

AGENDA

Roll Call/Call to order

Pledge of Allegiance

Amendments to Agenda/Approve Agenda

Community Announcements

Public Comments on items not on the published agenda

Consent Agenda

1. Review and consider approval of [minutes](#) of a regular Council meeting held December 19, 2017.
2. Review and file [bills](#) recapped as of Tuesday, December 26, 2017.
3. Review and consider extending pavement marking [contract](#) with R.S. Contracting.

Business Agenda

1. First reading of an [ordinance](#) amending Chapter 22 Section 22.24 Area, Height, Bulk, and Placement Regulations.
2. Public hearing to receive comments on a proposed ordinance amending Chapter 22 Section 22.24 Area, Height, Bulk, and Placement Regulations.
3. Second announcement of a [vacancy](#) on the Zoning Board of Appeals for an alternate member.
4. Set meeting date for Council strategy session.

Public comments

Manager's [report](#)

Council comments

The Village of Beverly Hills will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities attending the meeting upon three working days notice to the Village.

Individuals with disabilities requiring auxiliary aids or services should contact the Village by writing or calling Ellen Marshall, 18500 W. Thirteen Mile, Beverly Hills, MI 48025 (248) 646-6404.

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

Absent: Member Oen

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

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.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Delaney, second by Peddie, to approve the agenda.

Motion passed.

COMMUNITY ANNOUNCEMENTS

Legislative update from State Representative Jeremy Moss

Moss updated the Council on the legislation he was involved with this year including changes to the current auto no fault insurance system, accountability and transparency for charter schools, changes to the regulations related to petitioning, and increasing voter access to the polls. He reported the likelihood that marijuana and gerrymandering regulation will be on the 2018 ballot.

Mooney thanked Moss for his work representing the Village of Beverly Hills in the state legislature.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

None.

CONSENT AGENDA

Motion by Delaney, second by Peddie, to approve the consent agenda as follows:

1. Review and consider approval of minutes of a regular Council meeting held December 5, 2017.
2. Review and file bills recapped as of Monday, December 11, 2017.

Roll call vote:

Motion passed (6-0)

BUSINESS AGENDA

PROCLAMATION RECOGNIZING MARIE NASH

Mooney recognized Marie Nash on the occasion of her 100th birthday. 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 Abboud, second by Nunez, that the Village Council resolves to honor and recognize Marie Nash as an outstanding citizen of the Village of Beverly Hills.

Roll call vote:

Motion passed (6-0)

DISCUSSION REGARDING A PROPOSED ORDINANCE AMENDING CHAPTER 22 SECTION 22.08.150 FENCE, WALL & PRIVACY SCREEN REGULATIONS OF THE MUNICIPAL CODE

Following the Public Hearing held December 5, 2017, the Council subcommittee looks to do their due diligence on many of the issues presented by residents.

Mueller voiced concerns related to demand, need, maintenance, installation, blight, materials and enforcement. He believes that the percentage of residents interested in six-foot fences does not warrant a change in the ordinance. He would like to see a focus on the four-foot fences throughout the Village that already exist in disrepair.

Abboud countered that as the Zoning Board of Appeals liaison, he witnesses many fence requests and is aware of a high volume of calls to Administration related to fences. He also stated the subcommittee plans to address guidelines, requirements, and maintenance.

Delaney pointed out that more than thirteen residents attended the public hearing and spoke against six-foot fences. The original ordinance amendment, as submitted by the Planning Commission, pertained to zones R-2A and R-3, but the subcommittee recommended including R-2B. He questioned why six-foot fences were not being considered Village wide. He believes the new ordinance would not encourage people to repair current blighted fences. He suggested allowing five-foot fences with alternating boards. He believes the allowance of six-foot fences will negatively affect property values.

Peddle explained that the subcommittee plans to consider a standardized look, and regulations on materials and design.

Mooney asked the subcommittee to meet with Administration, LSL Planning, and Village Attorney Ryan to review the ordinance and provide further detail related to uniformity of materials, style, and size; permitting for fence construction; which zones are necessary to be included in the ordinance; enforcement; and survey requirements. He encouraged them to review the impact fences have had on nearby communities and the nature of the ordinances in those communities.

The following residents spoke in opposition of the proposed ordinance:

Dominic Nepa, Devonshire

Eric King, Buckingham

Paula Roddy, East Rutland

Scott Borovich, Warwick

Matt MacDonnell, West Beverly

Comments in opposition included concern with neighbors installing different types of fencing affecting the aesthetics of the community, gaps between old and new fences, lot lines not lining up, tall fences damaging the openness and changing the feel of the village. There was

disappointment expressed with the inclusion of R-2B in the ordinance. Many also expressed disappointment with the condition of many of the fences already in the Village. It was suggested that the ordinance be put to a Village wide vote.

Members of the Planning Commission; Andrew Drummond, Warwick; Ben Wilensky, Verona Circle; and Patrick Westerlund, Devonshire; were present, they spoke in opposition of six-foot fences, and explained that the Planning Commission was told the Council wanted an amended fence ordinance that included six-foot fences, and that is what they provided. They believe the Planning Commission created the best ordinance possible that would allow for six-foot fences.

Mueller believes the ordinance should be returned to the Planning Commission for their honest evaluation and resubmittal as an amended ordinance or no changes to the original ordinance.

Mooney felt that the Planning Commission and LSL Planning did their full due diligence on this ordinance. He felt that LSL could have done more to specify regulation on the issues that have been mentioned.

Delaney believes the ordinance should be rejected and returned to the Planning Commission for further review and revision. Delaney also pointed out that not all homes located east of Southfield Road would be covered by the newly amended ordinance.

Nunez stated that the concerns voiced by residents could have been addressed by the Planning Commission, but were not. Currently two four-foot fences can be abutting and of different materials, and it has never been brought up as a concern. The subcommittee will address all of the outstanding issues and concerns in a revised draft.

Motion by Nunez, second by Peddie, be it resolved that the Village of Beverly Hills Council subcommittee meet with Administration, LSL Planning, and Village Attorney Ryan to review the ordinance and send it back to the Planning Commission or provide further detail related to uniformity of materials, style, and size; permitting for fence construction; enforcement; stake survey requirements; whether the ordinance could pertain to zones only found on the east side of Southfield Road; and any other items raised by residents at the public hearing or in comments at this meeting.

Roll call vote:

Motion passed (5-1)

Abboud	yes
Delaney	yes
Mooney	yes
Mueller	no
Nunez	yes
Peddie	yes

REVIEW AND CONSIDER CONTRACT RATIFICATION BETWEEN THE VILLAGE AND THE MICHIGAN ASSOCIATION OF POLICE (COMMAND OFFICERS)

Village Administration has been working with the Public Safety Command Union on a new contract for many months. The current contract expires on December 31, 2017. The Village, sought a long term agreement, similar to the Public Safety Officers (PSO) union. The Council approved

a five (5) year agreement with the PSO Union that took effect July 1 of this year and will remain in effect until June 30, 2022. The proposed agreement with the Command Union is effective January 1, 2018 and will remain in effect until June 30, 2023. This contract has been reviewed and approved by the Command Union. As of July 1, 2013 all Public Safety new hires participate in a defined contribution (DC) pension plan and also participate in the Retiree Health Insurance Fund in lieu of retiree health care. Those provisions have not changed and are memorialized in this contract.

