

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

Absent: None

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

President Mercer called the regular Council meeting to order at 7:32 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. Scouts from Troop 1024 led those present in reciting the Pledge of Allegiance.

#### **ADDITIONS TO AGENDA/APPROVE AGENDA**

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

Motion passed.

#### **COMMUNITY ANNOUNCEMENTS**

Council members Kelly and Burry approached the lectern where Kelly presented a plaque to Greg Burry in recognition of his service on the Beverly Hills Council since 2011. Kelly recounted Burry's record of service in the Village going back ten years. He has been a supporter of seniors in the community having served as Council's BASCC liaison. Burry has been involved with the Birmingham Youth Assistance organization and has served as Council liaison to the Birmingham Area Cable Board. Kelly said she will miss his input on Council. Mr. Burry received a standing ovation from Council and the resounding applause of those present. Burry made several remarks regarding the excellence and the accomplishments of the current Council and the dedication of Village Administration.

Council members Oen and President Pro-Tem Briggs came forward at which time Walter Briggs was presented with a plaque in recognition of his contributions to the Village Council since he was elected in 2008. He has served as Council's liaison to the Baldwin Public Library and has supported their causes. Briggs assisted administration with the acquisition of a new accounting software package. Walter has brought interesting and inspiring ideas and comments to the table and always has the best interest of Village residents in mind.

Mr. Briggs received a standing ovation from Council and much applause from those in the audience. Briggs talked about his tenure on Council focusing on the collaborative solutions of Council members that helped the Village through difficult fiscal years. He was honored to be able to serve the community.

Councilman Mooney asked President Tim Mercer to join him at the podium. Mooney remarked that the Village of Beverly Hills is better off today than it was four years ago due in no small part to the efforts of Council members Greg Burry and Walter Briggs. They have dedicated themselves to all aspects of the community. Part of the credit of their success is due to Administration. Mooney emphasized that the leadership that has been provided over the last four

years by the steady hand of Tim Mercer has been critical to the success that Beverly Hills has enjoyed. This community is in excellent financial condition. Mooney waxed eloquent about Tim Mercer's leadership, diligence, his welcoming nature, his support of community organizations and events, and his calmness under pressure. Mooney concluded that these three members of Council will be missed. He presented Tim Mercer with a plaque in recognition of his contributions to the Village of Beverly Hills Council.

Tim Mercer commended the entire Council for their guidance, support, and knowledge over the last four years. Council has made great strides and has done tremendous work for the betterment of the community. Mercer thanked Village Administration for their knowledge and assistance. He received a standing ovation from Council and an enthusiastic round of applause from the audience.

Rock Abboud of 18207 Gould Court stated that he serves on the Oakland County Senior Advisory Council. The organization's primary purpose is to evaluate and report on information gathered from the community regarding elderly problems and concerns. The council informs the County Executive on the needs and services required by the elderly in Oakland County and points out gaps in the elderly network. Abboud talked about the Silver Key Coalition, a group of individuals and organizations committed to supporting the desire of older adults and adults with a disability to remain living independently in their own home for as long as possible. The Coalition goal is to make Michigan a "no wait state" for in-home services, by increasing state supported funding for OSA in-home services by \$10 million over FY 2015, 2016, and 2017.

#### **CONSENT AGENDA**

Motion by Mooney, second by Oen, to approve the consent agenda as follows:

- a. Consider approval of minutes of a regular Council meeting held October 21, 2014.
- b. Review and file bills recapped as of Monday, November 3, 2014.

Motion passed.

#### **BUSINESS AGENDA**

##### **REVIEW AND CONSIDER REQUEST FROM GROVES HIGH SCHOOL ORCHESTRAS TO USE VILLAGE STREETS, SIDEWALKS AND BEVERLY PARK FOR A 5K RUN ON SUNDAY, MAY 17, 2015**

Mooney stated that the Groves High School Orchestras are requesting approval to hold the third Annual 5K Run to raise money for students to attend orchestra camp in the fall. A full presentation of this event was made at the October Parks and Recreation Board meeting and received the unanimous approval of that body. The proposal is to begin and end the event at Beverly Park on Sunday, May 17, 2015. Registration will begin at 8:00 am in the Park and the Run will take place between 9:00 and 10:00 am along Village streets in the West Beverly subdivision.

Motion by Mooney, second by Briggs, that the Beverly Hills Village Council approve the request of the Groves High School Orchestras to hold a 5K Run on Sunday, May 17, 2015. This event will begin and end at the Beverly Park pavilion; participants 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. The organizers will coordinate their route with the Public Safety Department.

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

### **PUBLIC HEARING - ORDINANCE #353 MAINTENANCE AGREEMENTS**

President Mercer opened the public hearing at 7:56 pm on Ordinance No. 353, An Ordinance to Amend Chapter 22 Section 22.09, Zoning Ordinance – Site Development Requirements, Village Municipal Code. Section 22.090.080 Maintenance Agreements will be added to the Site Development Requirements. No one wished to be heard; the public hearing was closed at 7:56 pm.

