

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

Absent: Oen

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**

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

Motion passed.

#### **COMMUNITY ANNOUNCEMENTS**

None

#### **CONSENT AGENDA**

Briggs asked that item (b) be moved to the Business Agenda.

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

a. Consider approval of minutes of a regular Council meeting held November 5, 2013.

Motion passed.

#### **REVIEW AND CONSIDER REQUEST FROM AMNESTY/ANIMAL RIGHTS CLUB AT GROVES HIGH SCHOOL TO USE BEVERLY PARK FOR THEIR FOURTH ANNUAL TAILS-N-TRAILS DOG WALK FUNDRAISER ON SATURDAY, MAY 3, 2014**

Co-Presidents of the Groves Amnesty International/Animal Rights Club, Sarah Horvath and Erica Gardner, requested the use of Beverly Park on Saturday, May 3, 2014 from 9:30 am until 12:30 pm to host their 2014 Tails-n-Trails Dog Walk fundraiser to raise awareness and funds for the Paws-n-Claws Animal Rescue. The main event is a dog walk that will take place along the Beverly Park trail. They will also have a raffle, bake sale, pet competitions, and agility demonstrations from My Hero Dog Training. The Parks and Recreation Board has reviewed this request and unanimously recommended Council approval.

Motion by Mooney, second by Burry, that the Beverly Hills Village Council approve the request of Groves High School Amnesty/Animal Rights Club to hold a Dog Walk Fundraiser to benefit Paws-n-Claws Animal Rescue on Saturday, May 3, 2014 at Beverly Park from 9:30 am to 12:30 pm. Fees for use of the pavilion will be waived for this event as well as the restriction on sales. A certificate of insurance will be provided upon approval of the Walk/Fundraiser.

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

**REVIEW AND CONSIDER REQUEST FROM THE GROVES HIGH SCHOOL ORCHESTRA TO USE VILLAGE STREETS, SIDEWALKS AND BEVERLY PARK FOR A 5K RUN ON SUNDAY, MAY 18, 2014**

Groves Symphony Orchestra members Clair Westerlund and Elizabeth Lohr presented a proposal to hold the second annual Forte 5K Run and Walk on Village streets and at Beverly Park on Sunday, May 18, 2014 from 7:30 am to 11:30 am to benefit Groves Orchestra programs. Registration will begin at 8:00 am in the Park and the Run would take place between 9:00 and 10:00 am along Village streets in the West Beverly subdivision. The route is a certified course in the West Beverly neighborhood, and coordination will occur with the Public Safety Department.

After the run, participants will return to the pavilion at Beverly Park for food and entertainment along with the possibility of selling smoothies. The Parks and Recreation Board has reviewed the proposal and recommends Council approval of the Forte 5K Run and Walk.

Motion by Mooney, second by Burry, that the Beverly Hills Village Council approve the request of the Groves High School Orchestra to hold a 5K Run on Sunday, May 18, 2014. This event will begin and end at the Beverly Park pavilion, and they will utilize Village streets and sidewalks for the run. Fees for use of the pavilion will be waived for this event as well as the restriction on sales. A certificate of insurance naming the Village of Beverly Hills as an additional insured will be provided upon approval of the run.

Resident Bob Golden of 30625 Stellamar questioned the time of the event, which was answered by Mercer.

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

**PUBLIC HEARING TO RECEIVE COMMENTS ON SOUTHFIELD CORRIDOR VILLAGE CENTER OVERLAY DISTRICT**

Wilson reviewed that the Planning Commission and LSL Planning have drafted and presented a proposal for a Village Center Overlay District after working on a plan for redevelopment of the Southfield Road corridor for many months. Planning consultants Brad Strader and Sherrin Hood were in attendance at the November 19, 2013 Council meeting to give a comprehensive presentation of the Overlay District followed by a first reading of an ordinance amendment to adopt the Village Center Form-Based Code. Sherrin Hood was present tonight to answer any questions from Council and the public along with Planning Commission chairperson George Ostrowski.

Council President Mercer opened the public hearing on the Southfield Corridor Village Center Overlay District at 7:45 pm. No one wished to be heard; therefore, the public hearing was closed at 7:46 pm.