Article XXII Retirement is the same language that is in the current PSO contract. As with the PSO contract, the Village did agree to increase to DC contribution from 10% to 12% of base wages. Employees are required to make a contribution of 5% of base wages. Currently, there are no employees who would be covered by this agreement that participate in the DC plan. It is possible that employees currently covered by the DC plan could be promoted from PSO to Command status during the life of this agreement. Such a promotion would not impact their retirement or retiree health care status. Between the last contract negotiations and the previous arbitration decision there were not a significant number of economic issues that were subject to negotiation. The primary focus of the negotiations that dealt with costs were regarding wages. Both sides were able to come to an agreement on wages as follows: As of January 1, 2018 a base wage increase of 3%. This wage level will remain in effect for a period of 18 months, until June 30, 2019.

On July 1, 2019, a base wage level increase of 2.5% for 12 months will occur. Similar increases of 2.5% for one year commencing on July 1, 2020; July 1, 2021 and July 1, 2022. This equates to wage increases of 13% over a period of five and a half years. The PSO contract currently in effect calls for total wage increases of 11% over 5 years, plus the 2% increase in DC contribution which impacts a number of current PSO employees but no current command employees. Annual base wage increases for non-union employees has also been 2.5% for the last two years and was budgeted at 2.5% for the next fiscal year. Administration believes the wages as presented are fair and reasonable based upon comparable internal measure and current external market conditions. The proposed wage scale can be found in Article X Wages on page 7 of the proposed contract.

The Union has also requested that the Village adopt Public Act (PA) 88 of 1961 as part of this agreement. PA 88 is a pension reciprocity act that provides some benefits and protections to employees who have worked a minimum of 30 months for a participating employer but has not been employed long enough to be vested at that employer. If the employer is a participant in PA 88, employees may count time between two participating employers for the purposes of obtaining vesting rights, provided other conditions are met. This applies to either defined benefit (DB) employees or DC employees. All but two current DB employees with the Village are vested and would not be impacted by this. Further, participation in PA 88 could help the Village in future employee recruitment efforts. Administration does not see participation in PA 88 to be a significant cost, if any cost, to the Village.

There were many other minor changes and corrections to the contract. Many obsolete or irrelevant passages were removed. The contract has been streamlined from previous versions. Article XXVI Layoff, Recall and Demotion has been included at the request of the Union. This language does not provide for any measures that are not a current practice. A Memorandum of Understanding of a Health Care reopener has been included that would allow either party to request re-negotiation of the issue of health care in the result of material changes to the Affordable Health Care Act or other changes to state or federal law. Given the uncertain future of this issue and the proposed

duration of this contract Administration felt that such a memorandum is in the best interest of both parties.

This contract has been reviewed by the Personnel Committee and by the Village's labor attorney. The Command Union has also reviewed it and has agreed to these terms. Administration believes this contract to be fair and reasonable, within the limits of the Village's ability to pay, competitive with the relevant marketplace, and in the best interest of the Village at this time. A copy of this contract is available online and at the Village offices.

Motion by Delaney, second by Abboud, be it resolved that the Village of Beverly Hills Council authorizes the Village Manager and other necessary officials to ratify and enter into contract between the Village of Beverly Hills and the Michigan Association of Police representing the Beverly Hills Public Safety Lieutenants and Sergeants Association running from January 1, 2018 to June 30, 2023.

Roll call vote:
Motion passed (6-0)

REVIEW AND CONSIDER ADOPTION OF PUBLIC ACT 88

As part of the contract settlement with the Command Union the Village has agreed to adopt Public Act 88 of 1961. PA 88 is the Reciprocal Retirement Act. This ACT provides limited reciprocity rights in regard to amassing service time to meet vesting requirements in participating local governments, given that certain conditions are met by the employee. Employees in PA 88 communities may count service credit in another PA 88 community for the purpose of meeting vesting requirements at their current employer provided that they worked at least thirty (30) months at their previous employer, did not withdraw eligible pension contributions and the prior service ended no more than 20 years before employment started at their current employer. An employee's amount of earned benefit and age at which the benefit can be taken are not impacted by PA 88.

PA 88 applies to both employees in a traditional pension or defined benefit (DB) plan as well as those in a defined contribution (DC) 401(a) plan. The vast majority of current DC plan participants in the Village are vested. The Village's DB plan has a vesting period of ten (10) years. With the changes to the PSO and Command contracts there is now a five (5) year vesting for current DC contributions.

This Public Act and a list of all MERS and non-MERS governmental units in Michigan that have adopted PA 88 are available online and in the Village office.

Motion by Delaney, second by Nunez, be it resolved that the Village Council of the Village of Beverly Hills hereby elects to adopt the provisions of Act No. 88, Public Act 1961, as amended, and become a reciprocal unit under the Reciprocal Retirement Act.

Roll call vote:
Motion passed (6-0)

ACCEPT MARK HYNES' RESIGNATION FROM THE ZONING BOARD OF APPEALS AND MAKE FIRST ANNOUNCEMENT OF VACANCY

Mark Hynes has been an alternate member on the Zoning Board of Appeals since August of 2016. Administration received notification that he cannot fulfill the requirements of being an alternate due to his work schedule.

Tonight is the first announcement of vacancy and his term has an expiration date of June 30, 2018.

Application deadline: Wednesday, January 10, 2018 at 4:30 p.m.
Term expires: June 30, 2018

Zoning Board Subcommittee:

Chairperson: Abboud

Members: Oen and Peddie

Meeting: January 16, 2018; 7:15 p.m.

Motion by Abboud, second by Nunez, that the Village Council accepts Mark Hynes' resignation from his position on the Zoning Board of Appeals.

Motion passed.

PUBLIC COMMENTS

Sharon Tischler, Virmar Court, expressed her concern that maintenance of fences would be a challenge.

MANAGER'S REPORT

Village & Township Holiday Office Schedule – Village and Southfield Township Offices will be closed on the following days for Christmas and New Year's Holidays: Friday, December 22nd; Monday, December 25th; Friday, December 29th; and Monday, January 1st. Township offices will also be closed on Tuesday, December 26th.

Holiday Trash Schedule – Trash and recycling collection will be delayed by one day the weeks of December 25th and January 1st. Regular Monday collection will be on Tuesday the 26th with regular Tuesday collection on Wednesday the 27th. Likewise, regular Monday collection will occur on Tuesday, January 2nd with Tuesday collection on Wednesday, January 3rd.

Parks and Recreation Survey – The Parks & Recreation Board is working on completing an updated five-year plan for our community recreation system. We are requesting that all Village households complete this survey to provide valuable input for the Board. Please complete this survey by December 31, 2017.

2018 Village Calendars – Village Calendars for 2018 have been completed and will be mailed before Christmas.

Snow Emergencies – In the event of a significant snow event the Village may find it necessary to declare a snow emergency. Should the Village declare a snow emergency, all cars will need to be removed from Village streets from the beginning of the emergency until the roadway has been cleared of snow. This is necessary not only to allow for the timely and thorough removal of snow but also to keep roadways passable for emergency vehicles. Failure to remove vehicles

significantly slows the speed and thoroughness by which residential streets are cleared. Additionally, cars not removed from the roadway during heavier snow events are at risk of being trapped by higher piles of snow. Cars that are not removed from the roadway during a Snow Emergency are subject to ticketing and/or removal. Thank you for your cooperation.