### **SECOND READING AND POSSIBLE ADOPTION OF ORDINANCE #353 ADDING SECTION 22.090.080 MAINTENANCE AGREEMENTS TO CHAPTER 22 OF THE MUNICIPAL CODE**

Village Attorney Ryan conducted the second reading of an Ordinance adding Section 22.090.080 Maintenance Agreements to Chapter 22 of the Village Municipal Code regarding maintenance agreements to site development requirements. Council has adopted an ordinance to add Chapter 30, Surface Water Drainage, to the Municipal Code. The MDEQ is currently auditing the practices and policies of all certificate of coverage holders for storm water management. That ordinance will bring the Village's ordinances into compliance with the requirements of State Law.

The proposed ordinance amendment addresses maintenance agreements as part of the Village's Site Plan Development Requirements related to storm water discharge. This proposed ordinance will require the Planning Commission and Council to approve a Storm Water Management Agreement as part of a site plan for any new development. The new Section 22.090.080 reads as follows: "*A maintenance agreement shall be required for all vegetative and structural best management practices (BMPs) to be constructed on site.*"

Motion by Mooney, second by Briggs, that the Village of Beverly Hills Council adopt Ordinance No. 353, An Ordinance to Amend Chapter 22 Section 22.09, Zoning Ordinance – Site Plan Development Requirements, Village Municipal Code.

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

**REVIEW AND CONSIDER SUBCOMMITTEE'S RECOMMENDATION TO FILL PARKS & RECREATION BOARD VACANCY**

Mooney stated that a subcommittee consisting of himself as chair, Kelly, and Burry met at 7:15 pm prior to tonight's Council meeting to consider applications for the vacancy on the Parks and Recreation Board created by the resignation of Cindy Arvant. There was one applicant for this position. The subcommittee voted unanimously to recommend the appointment of Molly Borgon to the position of Parks and Recreation Board member.

Motion by Mooney, second by Oen, to appoint Molly Borgon to fill the vacancy on the Parks and Recreation Board for a term to expire on June 30, 2017.

Motion passed.

**REVIEW AND CONSIDER ADOPTION OF STORM WATER OPERATION AND MAINTENANCE AGREEMENT**

Before Council for approval is the maintenance agreement form that the Village would provide to any developers coming forward in the future. The Stormwater Operation and Maintenance Agreement is a requirement of newly enacted Ordinance #353, which requires the Planning Commission and Council to approve the Agreement as part of a site plan for any new development in the Village.

Motion by Mooney, second by Oen, that the Beverly Hills Council adopt the Stormwater Operation and Maintenance Agreement form as presented.

A copy of the Stormwater Operation and Maintenance Agreement is available for public review in its entirety at the Village offices.

Attorney Ryan stated that this Maintenance Agreement will provide protection to the Village and address issues such as the potential of soil erosion, storm water drainage, and storm water retention as they relate to all new development. The Agreement will be reviewed by the Planning Commission and Council and will be recorded in the County Register of Deeds. The Agreement provides remedies if the developer does not maintain the system that has been approved. Ryan recommended Council approval of this Maintenance Agreement form.

Wilson added that, as part of the review of a new subdivision on Lahser south of 14 Mile Road, Developer Jim Merritt agreed to enter into a stormwater maintenance agreement with the Village even though the form was not yet in place. The Village will be implementing the structural best management practices in his subdivision currently under development.

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

**SECOND ANNOUNCEMENT OF A VACANCY ON THE VILLAGE COUNCIL**

Brian LaFerriere resigned his seat on the Village Council on October 7 prior to the end of his term for the reason that he moved out of the community. That has left a vacancy on Council. The first announcement of this vacancy was made on October 21, 2014.

Wilson made the second announcement of a vacancy on Council. Anyone interested in applying for the remainder of the term that will expire on November 15, 2016 may submit an application to the Village. The deadline for submitting an application will be on Wednesday, November 12, 2014 at 4:30 pm. Council will review the applications and make a selection at its November 18, 2014 Council meeting.

**SET PUBLIC HEARING DATE OF DECEMBER 2, 2014 REGARDING PROGRAM YEAR 2015 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

Mercer set the public hearing date of December 2, 2014 to review next year's Community Development Block Grant proposal.

**SET PUBLIC HEARING DATE OF DECEMBER 2, 2014 TO RECEIVE COMMENTS ON A CONDITIONAL REZONING REQUEST FOR 19600 W. THIRTEEN MILE ROAD**

At its October 22, 2014 meeting, the Planning Commission recommended approval of a conditional rezoning request for the parcel at 19600 W. 13 Mile from R-1 to R-3. A conditional rezoning differs from a traditional rezoning in that the area is rezoned with conditions, or restrictions, on the type of development than can occur. Council set a Public Hearing of December 2, 2014 on a conditional rezoning request for property at 19600 W. 13 Mile Road.