**SECOND READING OF ORDINANCE #348 ESTABLISHING THE SOUTHFIELD CORRIDOR VILLAGE CENTER OVERLAY DISTRICT**

Council is in receipt of proposed Ordinance No. 348, An Ordinance to Amend the Village Municipal Code, Chapter 22, the Zoning Ordinance for the Village of Beverly Hills to Add a Village Center Overlay District. Village Attorney Ryan prefaced the second reading of this Ordinance Amendment with comments in support of the Village Center Plan encompassing the business district located on the west side of Southfield Road north of 13 Mile Road and south of Beverly Road. Ryan emphasized that the underlying zoning will remain in place until redevelopment occurs, at which time developers may take advantage of the incentives offered in this ordinance.

The purpose of this District is to accomplish the following:

- a. Define a Village Center area for Beverly Hills that will create an identity for its commercial core
- b. Implement the Village Center Vision as illustrated in the Beverly Hills Village Center Plan
- c. Promote development of an integrated, mixed-use, pedestrian-oriented environment with buildings containing commercial, residential and office uses
- d. Provide street linkages and internal drives to serve the development within the district, and logical street connections to developments outside the district
- e. Regulate building height and require appropriate landscaping and screening to achieve appropriate scale along streetscapes and ensure proper transition to nearby residential neighborhoods
- f. Create a definable sense of place for the Village with a pedestrian oriented, traditional urban form that encourages residents to visit, stay, and enjoy the district
- g. Encourage development consistent with the desired vision through incentives that will encourage use of the form-based code option

Ordinance Section 1.01 adds the definition of “Articulation”. Section 2.01 adds Section 22.23, Village Center Overlay District, to the Municipal Code. Attorney Ryan highlighted each ordinance section including the Form Based Code encompassing graphs, charts, diagrams and a Regulating Plan. The Planning Commission held a public hearing on the Village Center Overlay District on September 25, 2013. If Council approves the ordinance amendment at this meeting, the effective date of the ordinance will be 20 days after publication of the ordinance or summary of the ordinance in the Eccentric Newspaper pursuant to the Village Charter.

Copies of Ordinance No. 348 in its entirety are available for public review at the Village offices or on the Village website.

Motion by Mooney, second by Burry, that the Village of Beverly Hills Council adopt Ordinance No. 348, An Ordinance to Amend the Village Municipal Code, Chapter 22, the Zoning Ordinance for the Village of Beverly Hills to Add a Village Center Overlay District.

Chairperson George Ostrowski said the he is proud of LSL and the Planning Commission. The document before Council for consideration is a culmination of several years of work on a comprehensive plan that will benefit the Village going forward.

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

**REVIEW AND CONSIDER RECOMMENDATION FROM THE PARKS AND RECREATION BOARD TO CONSTRUCT A STORAGE SHED AT BEVERLY PARK**

Council liaison to the Parks and Recreation Board John Mooney stated that there has been discussion with regard to the request of the Beverly Hills Little League to provide a storage shed for equipment used by approximately 400 young people who live in the Village and surrounding area. The Parks and Recreation Board has reviewed a proposal from Paul Turner from the Little League for construction of a storage shed in Beverly Park and has made a recommendation to Council.

The Parks and Recreation Board recommended that Council approve the expenditure of park dedicated millage funds in an amount not to exceed \$15,000 for the construction of a storage shed in Beverly Park as outlined in the material submitted by the Beverly Hills Little League with the use of the structure to be determined by the Village Administration. The Board also suggested submission of the site plan to the Village Planning Commission and Council for approval.

Mooney asked that Council refer the proposed site plan for a storage facility in Beverly Park to the Planning Commission for review and recommendation. He suggested addressing the financing of the structure following this action.

Mooney referred to the storage shed proposal submitted at the November 11 Parks and Recreation Board meeting. The Beverly Hills Little League engaged an architect to design and draw a plan for the shed at no charge. The resulting drawing was revised from the original 12' x 16' facility to indicate a building size of 10' x 12'. The 12' x 16' size shed had been staked out in the proposed park location adjacent to the north field. Mooney listed the items that need to be stored in a secure facility including helmets, gloves, balls, bats, catcher's equipment, pitching machines, etc. It was noted that the documentation submitted with the plan shows an inside view with shelving units that are 15 ft. long.

Motion by Mooney, second by Burry, that the Village of Beverly Hills Council refer a site plan request submitted by the Beverly Hills Little League to the Planning Commission for review of a storage facility in Beverly Park as set forth in documents presented to the Parks and Recreation Board with a building size not to exceed 12' x 16' at the location indicated in the proposal. Further, Village Administration is directed to assist the Beverly Hills Little League with preparing an appropriate presentation for submission to the Planning Commission.

Council members discussed the motion and the need to consider financing for this project.