Delaney informed Administration of several lights that were not working at Beverly Park. He also reported resident complaints of the sound cutting out on the meeting broadcasts.

COUNCIL COMMENTS

Nunez thanked Council for their guidance and support as he completes his first year of service.

Mueller reminded residents to check The Villager, visit the website of Facebook and complete the Parks and Recreation Survey.

Abboud announced there would be no December meeting for the Planning Commission. The January Zoning Board of Appeals meeting was canceled. He will attend the Michigan Municipal League Meeting in January. Abboud thanked Lora Graentzdoerffer for inviting him, Council member Mueller and President Pro-Tem Peddie to be judges at the 2nd Annual Metamora Green Subdivision “Deck the Homes” light contest. Mooney believes that a compromise on fences in the Village is achievable. He thanked Administration and Public Safety for their hard work and dedication to making Beverly Hills a wonderful place to live.

Council members wished everyone in the village happy holidays.

Motion by Abboud, second by Nunez, to adjourn the meeting at 9:16 p.m.

Motion passed.

John G. Mooney
Council President

Ellen E. Marshall
Village Clerk

Elizabeth M. Lyons
Recording Secretary

THESE MINUTES ARE NOT OFFICIAL. THEY HAVE NOT BEEN APPROVED BY THE VILLAGE COUNCIL.

TO THE PRESIDENT & MEMBERS OF THE VILLAGE COUNCIL. THE FOLLOWING IS A LIST OF
EXPENDITURES FOR APPROVAL. ACCOUNTS PAYABLE RUN FROM 12/11/17 THROUGH 12/26/17.

ACCOUNT TOTALS:

101	GENERAL FUND	\$34,644.21
202	MAJOR ROAD FUND	\$22,982.69
203	LOCAL STREET FUND	\$19,464.77
205	PUBLIC SAFETY DEPARTMENT FUND	\$31,920.95
592	WATER & SEWER FUND	\$34,006.62
701	TRUST AND AGENCY FUND	\$172.85
	TOTAL	<u>\$143,192.09</u>
	MANUAL CHECKS- COMERICA	\$0.00
	MANUAL CHECKS- INDEPENDENT	\$0.00
	ACCOUNTS PAYABLE	<u>\$143,192.09</u>
	GRAND TOTAL	<u>\$143,192.09</u>

12/20/2017 01:16 PM
 User: KARRIE
 DB: Beverly Hills

CHECK REGISTER FOR VILLAGE OF BEVERLY HILLS
 CHECK DATE FROM 12/26/2017 - 12/26/2017

Page: 1/1

Check Date	Bank	Check	Vendor	Vendor Name	Invoice Vendor	Amount
Bank COM COMERICA						
12/26/2017	COM	77643	31142	52-4 DISTRICT COURT	52-4 DISTRICT COURT	500.00
12/26/2017	COM	77644	58787	ABEL ELECTRONICS	ABEL ELECTRONICS	85.00
12/26/2017	COM	77645	51160	ALLIANCE MOBILE HEALTH	ALLIANCE MOBILE HEALTH	276.00
12/26/2017	COM	77646	31164	APOLLO FIRE APPARATUS	APOLLO FIRE APPARATUS	341.60
12/26/2017	COM	77647	01100	APOLLO FIRE EQUIPMENT	APOLLO FIRE EQUIPMENT	2,185.00
12/26/2017	COM	77648	53284	APPLIED IMAGING	APPLIED IMAGING	215.31
12/26/2017	COM	77649	51802	ARROW OFFICE SUPPLY CO.	ARROW OFFICE SUPPLY CO.	59.26
12/26/2017	COM	77650	32748	BEIER HOWLETT,P.C.	BEIER HOWLETT,P.C.	1,085.28
12/26/2017	COM	77651	51409	BEVERLY HILLS ACE	BEVERLY HILLS ACE	42.65
12/26/2017	COM	77652	02400	BEVERLY HILLS WATER DPT	BEVERLY HILLS WATER DPT	819.00
12/26/2017	COM	77653	59598	BOB SCHMIDT ROOFING	BOB SCHMIDT ROOFING	300.00
12/26/2017	COM	77654	58597	CATHY WHITE	CATHY WHITE	261.50
12/26/2017	COM	77655	59669	CHAD JOSPEH	CHAD JOSPEH	800.00
12/26/2017	COM	77656	59347	CINTAS CORPORATION #31	CINTAS CORPORATION #31	45.80
12/26/2017	COM	77657	31925	COALITION OF PUBLIC SAFE	COALITION OF PUBLIC SAFE	19,953.83
12/26/2017	COM	77658	04500	COMEAU EQUIPMENT CO INC.	COMEAU EQUIPMENT CO INC.	33,975.08
12/26/2017	COM	77659	50826	CONSUMERS ENERGY	CONSUMERS ENERGY	540.03
12/26/2017	COM	77660	52025	DETROIT SALT COMPANY	DETROIT SALT COMPANY	4,423.23
12/26/2017	COM	77661	58748	DEWOLF & ASSOCIATES	DEWOLF & ASSOCIATES	525.00
12/26/2017	COM	77662	50806	EGRESS SOLUTIONS INC.	EGRESS SOLUTIONS INC.	200.00
12/26/2017	COM	77663	31543	ERADICO	ERADICO	43.00
12/26/2017	COM	77664	31228	EXXONMOBIL	EXXONMOBIL	194.73
12/26/2017	COM	77665	53583	GUARDIAN	GUARDIAN	6,235.28
12/26/2017	COM	77666	39070	J.H. HART URBAN FORESTRY	J.H. HART URBAN FORESTRY	3,840.81
12/26/2017	COM	77667	30698	JACK DOHENY SUPPLIES INC	JACK DOHENY SUPPLIES INC	521.25
12/26/2017	COM	77668	59671	JOHN RUSKUS	JOHN RUSKUS	500.00
12/26/2017	COM	77669	31003	KEARN'S BROTHERS INC.	KEARN'S BROTHERS INC.	200.00
12/26/2017	COM	77670	59670	KOZLOFF BUILDING	KOZLOFF BUILDING	600.00
12/26/2017	COM	77671	51792	LEXISNEXIS RISK SOLUTION	LEXISNEXIS RISK SOLUTION	47.00
12/26/2017	COM	77672	59673	LINDA WALLACE	LINDA WALLACE	182.70
12/26/2017	COM	77673	51135	MAJIK GRAPHICS INC.	MAJIK GRAPHICS INC.	280.00
12/26/2017	COM	77674	59116	MARGARET A.S. BEKE	MARGARET A.S. BEKE	146.33
12/26/2017	COM	77675	50159	MICHIGAN CAT	MICHIGAN CAT	284.32
12/26/2017	COM	77676	32166	MICHIGAN INDEPENDENT DOC	MICHIGAN INDEPENDENT DOC	15.00
12/26/2017	COM	77677	51408	MICRO CENTER A/R	MICRO CENTER A/R	44.99
12/26/2017	COM	77678	51108	MMTA	MMTA	100.00
12/26/2017	COM	77679	51461	MUNICIPAL WEB SERVICES	MUNICIPAL WEB SERVICES	367.00
12/26/2017	COM	77680	51182	NELSON BROTHERS SEWER &	NELSON BROTHERS SEWER &	190.00
12/26/2017	COM	77681	51799	NYE UNIFORM EAST	NYE UNIFORM EAST	850.18
12/26/2017	COM	77682	51540	O'REILLY AUTO PARTS	O'REILLY AUTO PARTS	48.64
12/26/2017	COM	77683	51751	O.C.W.R.C.	O.C.W.R.C.	31,289.00
12/26/2017	COM	77684	50830	OAKLAND COUNTY TREASURE	OAKLAND COUNTY TREASURE	25.90
12/26/2017	COM	77685	14100	OBSERVER & ECCENTRIC	OBSERVER & ECCENTRIC	173.76
12/26/2017	COM	77686	14250	OFFICE DEPOT	OFFICE DEPOT	151.30
12/26/2017	COM	77687	49769	OFFICE EXPRESS	OFFICE EXPRESS	265.55
12/26/2017	COM	77688	59622	PARAGON LABORATORIES	PARAGON LABORATORIES	200.00
12/26/2017	COM	77689	50502	PITNEY BOWES CREDIT CORP	PITNEY BOWES CREDIT CORP	693.60
12/26/2017	COM	77690	15300	PRINTING SYSTEMS	PRINTING SYSTEMS	149.55
12/26/2017	COM	77691	59672	PRO HOME IMPROVEMENT INC	PRO HOME IMPROVEMENT INC	600.00
12/26/2017	COM	77692	15800	RATHCO SAFETY SUPPLY	RATHCO SAFETY SUPPLY	916.17
12/26/2017	COM	77693	16100	ROAD COMMISSION FOR OAKI	ROAD COMMISSION FOR OAKI	2,514.60
12/26/2017	COM	77694	59660	ROBERT BERRYMAN	ROBERT BERRYMAN	800.00
12/26/2017	COM	77695	59282	SAFEBUILT INC.	SAFEBUILT INC.	22,675.22
12/26/2017	COM	77696	59557	SHERRIFF-GOSLIN	SHERRIFF-GOSLIN	200.00
12/26/2017	COM	77697	51356	SOUTHFIELD MUFFLER & BRA	SOUTHFIELD MUFFLER & BRA	375.64
12/26/2017	COM	77698	50923	STATE OF MICHIGAN	STATE OF MICHIGAN	230.00
12/26/2017	COM	77699	59674	THE KNOX XOMPANY	THE KNOX XOMPANY	438.00
12/26/2017	COM	77700	59668	WILLIAM COLENZO	WILLIAM COLENZO	100.00
12/26/2017	COM	77701	20900	ZIP ETC INC	ZIP ETC INC	69.00