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

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

Motion passed.

Motion by Oen, 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 \$30,146.06 through September 20, 2014.

Roll Call Vote:

Ayes - Briggs, Burry, Mercer, Mooney, Oen

Nays - None

Abstain - Kelly

Motion passed (5 yes – 0 no – 1 abstention).

**PUBLIC COMMENTS**

Paul and Ann Kleppert of 20855 W. 14 Mile Road made enthusiastic comments in support of write-in candidate for Council, Bob Borgon. Paul Kleppert cited Mr. Borgon's involvement with the Birmingham Area Seniors Coordinating Council where he serves as president of the BASCC Board. He has been the Executive Director and is now a member of the Birmingham Area Cable Board representing Beverly Hills.

Rock Abboud of 18207 Gould Court announced that he has declared his candidacy to run as a write-in candidate for Council. He is a member of the Village Planning Commission and serves

on the Oakland County Senior Advisory Council. Abboud encouraged everyone to vote tomorrow.

Bob Borgon of 32340 Drury Lane clarified that voters must write in a name and also color in the circle after the name in order for their vote for a write-in candidate to be counted.

### **REPORTS – MANAGER**

Wilson mentioned that Halloween Hoot organizers Pat Greening and Janet Mooney will present their report on this year's event at the November 18 Council meeting.

Wilson reported that a public hearing had been scheduled for this Council meeting to hear input on a private road application at 31805 Evergreen Road. The Planning Commission discussed the private road application at its October meeting and tabled the item in order to allow the owner of the property and the property owner to the north to reach a mutual agreement on driveway access issues. As there is no recommendation from the Planning Commission for Council review, it was not appropriate for a public hearing or Council consideration of the request at this time. The private road application will be on the next Planning Commission agenda if there is resolution of the outstanding issues. The Council public hearing will be rescheduled.

The Planning Commission has rescheduled its November meeting to Wednesday, November 19 and its December meeting to Wednesday, December 10 due to the Thanksgiving and Christmas holidays.

Council will hold an organizational meeting on Tuesday, November 11 at 7:30 pm to swear in new Council members and to select a new Council President and President Pro-Tem. Judge Richards will be present to conduct the ceremony.

There will be a public meeting on Wednesday, November 19 at the Groves High School Cafeteria from 4:00-7:00 pm for the purpose of reviewing the upcoming reconstruction of Lahser Road from 13 Mile to Maple Roads. This is a project scheduled for next summer by the Road Commission. It is an informational session where material can be reviewed at any time during those hours.

Village Offices will be closed on Tuesday, November 11 in observance of Veterans Day.

Wilson talked about the leaf collection running behind schedule and the reasons, including the high volume of leaves. He discussed what is being done to accelerate and improve the service. There have been discussions with the contractor to determine why the program is proceeding slower than anticipated. Changes in the operation and service areas are being evaluated. Wilson assured residents that all the leaves that are put out in the next month will be collected. Administration will continue to provide updates on the leaf collection service.

In response to an inquiry, Wilson clarified that residents are asked to place leaves as close to the street as they can without blocking the roadway.

**REPORTS – COUNCIL**

Members Kelly, Mooney and Oen spoke enthusiastically in praise of the individuals who are leaving the Council. The outgoing members were thanked for volunteering their time to serve in this capacity. Their fine work and dedication to the community will be missed.

Burry expressed his thanks at being able to serve the community and represent the citizens of Beverly Hills. He was honored to serve with this Council and appreciated the efforts of Village Administration.

Mooney remarked that the Halloween Hoot held on Sunday, October 26 was an extremely well attended and successful event. He thanked the members of Council who participated in the event.

Oen reminded residents that it was important to change the batteries in their smoke detectors this time of year.

Briggs commented that he ran for office to assist with governing and improving the Village. He related that the benefits of a position on Council include being able to meet and converse with the citizens of the community. Briggs said that he will miss the members of Council.

Mercer thanked scouts from Troop 1024 for attending tonight's meeting, noting that two of them were his sons. The boy scouts in the Village have a strong presence in the community and assist with many events and projects, particularly in terms of Beverly Park improvements.

Mercer congratulated the Groves football team on winning their first playoff game. They will be playing Brother Rice at 1 pm this Saturday, November 8. Mercer commented that everyone had a great time last Sunday at the Halloween Hoot. He thanked Pat Greening and Janet Mooney for a phenomenal job of putting on this event with the help of the Parks and Recreation Board and volunteers.

There was a round of applause from everyone present in honor of the Council members who were leaving.

Motion by Mooney, second by Oen, to adjourn the meeting at 8:55 pm.

Motion passed.

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

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

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