money designated for PEG use. McLain affirmed that the Cable Board is interested in continuing its participation in annual NATOA (National Association of Telecommunications Officers and Advisors) meetings in light of municipal restrictions on travel outside of the state. She commented on the involvement of Beverly Hills representatives on the Cable Board including Ken McFadden, Dorothy Pfeifer, Maryann Verdi-Hus and Alan Heyman.

Mooney thanked everyone on the Cable Board and Executive Director Bob Borgon for a doing a great job of representing the four communities. He had no objection to sending a team of BACB members to a national conference that will educate and benefit the Board.

Southfield Township Clerk Sharon Tischler announced that Monday, July 9 will be the close of registration for the upcoming August Election. Absentee ballots were mailed on Friday, June 29. Tischler advised citizens of the procedure to follow if they have applied but have not received a ballot.

Magistrate Donna Posey introduced herself and announced that she is running for 46th District Court Judge.

Township Supervisor and Parks and Recreation Board member Phil Schmitt announced that there will be a grand opening for the Beverly Hills Disc Golf Course at Beverly Park on Friday, July 6 at 10:00 am. There will be a free clinic offered by the golf course designer John Mincuci following the ribbon cutting ceremony.

CONSENT AGENDA

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

- a. Consider approval of minutes of a regular Council meeting held June 19, 2012.
- b. Consider approval of minutes of joint Council/Parks and Recreation Board meeting held on June 21, 2012.
- c. Review and file bills recapped as of Monday, July 2, 2012.

Motion passed.

BUSINESS AGENDA

REVIEW AND CONSIDER REQUEST FROM SUSAN G. KOMEN 3-DAY FOR THE CURE TO USE VILLAGE SIDEWALKS ON FRIDAY, AUGUST 17, 2012 FOR THE MICHIGAN 3-DAY WALK

Motion by Mooney, second by Briggs, that the Beverly Hills Village Council approve the request of the Susan G. Komen 3-Day for the Cure to use Village streets and sidewalks for its Michigan 3-Day Walk to be held on Friday, August 17, 2012. Upon approval of the Walk, the organization will submit the required Certificate of Insurance with the Village of Beverly Hills as a named insured.

Jessica Schulte, representative of the Michigan 3-Day Event, outlined a change in the proposed route and distributed revised packets to Council members. The change will allow the participants to walk in neighborhoods with city sidewalks.

LaFerriere asked what kind of community support would be required for the event. Schulte responded that there will be a team of volunteers committed to ensuring the safety of walkers. She will be talking to Director Torongeau on this topic. Flyers will be distributed notifying neighbors and businesses of the 3-Day walk.

Motion passed.

REVIEW AND CONSIDER SEPARATION AGREEMENT AND RELEASE WITH KARL WOODARD

Manager Wilson reviewed that Karl Woodard was employed by the Village of Beverly Hills as Public Safety Director for 13 years. Mr. Woodard resigned his position on March 30, 2012. At that time, there was discussion regarding a Separation Agreement and Release. Language was prepared and reviewed by representatives of Mr. Woodard and Beverly Hills. The terms of the Agreement before Council for consideration have been approved by the Village Labor Attorney and Attorney Tom Ryan to provide a payment to Mr. Woodard in exchange for several releases and conditions. Mr. Woodard has executed this Agreement. Wilson believed that, given the releases and the conditions set forth in the Agreement, the document is appropriate and in the best interest of the Village of Beverly Hills.

Motion by Mooney, second by Briggs, that the Village Council of Beverly Hills approve the Separation Agreement and Release with Karl Woodard and authorize the Village Manager to execute the Agreement pending the passage of the seven-day revocation period.

Roll Call Vote:
Motion passed.

SET PUBLIC HEARING DATE OF AUGUST 7, 2012 TO RECEIVE COMMENTS ON A PROPOSED ORDINANCE CHANGING THE VILLAGE PLANNING BOARD TO A PLANNING COMMISSION

Council set a public hearing date of August 7, 2012 to receive comments on a proposed ordinance changing the Village Planning Board to a Planning Commission.