Bob Golden of 30625 Stellamar questioned the location of the shed and proposed materials. He was concerned about public safety issues related to a storage shed in the park. Tyrone Henry of 22105 Hillview Lane suggested using a metal storage container as a cost saving measure. Paul Balogh of 32255 Auburn expressed concern with the possibility of rat infestation associated with a shed built in the park.

Motion passed.

Mooney stated that the Parks and Recreation Board has recommended funding this storage shed with dedicated millage funds in an amount not to exceed \$15,000. Issues have been raised as to whether it is appropriate to spend public funds to construct a storage facility that will be used exclusively by the Beverly Hills Little League.

Motion by Mooney, second by Briggs, that the Beverly Hills Council refer the funding of a storage shed to be constructed in Beverly Park for use by the Beverly Hills Little League to Village Attorney Tom Ryan for review and an opinion for Council consideration at its January 21, 2014 meeting.

Mooney suggested certain parameters for this review. It should be determined whether or not use of public funds would be appropriate for construction of a storage shed to be used exclusively by the Beverly Hills Little League. Beverly Park deed restrictions require that the park be open to little league play. Mooney mentioned that the BHLL is the only organization that provides recreation for young people in the park. Mooney requested information based on State Law and the Village Charter that would suggest whether it was in the power of the Village to fund the construction of this facility and under what circumstances it would be allowed. Council will make a decision on the funding of this project or consider making a contribution towards this storage shed based on the information received.

Motion passed.

#### **REVIEW AND CONSIDER INTERGOVERNMENTAL AGREEMENT FOR BUILDING OFFICIAL AND INSPECTION SERVICES WITH THE CITY OF ROYAL OAK**

Wilson stated that the Village has been exploring how it should proceed in terms of providing building department services that historically were provided by Beverly Hills through a building official. That position was eliminated in 2009 due to lack of revenue and other budgetary constraints. Since that time, these services have been performed by either a part-time contractor(s) or through another municipality. Recently, the Village has used the City of Royal Oak building department to provide plan review and most inspection services, with the exception of electrical inspections, which have been provided by the City of Birmingham. The Village and Southfield Township have been working on an agreement with the City of Royal Oak that would formalize the current situation and include some services that the Village has been providing.

Before Council for consideration is a proposed Intergovernmental Agreement with the City of Royal Oak for Building Official and Inspection Services. Under this agreement, the City of Royal Oak would be responsible for the issuance of permits and inspections for all activities governed by the building code (State of Michigan Single State Construction Code). This would include building, mechanical, electrical and plumbing permits, as well as demolition permits, swimming pools, and sewer permits. Building plan reviews would be performed by the City of Royal Oak. LSL Planning would continue to conduct site plan reviews and the Public Services Department, through HRC, would handle grade and drainage issues. Upon the completion of all projects, the City of Royal Oak would return all documents to the Village while also maintaining electronic copies for themselves.

The Village would continue to maintain responsibility for permits for fences, signs, driveways, garage sales and for Code Enforcement. Water taps will be handled through Oakland County, as is currently the case. Contractors who are registered through the City of Royal Oak will be eligible to perform work in both communities. Village Administration will continue to take applications for Zoning Board of Appeal cases and will be responsible for the staffing and administration of the Planning Commission and ZBA. This also designates the Building Official for the City of Royal Oak as the Building Official for the Village of Beverly Hills and Southfield Township as required by state law.

As the City of Royal Oak has been performing all inspection and plan review services for some time now (with the exception of electrical inspections which have been performed by Birmingham), the primary change in adopting this agreement will be that permit applications will be accepted and permits issued for all building code related functions at the City of Royal Oak and not at the Village. Those pulling permits will do so at Royal Oak City Hall using their staff and the City of Royal Oak building fee schedule, which is an attachment to the proposed Intergovernmental Agreement. Permits still being issued by the Village will be issued at Village Hall.

As building department activity has increased, the related workload has begun to be more than the current manpower capacities can handle. However, given the size, resources and activity level in the Village, Wilson did not believe that he could justify maintaining a full service building department without doing this at a significant loss. Properly maintaining a full service building department and providing a proper level of service to meet future demands would require more than one or two employees. The staffing, resources and expertise of a full-time Building Department in a community such as Royal Oak would be impractical for the Village to replicate. Wilson maintained that this contract strikes an appropriate balance in the community that allows Village staff to handle the majority of permits and contracts that originate from local residents while transitioning the majority of permits and interaction with contractors to a larger building department with more resources.