COM TOTALS:

Total of 59 Checks:	143,192.09
Less 0 Void Checks:	0.00
Total of 59 Disbursements:	143,192.09

Memo

To: Chris Wilson, Village Manager

From: Thomas Meszler, Director of Public Services

Date: January 2, 2018

Re: Extension Pavement Marking Bids

Background

Bids were solicited in 2011 for our annual pavement markings, which includes center lines, edge lines, and miscellaneous hand painting. R.S. Contracting provided a bid for \$81,000. for three years, 2011, 2012 and 2013 or \$27,000 per year. They held their price for 2014, 2015, 2016, 2017 and has offered to perform the same work for the same price again in 2018. We have been satisfied with their work.

Recommendation

Administration recommends accepting and approving R.S. Contracting's offer to extend their current contract price of \$27,000 for pavement marking for the 2018 season.

Suggested Resolution

Be it resolved that the Beverly Hills Village Council accepts R.S. Contracting's contract extension in the amount of \$27,000 for 2018 to provide pavement marking services including painting centerlines, edge markings and hand painting on Village roads.

THM/klm

MEMO

To: Honorable President Mooney;
Village Council;
Chris Wilson, Village Manager

From: Erin Saur, Planning & Zoning Administrator

Date: December 28, 2017

Re: Section 22.24 Schedule of Regulations

Administration noted regulations for the O-1 Office Zone District in Chapter 22, Section 22.24 Area, Height, Bulk, and Placement Regulations, Schedule of Regulations lists a maximum building height at 30 feet but only allows a single story. Upon discussion with the Planning Commission, there was consensus to modify the language to permit a second story within the current height limit of 30 feet, as is allowed in every other Zone District.

At the meeting held November 29, 2017 the Planning Commission held a public hearing and recommended approval of modifications to the language updating the number of stories from "1" to "2" in the O-1 Office Zone District. This change will not modify the current allowable maximum building height of 30 feet.

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EXCERPT OF PLANNING COMMISSION MINUTES – REGULAR MEETING HELD
NOVEMBER 29, 2017

Present: Chairperson Ostrowski; Vice-Chairperson Westerlund; Members: Borowski,
Copeland, Drummond, Grinnan, Ruprich, and Stempien

Absent: Member Wilensky

**PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 22, SECTION 22.24
SCHEDULE OF REGULATIONS**

Saur explained that in Section 22.24 Schedule of Regulations, the O-1, Office Zone District building heights are allowed up to 30 feet, but only permitted a single story. The proposed change allows the building to be two stories, while retaining the 30 foot height limit which is consistent with every other Zone District in the Village.

Ostrowski opened the public hearing at 8:30 p.m.

No one wished to be heard; therefore, Ostrowski closed the public hearing at 8:30 p.m.

**REVIEW AND CONSIDER RECOMMENDATION TO COUNCIL ON PROPOSED
AMENDMENT TO CHAPTER 22, SECTION 22.24 SCHEDULE OF REGULATIONS**

Motion by Westerlund, second by Stempien, that the Village of Beverly Hills Planning Commission recommends Council consider approval of an amendment to Chapter 22, Section 22.24 Schedule of Regulations, allowing two-story buildings in the O-1, Office Zone District, while retaining the 30 foot height limit.

Motion passed.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 22 OF THE MUNICIPAL CODE OF THE VILLAGE OF BEVERLY HILLS.

The Village of Beverly Hills Ordains:

Section 1.01. That the Zoning Ordinance No. 216, as amended, Chapter 22 of the Municipal Code, Section 22.24, Schedule of Regulations, is hereby amended to read as follows:

O-1 Office Zone District, Maximum Building Height in Stories - 2.

All other regulations remain the same.

Section 2.01. REPEALER. All other Ordinances and/or Resolutions inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed. The adoption of the above Ordinance does not affect or impair any act done since committed or right accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

Section 3.01. SEVERABILITY. Should any section, clause or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof other than the part declared to be invalid.

Section 4.01. SAVINGS CLAUSE. The passage of this Ordinance does not affect or impair any act done, committed or right accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

Section 5.01. PENALTY. Any person violating any of the provisions of this Ordinance shall be responsible for a civil infraction, and upon such responsibility, shall be fined no less than five hundred dollars (\$500.00) for each such offense, or such fine in the discretion of the court, together with the costs of such prosecution. Each day that a violation of this Ordinance continues shall be a separate offense.

Section 6.01. EFFECTIVE DATE. Public Hearings having been held by the Planning Commission on November 29, 2107 and the Village Council on January 2, 2018, the provisions of this Ordinance shall take effect twenty (20) days after its publication in the Observer and Eccentric, a newspaper circulated within said Village.

Made and passed by the Village Council of the Village of Beverly Hills this _____day of _____, 2018.

JOHN G. MOONEY, Village President

ELLEN E. MARSHALL, Village Clerk

MEMO

To: Honorable President Mooney; Members of Village Council
Village Manager, Chris Wilson

From: Ellen Marshall

Re: Zoning Board of Appeals Vacancy

Date: December 28, 2017

Mark Hynes submitted his resignation from the Zoning Board of Appeals as an alternate member on December 14th. Council accepted his resignation and made a first announcement of the vacancy on December 19th. Tonight is the second announcement of vacancy and his term has an expiration date of June 30, 2018.

Application deadline: Wednesday, January 10, 2018 at 4:30 p.m.

Term expires: June 30, 2018

Zoning Board Subcommittee: Chairperson: Abboud
Members: Oen and Peddie
January 16, 2018
7:15 p.m.

Applications of interested persons will be delivered to subcommittee members with the January 16th Council packet.

VILLAGE MANAGER'S REPORT
CHRIS D. WILSON
DECEMBER 28, 2017

Fire Truck Update – Public Safety Administration completed the specification review for the new mini pumper and pumper truck as authorized by Council. An order form was submitted prior to the end of the 2017 calendar year to lock in the 2017 prices. Village Administration will be presenting the financing options to Council at the next meeting. We are waiting on some final numbers as to our reserve amounts before finalizing the financing. Based on current estimates we will likely pay in full for the mini pumper, saving about \$5,200, and use the remaining balance as a down payment on the pumper truck, financing the remainder for a period of 5-7 years.

Long Term Disability Plan – With the approval of the PSO contract earlier this year, both the PSO Union and the Village agreed to continue working on a long term disability plan to cover Public Safety Officers in the Defined Contribution (DC) plan. This issue was brought to the Village's attention after the implementation of the DC plan for new hires. There was a significant gap in duty disability coverage for employees in a traditional pension, or Defined Benefit (DB) plan and those in a DC plan. This was particularly true for employees who had not served many years and had not built up significant savings in their DC accounts. It was not the intent of the Village to have such a disparity in disability coverage between employees. It took a period of time and some shopping around, but the Village was able to work with our insurance agency IBEX and obtain a Long Term Disability Plan for the Public Safety Department that the PSO Union agreed with. Benefits would be coordinated with other benefits, but would provide covered employees with a guaranteed monthly income and Cost of Living Adjustments for own occupation disabilities until age 65. Premiums for this were very reasonable and ended up being more than offset by savings IBEX and Village Administration were able to obtain on dental and life insurance coverage through renegotiating these benefits.

FOIA Appeals – Council has been copied on requests for an appeal of proclaimed denials of material under the Freedom of Information Act. These requests are in regard to documents of an investigation by the Public Safety Department. Village Administration has turned the matter over to Mr. Ryan for his input and he is working with the Public Safety Department to respond. There is a process by which an individual who is denied public documents can appeal their denial to the Village Council. In this instance, Village Administration does not believe that there is a denial of any documents as the documents requested do not exist and/or the requests are not for documents but are interrogatory. Mr. Ryan is corresponding with the applicant and Village Administration and Public Safety will respond as advised.

**Village of Beverly Hills
Regular Council Meeting
Tuesday, January 2, 2018**

**Municipal Building
18500 W. Thirteen Mile Rd.
7:30 p.m.**

INFORMATION ITEMS

- a. Public Safety Activity Report for the period December 14 thru December 27th, 2017.
- b. Monthly cable report dated December 13, 2017 from Cathy White, Executive Director of the Birmingham Area Cable Board.
- c. Regular Planning Commission meeting minutes dated November 29, 2017 (unapproved).

Beverly Hills Public Safety Activity Report

December 14th – 27th, 2017

- The Public Safety Department is currently looking for applicants for Public Safety Officer. Please visit our website, www.beverlyhillspolice.com to see if you qualify.
- Officers went through Standardized Field Sobriety Refresher
- Taser refresher
- New Officers began their Field Training Program

CALLS FOR SERVICE

- 249 Calls for Service.
- 7 Arrests.
- 64 Tickets issued.
- Motor Carrier Enforcement.
- 14 Walk in PBTs.
- 4 Prescription pill drop offs.
- Vacation checks.
- Walk in Gun Permits issued
- Car Seat Safety Inspections.
- Medical on Southfield Rd.
- 4 Medicals on 13 Mile Rd.
- Road Hazard on 13 Mile Rd.
- 5 Alarms on Southfield Rd.
- Citizen Assist on Southfield Rd.
- 5 Traffic Accidents on 13 Mile Rd.
- 2 Traffic Accidents on Southfield Rd.
- Motorist Assist on Southfield Rd.
- Motorist Assist on 13 Mile Rd.
- 2 Alarms on 13 Mile Rd.
- 4 Suspicious Persons complaints on 13 Mile Rd.
- 2 Suspicious Persons complaint on Southfield Rd.
- Medical on Lahser
- Traffic Accident on Lahser
- Motorist Assist on Evergreen
- Parking complaint on Georgina
- Assist Berkley Public Safety with a commercial building fire
- Fire alarm on 13 Mile Rd.
- Suspicious Persons complaint on Churchill

- Officers stopped a vehicle for expired license plate on Huntley Square. The investigation revealed the driver was operating on a suspended license. The driver was wanted on a warrant and was in possession of marijuana. The driver was arrested without incident.
- Fraud complaint on Old Cannon
- Alarm on Sunnyslope
- Suspicious Persons complaint on Riverview
- Citizen Assist on Orchard Way
- Medical on Huntley Square
- Noise complaint on Birmingham
- Citizen Assist on Wentworth
- Family Trouble on Evergreen
- Vehicle Lockout on 13 Mile Rd.
- Medical on Kinross
- Suspicious Persons complaint on 14 Mile Rd.
- Alarm on Nottingham
- Medical on Marguerite
- Suspicious Persons complaint on Charrington Ct.
- Fraud complaint on 13 Mile Rd.
- Medical on Plantation
- Traffic complaint on Marguerite
- Traffic complaint on Kirkshire
- Found Property complaint on Kirkshire
- Citizen Assist on Warwick
- Odor Investigation on 13 Mile Rd.
- Welfare Check on Pickwick
- Assist Southfield Police with a traffic accident
- Suspicious Persons on Devonshire
- Vehicle Lockout on Warwick
- Civil Dispute on Orcutt Ct.
- Fraud complaint on Blossom
- Suspicious Persons complaint on 14 Mile Rd.
- Alarm on Norwood
- Animal complaint on Birwood
- Medical on Wentworth
- Alarm on Village Pines
- Alarm on 14 Mile Rd.
- Medical on Rutland
- Officers stopped a vehicle for expired plate. The investigation revealed the driver was operating on a suspended license. The driver was arrested without incident.
- Traffic Accident on Pierce
- Medical on Beverly

- Officers were called to the scene of a traffic accident on Beechwood. The investigation revealed a driver was operating on a suspended license. The driver was wanted by several jurisdictions. The driver was arrested without incident.
- Medical on Devonshire
- Citizen Assist on 13 Mile Rd.
- Animal complaint on Kirkshire
- Vehicle Lockout on Greenfield
- Medical on Huntley Square
- 3 Medicals on Bellvine Trail
- Suspicious Vehicle investigated on Wendbrook
- Domestic Dispute on Fox Run
- Damage to Property on Robinhood
- Alarm on Embassy
- Medical on Nixon
- Citizen Assist on 13 Mile Rd
- Suspicious Persons complaint on Woodhaven
- Medical on Old Post
- Medical on Alden Ct.
- Officers assisted Birmingham Police locate the driver of a vehicle that fled from a traffic accident near 14 Mile Rd. Officers detained the individual without incident until Birmingham Police arrived.
- Officers stopped a vehicle for defective equipment on Lahser. The investigation revealed the driver was operating on a suspended license and the license plate was not valid. The driver was arrested without incident.
- Fire Alarm on 14 Mile Rd.
- Larceny complaint on 14 Mile Rd.
- Suspicious Persons complaint on Beverly Rd.
- Suspicious Circumstance complaint on Tremont Ln.
- Suspicious Persons complaint on Norchester
- Medical on Verona
- Officers stopped a vehicle on 13 Mile for license plate violation. The driver was operating on a suspended license. He was arrested without incident.
- Alarm on Devonshire
- Alarm on Locherbie
- Larceny on Huntley Square
- Alarm on Vernon
- Down Wire on Pickwick
- Lift Assist on Village Pines
- Motorist Assist on W. Valley Woods
- Medical on Wentworth
- Officers stopped a vehicle on Southfield Rd. for defective headlight. The investigation revealed the driver was operating on a suspended license. The driver was arrested without incident.

- Animal complaint on Lauderdale
- Animal complaint on King Richard
- Motorist Assist on Kennoway
- Medical on Marlin Ct.
- Suspicious Persons complaint on Buckingham
- Motorist Assist on Riverside
- Suspicious Persons complaint on Fairfax
- Odor Investigation on Lauderdale
- Traffic Accident on Madison
- Citizen Assist on Beechwood
- Citizen Assist on Bellvine Trail
- Medical on Mayfair
- Fire Alarm on Buckingham
- Suspicious Vehicle complaint on 13 Mile Rd.
- Alarm on Nottingham
- Peace Officer complaint on Chelton
- Traffic Accident on Beverly
- Alarm on Eastlady
- Medical on W. Rutland
- Assist DPW with water main break
- Vehicle Lockout on 13 Mile Rd.
- Citizen Assist on Saxon
- Harassment complaint on Sunnyslope
- Alarm on Auburn
- Motorist Assist on 13 Mile Rd.
- Vehicle Lockout on Drury Ln.
- Suspicious Persons complaint on Devonshire
- Alarm on Charrington Ct.
- Assist Southfield Police locating a missing person near 13 Mile Rd.

INVESTIGATIONS

- CFS Closed and Reviewed – 135
- Reviewed 12 Case Reports for a disposition
- Followed up and reviewed cases, of which 5 were closed
- 10 Cases were assigned
- 3 Reports Written on current cases
- 2 Cases were reviewed during a property audit
- 21 Current Active Investigations
- Investigated several ID Theft Cases
- Assisted road patrol for staffing shortages
- Conducted background investigations for three candidates
- Attended Police Academy Graduation for new PSOs

- Inventoried armory for needed equipment
- Sgt Kowalik qualified personnel for annual firearms qualification
- DB attended Taser training for annual certification
- Sgt Kowalik assisted with new recruit orientation for PSO Watson
- Subject arraigned for OWI investigation
- Conducted surveillance on Fraud incident
- Conducted follow up on assault and battery case
- Prepared OWI case for warrant review
- Obtained two subpoenas for current investigations
- Follow up on Larceny complaint
- Follow up on and close out a Harassing Phone complaint
- Swear to OWI warrant
- Follow up with the State Police on an Order for Prints

FIRE / EMS

- Knox Box installation
- EMS training
- Complete spec on fire trucks

Community Information listed below:

- Unsolicited calls are on the rise for phishing scams. Never provide any information over the phone for unsolicited calls, and if you do not recognize the number, do not answer it.
- If you see something, say something. We encourage our community to be our "eyes and ears" for suspicious activity in the Village.
- Consider a locking mailbox, as the USPS and Financial Institutions have determined mail theft is on the rise in Oakland County.
- Never provide personal information over the phone or via email, when a call or email is received unexpectedly. Financial institutions will never call and ask for personal information.
- Do not fall victim to a check cashing scam where someone sends money for payment of goods or services, and requests the difference to be sent back.
- Always lock vehicle doors and remove personal items of value.
- Never leave personal items out in public places where thieves could steal them.
- Slow down during morning and evening traffic while school is in session.
- Leave exterior lights on overnight.
- Visit our website homepage and click on the upper right side of the page for Identity Theft Information.
- There have been recent incidents involving mail theft. Mail is being stolen from boxes, checks are either being taken or photographed, and then the mail is ending up in other mailboxes after the information is obtained. The thieves will then electronically alter the information, and electronically deposit the checks to an account, resulting in the loss of

money. It is important to refrain from placing outgoing mail in boxes when money is involved. Additionally, if your checks are stolen, contact the bank immediately, place stops or cancel the checks, and request the account be closed.

MEMORANDUM

DATE: December 13, 2017

TO: Board Members

FROM: Cathy White

Re: Monthly Report

CUSTOMER COMPLAINTS

Complaint No. 2017-38, which was pending on the date of our last meeting, has been resolved. This complaint was received from a Beverly Hills resident who had switched from WOW to AT&T and felt that AT&T was not honoring the rate that they had initially quoted to her. She has received a large credit on her bill and has had extensive discussion with AT&T's representative. This complaint is now closed.

There have been four (4) complaints filed since the date of my last report. Complaint No. 2017-40 involved a Beverly Hills resident who was having frequent problems with her Wi-Fi service. Comcast advised her that there was a signal issue in her area and a member of the escalation team spoke with her on November 13, 2017. At that time, the resident was having no further issues. The escalation team representative provided her with her name and contact information so that she could contact her if the issue reappears. This complaint is now closed.

Complaint No 2017-41 was received from a Birmingham resident who tried to upgrade her service with Comcast but was advised that they could not speak with her because the last four digits of her Social Security number did not match their records. They told her that she would have to appear personally at a Comcast service center with a photo ID and her Social Security card. She was unwilling to do so due to medical issues. The escalation team representative then offered to have her send copies of her photo ID and Social Security card with the first four digits blacked out but she stated that she did not have the ability to fax or scan the information. Our BACB Chairperson offered to do this for her and this complaint is now closed.

Complaint No.2017-42 was submitted by a Beverly Hills resident who was having problems with her Comcast phone service and felt that she had to wait too long for a technician to come out. She believed that this was unacceptable for seniors/handicapped individuals who rely on their phone service in the event of a medical emergency. Her technical issues have been fixed and she received a credit for the time she was without service. The direct contact information of the

escalation team representative was provided to her if she needed additional assistance in the future. This complaint is now closed.

Complaint No. 2017-43 was received from a Birmingham resident as a follow-up to an earlier complaint that had been resolved. She was having continuing billing issues with Comcast and received charges for information calls that were allegedly not disclosed (\$1.99 for every 411 information call). Comcast has applied a credit of \$99.60 to her account and sent a follow-up letter explaining the credit and the Directory Assistance charges and providing additional information to help prevent such occurrences in the future. This complaint is now closed.

FINANCIAL

The account balance for the MBS, BBCU and Beverly Hills accounts as of November 30, 2017 will be e-mailed to all Board members. This information will also be provided via hard copies at the meeting, as well as budget to actual figures.

CHECK DISBURSEMENT

Since the date of our last meeting, I have written eleven (11) checks as follows:

1. Birmingham Bloomfield Credit Union (Visa- conference costs): \$28.82
2. Charter Township of Bloomfield (filming October sports events): \$10,000.00
3. CDW Government (3 checks for equipment for the Birmingham Control Room): \$291.72, \$1,660.85 and \$1,850.40
4. City of Birmingham (Administrative Grant): \$137,695.00
5. Village of Beverly Hills (Administrative Grant): \$45,604.00
6. Village of Franklin (Administrative Grant): \$22,485.00
7. Village of Bingham Farms (Administrative Grant): \$6,713.00
8. Birmingham Bloomfield Credit Union (Visa- equipment, office supplies, conference costs): \$772.59
9. Venture Michigan (BACB advertisement): \$1,000.00

ADDITIONAL NOTES:

1. On December 11, 2017, the FCC announced that it was launching a new On-Line Dashboard to provide more transparency to the public. Now available on fcc.gov, the dashboard allows consumers to access reports and graphics on FCC workloads, pending actions, petitions, complaints and license renewals, as well as access Freedom of information Act materials.
2. On November 5, 2017, the Free Press reported that cable companies might spike broadband prices due to lost revenue from cord-cutting. To address cord-cutting, the companies have been

encouraging subscribers to bundle video service with one of their other services. They are offering big discounts to subscribers who add a television package of some sort. Increasing broadband-only prices is seen as a way to offset the margin pressure from aggressive bundling.

3. On November 13, 2017, Comcast notified us that beginning January 1, 2018, prices for certain services and fees will be increased, including the Broadcast TV Fee and Regional Sports Fee. Based on the schedule of rates they have provided, monthly rates for all of their packages will increase by approximately \$5.00.

4. The Motley Fool reported on October 20, 2017 that Amazon Prime has nearly as many subscribers as cable companies. Consumer Intelligence Research Partners (CIRP) data shows that 63% of the online retailer's customers join Prime, which gives members free two-day shipping and other perks. With respect to Prime alone, Amazon has roughly doubled its audience from September 2015 to September 2017. Prime now has 90 million members in the United States. If current trends hold, it will not be long before Amazon Prime has more customers than the largest pay-television providers.

5. TV Technology reported on November 28, 2017 that Comcast has hinted at plans for paid fast lanes after the net neutrality rules are repealed. Under its new Chairman, the FCC has announced plans to roll back net neutrality. Immediately after this announcement, Comcast dropped its promise about not instituting paid prioritization. Instead, Comcast now vaguely says that it "won't discriminate against lawful content" or impose "anti-competitive paid prioritization." This leaves open the possibility that Comcast may offer paid fast lanes to websites or other online services, such as video streaming providers. A Comcast spokesperson said that it still has "no plans" to enter into paid prioritization agreements. But the company's public Open Internet Commitment says only that "We do not block, slow down or discriminate against lawful content," without making any statement about whether it will engage in paid prioritization.

6. Comcast has notified us that it is making an enhancement to its Xfinity TV offerings. Comcast will launch up to 42 international channels and up to 30 new international packages beginning on or around December 6, 2017. This launch will give its customers access to more international content such as Bollywood movies, Brazilian telenovelas, Chinese news, etc.

7. Comcast has made a change to its channel lineup. On or around December 12, 2017, ESPN Classic on channels 725 and 1211 will no longer be available.

8. I have prepared a new Board Member Roster, a copy of which is attached hereto.

Present: Chairperson Ostrowski; Vice-Chairperson Westerlund; Members: Borowski, Copeland, Drummond, Grinnan, Ruprich, and Stempien

Absent: Member Wilensky

Also Present: Planning and Zoning Administrator, Saur
Planning Consultant, Borden
Council Liaison, Peddie

Chairperson Ostrowski called the regular Planning Commission meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Borowski, second by Westerlund, to amend the agenda to include “Item 9a. Discussion of the Fence Ordinance Post Council Meeting”, then approve the agenda.

Motion passed.

REVIEW AND CONSIDER APPROVAL OF REGULAR PLANNING COMMISSION MINUTES OF MEETING HELD OCTOBER 25, 2017

Motion by Grinnan, second by Westerlund, to amend and approve the minutes of the regular Planning Commission meeting held October 25, 2017; under “Commissioner’s Comments” it should read “Grinnan questioned whether there may be ethical concerns with Council...”.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

REVIEW AND CONSIDER APPROVAL OF A TEMPORARY BANNER SIGN AT DETROIT COUNTRY DAY SCHOOL, 22305 WEST THIRTEEN MILE

LSL Planning has reviewed the application from Detroit Country Day requesting the use of temporary signage during multiple events occurring during January (open house) and April (celebrate the arts) of 2018. The proposal has been reviewed for compliance with the requirements of the Village Zoning Ordinance. If the sign is approved by the Commission, the applicant must obtain a permit prior to installation. The proposed temporary signage complies with the applicable provisions of the Village Zoning Ordinance.

Motion by Westerlund, second by Ruprich, to approve temporary banner sign request for Detroit Country Day School, 22305 West Thirteen Mile, as submitted, provided the placement is below the eight feet above grade maximum.

Roll Call Vote:
Motion passed.

REVIEW AND CONSIDER APPROVAL OF A NEW WALL SIGN AT PREMIER PET SUPPLY, 31215 SOUTHFIELD ROAD

LSL Planning has reviewed the application requesting a new wall sign for Premier Pet Supply, which is located at 31215 Southfield Road. The proposal has been reviewed for compliance with the requirements of the Village Zoning Ordinance. Owner Michael Palmer, Premier Pet Supply, appeared before The Village of Beverly Hills Zoning board of Appeals (ZBA) on November 13, 2017 and was granted a variance for the 95 square foot sign. If the sign is approved by the Commission, the applicant must obtain a permit prior to installation. Per Section 22.32.095(10), the Planning Commission has discretion to reduce sign spacing if the 20' requirement precludes an otherwise permissible sign. LSL notes that the adjacent sign (Michigan Beer Growler) obtained a variance from ZBA (in 2014) to allow the reduced spacing prior to an Ordinance amendment that gave the Commission discretion to reduce sign spacing. The proposed Premier Pet Supply sign is in the same location and provides the same spacing as the current sign. As such, the current spacing will remain and will not be further reduced.

Ruprich clarified that because the size of the sign has been granted a variance by the ZBA, the Commission can only modify the spacing between the sign and its nearest neighbor. Borden confirmed this and explained that to continue to maintain the aesthetic of the shopping complex, the reduction in spacing between signs should be maintained as it currently is.

Palmer was in attendance and thanked the Commission for their support in the growth of his business and efforts to improve the plaza.

Motion by Borowski, second by Stempien, to approve the new wall sign request for Premier Pet Supply, 31215 Southfield Road, as submitted waiving the 20 foot spacing requirement.

Roll Call Vote:
Motion passed.

REVIEW AND CONSIDER APPROVAL OF MODIFICATIONS TO THE EXISTING GROUND SIGN AT THE SHOPPING CENTER AT 31215 THROUGH 31255 SOUTHFIELD ROAD

LSL Planning has reviewed the submittal requesting a refurbished collective ground sign for the shopping center at 31215-31255 Southfield Road. The existing sign is nonconforming for multiple reasons; sign area (80 square feet provided versus 30 square feet allowed), sign height (13'-3" provided versus 8' allowed), internal illumination (100% versus 30% allowed), excess colors and lettering types (3 colors and 2 lettering types allowed), and not within a landscaped area (within the parking lot versus a 200-square foot landscaped area).

The total project includes: clean-up and painting of the sign cabinet and poles, replacement of old wiring and lamps inside the cabinet, facing the sign base with a stone to match the building (sign base is currently wood), and modification of sign faces within sign area to allow 2 new sign faces.

Based upon Paragraph 5 of Section 22.32.120 Nonconforming Signs, the sign clean-up/painting and wiring replacement are allowed as "normal maintenance" and "changing of electrical wiring and electrical devices," respectively. Additionally, the proposal to add stone around the base of the sign

complies with Paragraph 5 of Section 22.32.095. With respect to the sign face changes, the total area (80 square feet) will remain the same though the actual number of tenants with advertising will increase from 5 to 7. The proposal essentially entails a division of the middle two sign faces, which currently run the full width of the sign and advertise 1 tenant each. These 2 sign faces are proposed to be split into 2 signs each, resulting in the net increase of 2 tenant sign spaces. Paragraph 3 of Section 22.32.120 allows the “changing of surface sign space to a lesser or equal area.” LSL is of the opinion that the proposal meets this standard as the total area remains the same and 2 of the larger sign faces will be changed to a lesser area. Lastly, the proposal reduces the number of colors and lettering styles to 3 and 2, respectively. This element of the request is in compliance with current Ordinance standards (Paragraphs 6 and 7, respectively, of Section 22.32.095) and eliminates an existing nonconforming condition.

Borowski does not believe that the changes in listed businesses and changes to the sign conform to the Ordinance. He felt the changes to the sign are not consistent with efforts to update and beautify the Southfield Corridor.

Ostrowski would like to see the tenants consulted and noted all the businesses have existing corporate logos that they may want incorporated in the sign.

Julie Strong, Property Manager for the plaza, explained that their intention is to work with the tenants once they have a clear understanding of the Village requirements and expectations. There would be challenges in finding a different location in the parking lot for the sign, however they are open to adding landscaping at the base.

Drummond and Stempien both felt that with the proposed modifications to a non-conforming sign including electrical, size, height, illumination, and landscaping, this should be considered a new sign and brought into conformance.

Borden reiterated that the sign meets all the requirements for allowable maintenance on a non-conforming sign. He also reviewed the lack of options for placement of the sign elsewhere on the property.

Palmer believes the sign is an eyesore and would love to see improvements. He would like to see the sign and the plaza reflect the Village and the money invested by the businesses into the plaza.

Strong agrees and reiterated the owner would like to improve the sign and area around it as much as is allowable within the ordinance.

The Commission agreed they would like to see a change in illumination, color and font usage, and landscaping.

Motion by Westerlund, second by Drummond, to postpone discussion, per applicant request, pending the submission of revised plans.

Motion passed.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 22, SECTION 22.24 SCHEDULE OF REGULATIONS

Saur explained that in Section 22.24 Schedule of Regulations, the O-1, Office Zone District building heights are allowed up to 30 feet, but only permitted a single story. The proposed change allows the building to be two stories, while retaining the 30 foot height limit which is consistent with every other Zone District in the Village.

Ostrowski opened the public hearing at 8:30 p.m.

No one wished to be heard; therefore, Ostrowski closed the public hearing at 8:30 p.m.

REVIEW AND CONSIDER RECOMMENDATION TO COUNCIL ON PROPOSED AMENDMENT TO CHAPTER 22, SECTION 22.24 SCHEDULE OF REGULATIONS

Motion by Westerlund, second by Stempien, that the Village of Beverly Hills Planning Commission recommends Council consider approval of an amendment to Chapter 22, Section 22.24 Schedule of Regulations, allowing two-story buildings in the O-1, Office Zone District, while retaining the 30 foot height limit.

Motion passed.

DISCUSSION OF THE FENCE ORDINANCE POST COUNCIL MEETING

Borowski reported he attended the November 21, 2017 Council meeting at which the Council discussed the proposed fence ordinance changes as submitted by the Planning Commission. There was a Council subcommittee working on the ordinance, and included Zone District R-2B in the areas allowed 6 foot fences. The subcommittee also added 6 foot solid side yard fences to Zone Districts R-2A, R-2B, and R-3. The public hearing is scheduled for the December 5, 2017 Council meeting. There was discussion at the Council meeting related to concerns of the Planning Commission regarding blight, maintenance, surveys, inspections, double fences, regulations, and code enforcement.

The Commission voiced concerns related to allowing Zone District R-2B, due to its location on both the east and west side of Southfield Road. Many voiced support of requiring a survey before fence installation. Drummond preferred the solution previously suggested by Wilensky of allowing fences in the R-2A and R-3 Zone Districts and evaluate its success before allowing them in the R-2B Zone District.

PUBLIC COMMENTS

None.

LIAISON COMMENTS

Peddie reported that the Council is continuing to evaluate the fencing needs of the Village.

ADMINISTRATION COMMENTS

There is no meeting scheduled for December.

Administration received one response to the Request for Proposal (RFP) for the Southfield Corridor. Administration and Gibbs are reviewing the submitted RFP.

COMMISSIONERS COMMENTS

Grinnan reported the lights are out on the Market Fresh sign on 13 Mile Road.

Stempien reported the Beverly Hills Club still has temporary lights running via a generator. He expressed concern about the size variance granted for the Premier Pet Supply sign.

Borowski advised Administration that the alley behind Market Fresh is littered with debris.

Motion by Ruprich, second by Wilensky, to adjourn the meeting at 9:03 p.m.

Motion passed.

George Ostrowski
Planning Commission Chairperson

Ellen E. Marshall
Village Clerk

Elizabeth M. Lyons
Recording Secretary

THESE MINUTES ARE NOT OFFICIAL. THEY HAVE NOT BEEN APPROVED BY THE PLANNING COMMISSION.