SET PUBLIC HEARING DATE OF AUGUST 7, 2012 TO RECEIVE COMMENTS ON A PROPOSED ORDINANCE AMENDING CHAPTER 22 OF THE ZONING ORDINANCE TO ALLOW SEASONAL OUTDOOR DISPLAYS, STORAGE OF GOODS, AND TEMPORARY OUTSIDE SEATING THROUGH A PERMIT PROCESS

Council set a public hearing date of August 7, 2012 to receive comments on a proposed ordinance amending Chapter 22 of the Zoning Ordinance to allow seasonal outdoor displays, storage of goods, and temporary outside seating through a permit process.

ANNOUNCEMENT OF VACANCY ON THE RETIREMENT BOARD

Don O'Connell's term as resident representative on the Retirement Board is expiring, and he is not seeking reappointment. A vacancy exists on the Board for a term expiring on June 30, 2015. This vacancy was announced previously. However, a decision was made at the last Council meeting to extend the application deadline in order to seek additional qualified candidates.

The deadline for receiving applications will be Friday, July 6 at 4:30 pm. A subcommittee of Council will meet on Tuesday, July 17 at 7:15 pm to review the applications and recommend a candidate for Council consideration.

FIRST ANNOUNCEMENT OF VACANCY FOR TWO ALTERNATE MEMBERS ON THE ZONING BOARD OF APPEALS

Due to Sharon Mullin Fox's appointment to the Zoning Board as a full member, a vacancy exists for an alternate member. The other alternate, Edna Freier, has indicated that she cannot continue to serve on the Zoning Board because of her appointment to the Communications Committee. Both terms have an expiration date of June 30, 2015.

Village policy states that two announcements of the vacancies take place before candidates are appointed. Tonight is the first announcement with the second announcement to take place July 17, 2012. The deadline for receiving applications will be Friday, July 27, 2012 at 4:30 pm. A subcommittee of Council will meet on Tuesday, August 7, 2012 at 7:00 pm to review applications and recommend a candidate to be appointed by Council.

REVIEW AND CONSIDER RESOLUTION PROCLAIMING JULY AS NATIONAL RECREATION AND PARKS MONTH

Motion by Mooney, second by Briggs, to adopt the following resolution:

**Village of Beverly Hills Resolution
National Recreation and Parks Month**

Whereas, Parks, recreation activities and leisure experiences provide opportunities for young people to live, grow, and develop into contributing members of society, and

Whereas, parks and recreation creates lifelines and continued life experiences for older members of our community, and

Whereas, generating opportunities for people to come together and experience a sense of community through fun recreational pursuits, and

Whereas, park and recreation agencies provide outlets for physical activities, socializations, and stress reducing experiences, and

Whereas, parks, playgrounds, nature trails, open spaces, community and cultural centers, and historic sites make communities attractive and desirable places to live, work, play, and visit in a manner that contributes to our ongoing economic vitality, and

Whereas, parks, greenways, and open spaces provide a welcome respite from our fast paced, high-tech lifestyles while simultaneously protecting and preserving our natural environment and,

Whereas, parks and recreation agencies touch the lives of individuals, families, groups, and the entire community, which positively impacts upon the social, economic, health and environmental quality of our community,

Now, Therefore, Be It Resolved, that the Village of Beverly Hills proclaims July as Recreation and Parks Month and encourages all citizens to celebrate healthy, active lifestyles by participating in their choice of recreation and park activities.

Roll Call Vote:
Motion passed.

REVIEW AND CONSIDER ADOPTING REVISED SCHEDULE OF FEES TO INCLUDE GARAGE SALE PERMIT FEE

At its regular meeting held June 19, 2012, Council adopted a new ordinance addressing garage sales. Part of the ordinance includes a fee for garage sale permits. Council is in receipt of a revised Schedule of Fees which includes \$3.00 for a garage sale permit. Council action is required to adopt the revised Schedule of Fees.