This agreement would commence on January 1, 2014 and run for a period of three years. Any party can terminate the agreement with sixty (60) day notice. Currently, the City of Royal Oak plans on voting on this agreement at their meeting of December 16th. Southfield Township has this agreement on the agenda for its meeting of December 10th. Implementation of the agreement is contingent upon agreement by all three parties.

Wilson and Attorney Ryan have reviewed the Agreement. Wilson recommended that the Village Council approve and authorize Village Administration to execute the Intergovernmental Agreement for Building Official and Inspection Services with the City of Royal Oak as presented. Ryan said that State Law allows intergovernmental agreements and Governor Snyder has been promoting consolidation of services among municipalities. This is a policy decision by the Village Council. This document would formalize the agreement in place with the City of Royal Oak.

Motion by Burry, second by Mooney, that the Village of Beverly Hills Council approve the Intergovernmental Agreement for Building Official and Inspection Services between the City of Royal Oak, the Village of Beverly Hills, and the Township Southfield and

authorize Village Administration to execute the Agreement. Council hereby adopts the City of Royal Oak Fee Schedule attached to the Intergovernmental Agreement.

Council discussed this Agreement and how it would affect the Village. Wilson addressed questions on the following topics: Expected changes in Village office staffing and operation; code enforcement and rental inspection processes; financial impact of the agreement; possible reduction in future personnel costs; loss of direct control; level of service issues; and the Request for Proposal process.

Wilson replied to inquiries from LaFerriere and Kelly regarding the financial impact on the Village of implementing this contractual arrangement. State Law says that communities cannot generate revenue through the building department; fees can be assessed only to cover the cost of services. Most building departments have to be subsidized due to unfixed quantity of permits received and staffing needs. The Village will not be paying for a full time building official and the overhead costs of a building department. Wilson outlined the revenue and expenses involved in many aspects of operating a building department. He said that building department expenditures will decrease in the 2014-15 budget.

Wilson was asked if the Village is going to reduce personnel costs in the future because of the implementation of this Agreement. He talked about administrative issues being addressed in the office including a new accounting software package that will dramatically change the work load. Wilson will be making a recommendation to Council to conduct a professional analysis of work load and staffing levels and job assignments in the Village offices based on this building department change and a change in accounting software.

Wilson remarked that the finances of this arrangement are secondary to the level of service that the Village will be able to provide to the community. What is important is the consolidation of services and the professionalism and economies of scale that will be gained by going with a larger community like Royal Oak. In response to an inquiry, Wilson said that Beverly Hills has always provided building department services to Southfield Township property including The Corners commercial strip and a small residential area.

Resident Bob Golden questioned how this consolidation would tie in with overlay district development on Southfield Road. Wilson replied that the primary responsibility for analyzing commercial site plans will remain with LSL Planning, a firm retained by the Village. Commercial building plan review and inspections will be done by the City of Royal Oak. The impact of the zoning overlay district will be managed by Village administration and LSL Planning.

Roll Call Vote:

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

Motion passed (5 – 1).

**REVIEW AND APPROVE HUBBELL, ROTH & CLARK INVOICES FOR PAYMENT**

Motion by Mooney, second by Briggs, to allow Council member Kelly to abstain from voting on the invoices received from Hubbell, Roth & Clark based on her business relationship with the vendor.

Motion passed.

Motion by Briggs, second by Mooney, that the Village of Beverly Hills Council approve the invoices submitted by Hubbell, Roth & Clark Inc. for professional services in the amount of \$10,795.94 through November 16, 2013.

Roll Call Vote:

LaFerriere - yes  
Mercer - yes  
Mooney - yes  
Briggs - yes  
Burry - yes  
Kelly - abstain

Motion passed (5 yes – 1 abstention).

**REVIEW AND FILE BILLS RECAPPED AS OF MONDAY, DECEMBER 2, 2013**

Motion by Mercer, second by Mooney, to remove from the summary report invoices from Hubbell, Roth & Clark (#08500) for professional services in the amount of \$10,795.94.

Motion passed.

Motion by Briggs, second by Mooney, to approve the bills recapped as of Monday, December 2, 2013.

Motion passed.

**PUBLIC COMMENTS**

Bob Golden of 30625 Stellamar, long time resident of Beverly Hills, had a comment regarding a Public Service Department policy. He objected to the fact that the Village does not pick up tree limbs that fall after a storm if the tree is on private property. Following a recent storm in the area, Golden dragged limbs from a tree located on his front lawn to the curb. The Village's code enforcement officer contacted Mr. Golden and informed him that he would have to make arrangements to remove the branches or have them chipped. Golden did not think this policy was fair and petitioned the Village Council to reimburse him for the cost of removing the tree limbs.

Tyrone Henry of 22105 Hillview Lane near Lahser Road stated that he purchased his property 28 years ago on a private road with a peaceful setting. Over the years, his neighbors sold their property, and they moved. Mr. Henry is now surrounded by the Detroit Country Day School campus. He related recurring issues with heavy traffic, noise, sports fields and lack of privacy.

His mailbox is often blocked by traffic. Henry asserted that his quality of life has suffered. He asked Council if they could intervene and provide some help to improve his situation.

Mercer clarified that Council does not address issues brought forth during the public comment portion of the meeting. He advised Mr. Tyrone to contact the Village Manager and the Public Safety Department regarding some of the issues he is experiencing.

Paul Balogh of 32255 Auburn raised a number of Village issues and faulted a number of individuals. He mentioned the lack of response to his calls to the Village office regarding various items. As a real estate agent, Balogh talked about the poor condition of the various Village intersections and berms and the fact that they need work. He complained about what he believes to be the undue attention he receives from the Village's code enforcement officer, who visits his property regularly. Balogh commented on drainage issues on his property, tall vegetation planted in the ditch, firewood stacked on his lot, a vehicle parked in his driveway with no plates, and a notice for a court appearance.

### **REPORTS – MANAGER**

**Yard Waste Pickup** – The final days of yard waste pickup will be Monday, December 9th and Tuesday, December 10th. All bagged yard waste that residents want collected will need to be to the curb for regular pickup along with trash and recycling. Beginning December 23rd, Village residents may take bagged yard waste to the SOCRRA facility on Coolidge for no charge.

**Trees in Beverly Park** – Village Administration has received an estimate from JH Hart for the cutting of dead and potentially dangerous trees in Beverly Park. Based upon their preliminary review of the area JH Hart is estimating a price of \$3,400 for removal of all hazardous trees adjacent to the path and trimming of live trees that also may be a hazard.

JH Hart did not recommend going forward with the removal of all dead and fallen trees. It was their opinion that removal of all existing dead and fallen trees that do not pose a hazard to the trail would significantly reduce the amount of coverage in the area and require the removal of most if not all of the existing underbrush to allow for equipment to access the area. The end result of the removal of all this material would, in their opinion, produce an area that would be significantly different than the wooded path area that exists today. JH Hart also indicated that they do not have the equipment to accomplish the removal of all dead and fallen trees. Mr. Hart offered to coordinate this work with another provider if the Village wanted to pursue this.

Given the typical ground conditions in the area, it would be best to do this work in the winter when the ground is frozen. If there are no objections from Council, Administration will review this with the Parks and Recreation Board and move forward with removal of hazardous trees adjacent to the park path.

**13 Mile Road** – Thirteen Mile Road reopened to traffic on Wednesday, November 27th. The bridge will remain open to traffic throughout the winter. All construction has not been completed and work will be ongoing with completion and restoration in the spring.

**Village Calendars** – The 2014 Village Calendars will be delivered to the Post Office by Monday, December 2nd and should begin being delivered to Village residents during the week.

Ryan commented on the adjournment and rescheduling of Mr. Balogh's court ordered appearance relative to his default on a ticket.

Kelly questioned the status of a traffic study of the Norchester and Saxon intersection to be conducted by the Traffic Improvement Association. Wilson responded that the TIA traffic analysis study is near completion. Administration recommended following up with an intersection analysis for the reason that this is a multijurisdictional intersection between the Village and the City of Birmingham.

Mercer suggested to the Village Manager that this may be a good time to review building department related fees that are being kept in house.

### **REPORTS – COUNCIL**

Kelly commented that the ordinance establishing the Southfield Corridor Village Center Overlay District is a great accomplishment. She hopes to see the results of this urban planning endeavor. Kelly mentioned receiving emails about disclosures on crimes in the Village. She encouraged residents to contact Chief Torongeau if they have any questions.

Mercer acknowledged the high school students who spoke earlier in the meeting. These young people have great commitment and convictions and will mostly likely be future leaders. They are outstanding members of the community.

Motion by Mooney, second by Briggs, to adjourn the meeting at 9:47 pm.

Motion passed.

**Tim Mercer**  
**Council President**

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

**Susan Bernard**  
**Recording Secretary**