Motion by Briggs, second by Mooney, that the Village of Beverly Hills Council adopt a revised fee schedule to include Garage Sale Permit Fees as a result of the adoption of Ordinance #340 regulating garage sales.

Steve Mace of 16255 Lauderdale strongly objected to the ordinance passed by Council regulating garage sales in the Village. He considered the ordinance an affront to private property rights and an attempt to create a levy on an otherwise lawful activity.

Roll Call Vote:
Motion passed.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court emphasized that the vacancy on the Retirement Board is for a resident representing the Village at large.

REPORTS – MANAGER

Manager Wilson updated Council on the dispatch changeover that occurred late last week. Much effort and work went into the transition on the part of the Beverly Hills Public Safety Department and the Birmingham Police Department. Wilson thanked Chief Studt and his staff in Birmingham and Director Torongeau. The Village looks forward to maintaining a positive relationship with Birmingham.

The road closure on Evergreen Road related to the construction work on Evergreen Bridge went into effect this week; detours have been posted. The Public Safety Department has been working with local residents in affected areas to ensure that the project goes as smoothly as possible. Residents with concerns or questions should contact the Village office or the Department of Public Safety regarding the detour. Wilson urged residents to follow posted detour routes. In response to an inquiry, Wilson stated that the project is scheduled to run through August 15.

Briggs asked if Wilson followed up on an inquiry made at the last Council meeting regarding landscaping done at Riverside Park. Wilson responded that the changes were made by the Six Rivers Conservancy; he will provide Council with an update this week.

Briggs attended a Bingham Farms Council meeting last month and referenced the discussion on new laws pertaining to fireworks in Michigan. Bingham Farms has a noise ordinance that prevents people from launching fireworks after a certain time at night. Briggs hoped that consideration is given to neighbors with respect to fireworks displays as well as safety.

Wilson expressed concern with the recent state legislation regarding use of fireworks usurping local control over these measures. He thought that the new legislation would continue to cause problems. There are communities that have tweaked the law at the local level. The Village encouraged residents to be considerate of their neighbors with respect to any activity they undertake and to exercise caution when using fireworks.

Mooney commended the Public Safety Director on the reports generated and commended Attorney Tom Ryan on efforts he has made relative to difficult issues facing the Village.

LaFerriere urged residents to respect the bridge closed signs at the Evergreen Bridge construction site. Briggs commented that Bingham Farms has indicated its appreciation of the assistance from the Village DPW with their bridge construction project.

Attorney Ryan affirmed that, even though state legislation has legalized fireworks on certain days of the year, laws and ordinances related to disturbing the peace and disorderly conduct have not been waived by the legislature. There is some talk among municipal lawyers about drafting an ordinance relative to these issues.

REPORTS – COUNCIL

Burry reported that the first meeting of the Joint Senior Service Committee took place last Tuesday, June 26. Representatives were present from Beverly Hills, Bingham Farms, Franklin, Southfield Township, Birmingham Public Schools and the City of Birmingham. The Committee elected Burry as chairperson and Dorothy Pfeifer as vice chairperson. Burry reported on the work plan established by the Committee, noting that area senior service centers will be benchmarked beginning in July.

LaFerriere announced that the Zoning Board of Appeals will meet on Monday, July 9 at 7:30 pm in the Council chamber. He congratulated a new business that opened in the Village this year, Fresh and Clean Dry Cleaners.

Briggs reported on an upcoming session sponsored by Baldwin Public Library to honor four nationally recognized women authors of Young Adult Realistic Fiction. The authors will speak, read and sign books on July 24 from 1:30-3:30 pm at the library.

Koss wished everyone a safe and happy 4th of July holiday.

Motion by Mooney, second by Burry, to adjourn the meeting at 8:33 pm.

Motion passed.

Rosanne Koss
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary