

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

Absent: None

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

Peddie called the regular Council meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. The Pledge of Allegiance was recited by those in attendance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Mooney, second by Mueller, to amend the agenda; Business Items 2 and 3: change “Section 22.08.290” to “Section 22.08.090.

Motion passed.

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

Motion passed.

COMMUNITY ANNOUNCEMENTS

William Miller, County Commissioner, updated the Council on the work being done by his committees.

PUBLIC COMMENTS

Larry Nedum, Kirkshire, expressed his belief that there are errors in the Village code that need to be addressed.

Molly Borgon, Parks & Recreation Board Chairperson, reported on the Memorial Day Parade and Carnival. It was a success with great weather and a strong turnout. She thanked all of the sponsors and volunteers who worked together to produce the event.

CONSENT AGENDA

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

1. Review and consider approval of minutes of a regular Council meeting held May 21, 2019.
2. Review and file bills recapped as of Tuesday, May 28, 2019.
3. Set public hearing date to receive comments on Chapter 22, Section 22.08.280 of the Municipal Code of the Village of Beverly Hills for Tuesday, July 2, 2019.

Roll Call Vote:

Motion passed (7-0)

BUSINESS AGENDA

REVIEW AND CONSIDER RESOLUTION CELEBRATING THE 100TH ANNIVERSARY OF MICHIGAN'S RATIFICATION OF THE 19TH AMENDMENT OF THE UNITED STATES CONSTITUTION, GIVING WOMEN THE RIGHT TO VOTE.

WHEREAS, women of every race, class, and ethnic background across America have made historic contributions to the growth and strength of the United States in countless recorded and unrecorded ways;

WHEREAS, the women of this nation initiated the most significant women's movement in history – the need for women's suffrage;

WHEREAS, despite the strong opposition, the inspiration and determination of women nationwide brought about the extraordinary accomplishment – the right for women to vote;

WHEREAS, on June 10, 1919, Michigan women cast their vote when Michigan voters ratified the 19th Amendment to the U.S. Constitution;

WHEREAS, the State of Michigan was the second state in the nation to ratify the 19th Amendment, giving women the right to vote;

WHEREAS, on August 26, 1920, voters across the nation secured the right for women to vote when the 19th Amendment to the Constitution of the United States was ratified, empowering American women and declaring for the first time that they, like men, deserve all the rights and responsibilities of citizenship stating, “. . . the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex”; and

WHEREAS, August 26, 2020 will mark the 100th anniversary of the passage of the National Suffrage Amendment, the 19th Amendment to the U.S. Constitution, guaranteeing women the right to vote.

NOW, THEREFORE, BE IT RESOLVED by Hrydziuszko, second by Mooney, that the Village of Beverly Hills remembers and celebrates the historic women who fought for the right to vote and recognizes the courage and inspiration of these bold women to change the course of history.

BE IT FURTHER RESOLVED that the Village of Beverly Hills will fly the 19th Amendment Victory Flag June 10, 2019 through June 14, 2019 to commemorate the State of Michigan ratifying the 19th Amendment and again on August 24, 2020 through August 28, 2020 to commemorate the ratification of the 19th Amendment to the Constitution of the United States.

Roll Call Vote:
Motion passed (7-0).

PUBLIC HEARING ON PROPOSED ORDINANCES AMENDING CHAPTER 22, SECTIONS 22.08.090, 22.08.130, 22.08.300, 22.04, 22.08.370, 22.14, AND 22.16 OF THE MUNICIPAL CODE OF THE VILLAGE OF BEVERLY HILLS.

Peddie opened the Public Hearing at 7:58 p.m.,

Paula Roddy, Rutland Dr., stated she supported these amendments and commended Council for moving forward on them.

No one else wished to be heard, Peddie closed the hearing at 7:59 p.m.

FIRST READING OF PROPOSED ORDINANCE AMENDING CHAPTER 22, SECTIONS 22.08.090, 22.08.130, 22.08.300 OF THE MUNICIPAL CODE OF THE VILLAGE OF BEVERLY HILLS.

The Village of Beverly Hills Ordains:

Section 1.01. That Section 22.08 of Chapter 22 is hereby amended to read as follows:

SECTION 22.08, GENERAL PROVISIONS

22.08.300 PROCEDURES AND STANDARDS FOR PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.

c. Procedure of Notice. Upon receipt of an application for a permitted principal use permitted subject to special approval, one notice of a public hearing shall be published in the newspaper of general circulation in the Village; said notice shall be sent by mail or personal delivery to the owners of the property for which approval is being considered, to all persons to whom real property is assessed, within three hundred feet (300') of the boundary of the property in question, and to the occupants of all structures within three hundred feet (300'), except that the notice shall be given not less than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:...

d. Planning Commission Hearing and Review: Special land use approval shall not be granted until a public hearing has also been held by the Planning Commission, in accordance with procedures described in Section 22.08.300 (b) and (c) above. The Planning Commission shall make a recommendation with comments on the special land use to Village Council.

j. Modification After Approval. After any special land use approval is granted, any subsequent modifications to the site not in accordance with the approved site plan, any change of use, any increase in the intensity of the use, or any change in any of the conditions of approval, including by way of example but not limitation, any additions to a principal building or any expansion of off-street parking, shall require a new special land use approval pursuant to the provisions set forth in 22.08.300. Notwithstanding the foregoing, the Village Council, after a favorable recommendation from the Planning Commission, may waive any of the requirements of Section 22.08.300 with respect to any modifications for which all of the following conditions apply:...

Section 2.01.

That Section 22.08.090 of Chapter 22 is hereby amended to read as follows:

SECTION 22.08.090 MINIMUM DISTANCE BETWEEN RESIDENTIAL BUILDINGS

22.08.090 MINIMUM DISTANCE BETWEEN RESIDENTIAL BUILDINGS. In Single Family Residential Zone Districts R-A, R-1, R-1A, R-2, and R-3 the minimum required distance between residential buildings on two (2) lots which abut each other along a common side lot line shall be not less than the sum of the two (2) required minimum side setbacks of either of the lots; provided, however, that when the lot to which the ordinance is being applied is less than sixty feet (60') in width, the minimum required distance between such residential buildings may be reduced by six

inches (6") for every foot that the lot is less than sixty feet (60') in width. In Single Family Residential Zone Districts R-2A and R-2B the minimum required distance between residential buildings on two (2) lots which abut each other along a common side lot line shall not be less than fifteen (15) feet.

Section 3.01. SEVERABILITY. If any section, clause or provision of this Ordinance shall be declared to be inconsistent with the Constitution and laws of the State of Michigan and voided by any court of competent jurisdiction, said section, clause or provision declared to be unconstitutional and void shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force.

Section 4.01. SAVING CLAUSE. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 5.01. REPEALER. Any Ordinance conflicting with this Ordinance be and the same is hereby repealed.

Section 6.01. EFFECTIVE DATE. A public hearing having been held by the Planning Commission on April 24, 2019, and the Village Council on June 4, 2019, the provision of this Ordinance shall become effective 20 days following its publication in The Eccentric, a newspaper circulated within said Village.

FIRST READING OF PROPOSED ORDINANCE AMENDING CHAPTER 22, SECTIONS 22.04, 22.08.370, 22.14, AND 22.16 OF THE MUNICIPAL CODE OF THE VILLAGE OF BEVERLY HILLS.

The Village of Beverly Hills Ordains:

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Section 4.01. SAVING CLAUSE. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 5.01. REPEALER. Any Ordinance conflicting with this Ordinance be and the same is hereby repealed.

Section 6.01. EFFECTIVE DATE. A public hearing having been held by the Planning Commission on April 24, 2019, and the Village Council on June 4, 2019, the provision of this

Ordinance shall become effective 20 days following its publication in The Eccentric, a newspaper circulated within said Village.

REVIEW AND CONSIDER RESOLUTION APPROVING THE VILLAGE OF BEVERLY HILLS SEWER SYSTEM OPERATION AND MAINTENANCE AGREEMENT WITH OAKLAND COUNTY.

WHEREAS, the Village owns a sewer system that is further described in Exhibit A, which is known as the Village of Beverly Hills Sewer System, and as it may be expanded or altered from time to time (the “System”);

WHEREAS, the Village desires to engage the County to operate and maintain the System on behalf of the Village on a non-profit basis and in accordance with the terms and conditions set forth in this Agreement;

WHEREAS, the County, by and through the Office of the Oakland County Water Resources Commissioner (“WRC”), has qualified personnel capable of providing sewer operations and maintenance services;

WHEREAS, the Michigan Constitution of 1963, Article 7, § 28, and the Urban Cooperation Act of 1967, being MCL 124.501, et seq. (“Act 7”), authorizes a political subdivision to exercise jointly with any other political subdivision any power, privilege or authority which such political subdivisions share in common with which each might exercise separately; and

WHEREAS, pursuant to resolutions adopted by their respective legislative bodies, the Parties each have been authorized to execute this Agreement for the Services according to the terms and conditions of this Agreement.

NOW, THEREFORE, BE IT RESOLVED, by Abboud, second by Hrydziuszko in consideration of these premises and the mutual promises, representations, and agreements set forth in this Agreement, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the County and the Village mutually agree on the attached Operation and Maintenance agreement.

Roll call vote:
Motion passed (7-0)

REVIEW AND CONSIDER RESOLUTION AUTHORIZING OAKLAND COUNTY TO SHARE BEVERLY HILLS’ GIS DATA WITH OTHER GOVERNMENTAL AGENCIES.

The following resolution was offered by Mueller and seconded by Mooney:

WHEREAS, sharing data with other regional and governmental agencies improves the ability to coordinate with such agencies during emergency situations, understand the criticality of a municipality’s assets, coordinate construction and other maintenance activities, as well as participate in comprehensive approaches to utility asset management;

WHEREAS, the County of Oakland has participated, and continues to participate, in numerous data-sharing agreements with state and federal agencies, including the Michigan Department of Environmental Quality and the United States Environmental Protection Agency;

WHEREAS, the Village of Beverly Hills believes it would benefit from such data sharing through financial savings, improved asset management procedures and improved levels of service; and

WHEREAS, the Village of Beverly Hills, in the interest of convenience and efficiency, desires the County to include Beverly Hills' infrastructure assets in the County's data-sharing program by granting data-sharing authorization to the County.

NOW, THEREFORE, BE IT RESOLVED that the Village of Beverly Hills authorizes the County, by this resolution, upon notice to the Village by Oakland County, to enter into agreements with other governmental agencies on behalf of the municipality and share such infrastructure data with regional, state and/or federal agencies that incorporates the Village's GIS data.

BE IT FURTHER RESOLVED that an executed copy of said resolution by the Clerk shall be forwarded to the Oakland County Water Resources Commissioner, located at One Public Works Drive, Waterford, Michigan 48328 to the attention of the Senior Attorney.

Roll call vote:
Motion passed (7-0)

REVIEW AND CONSIDER FISCAL YEAR 2018-2019 BUDGET AMENDMENT.

The proposed FY 2018-2019 Village of Beverly Hills Budget Amendments were provided to Council and are available for review at the Village office and online.

There are General Fund amendments relating to adjusting revenue and expenses to more accurately reflect projected actuals for FY19. Total adjustments are approximately an increase in net revenue of \$19k. In Major Roads there are amendments for increased monies received from the State of Michigan, and expense adjustments decreasing street construction, repair and maintenance sealing joints and crack, salt and sand, and winter labor. In Local Roads there are amendments for increased monies received from the State of Michigan, and expense adjustments for gravel sand and slag, sealing road joints and crack and winter labor and equipment. In Public Safety there are amendments to adjust various revenue line items as well as align various expenditures such as salaries and benefits, repairs and maintenance, vehicle expense and other to more accurately reflect projected actuals for FY19. In the Capital Fund there is an amendment to adjust engineering and repair cost which will not occur until FY20.

These proposed FY 2018-2019 Budget Amendments have been reviewed by Village Administration and are recommended for approval.

Motion by George, second by Mooney, be it resolved that the Village of Beverly Hills Council authorizes Village Administration to transfer or adjust monies reserved in the General, Major Roads, Local Roads, Public Safety and Capital funds as reflected in the May 30, 2019 memorandum from Finance Director, Sheila McCarthy.

Roll call vote:
Motion passes (7-0)

REVIEW AND CONSIDER MERS APPLICATION FOR ADDITIONAL SERVICE CREDIT PURCHASE.

WHEREAS, Village of Beverly Hills employees are participants of the Municipal Employees' Retirement System (MERS);

WHEREAS, with the approval of the employer and the local government body, participants of MERS can purchase additional service credit to help meet an early retirement eligibility provision or to increase their pension benefit; and

WHEREAS, Public Safety Sergeant Kevin Kowalik has requested and is eligible to purchase additional service credit relative to his defined benefit program in the amount of \$94,097.00 at no cost to the Village.

NOW, THEREFORE, BE IT RESOLVED by Mooney, second by Muller, that the Village Council of Beverly Hills, Oakland County, Michigan, hereby authorize Sergeant Kowalik to make a service credit purchase from MERS in the amount of \$94,097.00.

Roll call vote:

Motion passed (7-0)

SECOND ANNOUNCEMENT OF VARIOUS BOARD/COMMISSION VACANCIES

The following is a list of board members whose terms expire on June 30, 2019. All the members have been notified of their term expiration and those listed below wish to be considered for reappointment. It was noted that Council agreed in November of 2008 to make these vacancies open to the public as well as the currently seated member.

Parks & Recreation Board

Irene Davis

Planning Commission

Benjamin Wilensky

Robert Stempien

Patrick Westerlund

Zoning Board

Reanen Maxwell

Vacancy (William Donnelly)

Vacancy (Ashley Lepidi)

All terms are for three years beginning July 1, 2019 and expiring June 30, 2022. All interested and eligible residents of Beverly Hills are encouraged to apply. The deadline for applications is Friday, June 7, 2019. Applications are available on the Village's website or at the Village office.

This constitutes the second announcement of the vacancies with appointments scheduled to take place at the June 18th regular Village Council meeting.

PUBLIC COMMENTS

Roddy inquired when the second readings of the resolutions would be conducted.

MANAGER'S REPORT

14 Mile Paving Project – The paving portion of the 14 Mile Rd. project west of Lahser has been completed. The contracting is only needing to finish the striping and pavement markings to be able to reopen this route to normal traffic. Unfortunately, rain has prevented this work from being completed to date. Once the striping and some shoulder work is completed traffic control will be removed and the road returned to regular traffic. The Village has examined the pavement work and we are satisfied with the quality of the paving.

Drainage District Petition – The Village has received a petition from a group of residents in the neighborhoods around 14 Mile, Birwood and Kirkshire between Greenfield and Madison. There are 83 homes in this district. Village Administration is in the process of confirming the addresses and signatures in this area. The petition is for the Village to investigate a solution to storm water drainage primarily along the side and rear yards of homes in this area. Village Administration will work with our engineers to develop a solution to this issue and develop a cost estimate that would be used for a Special Assessment District to assess the costs for this to the residents in the area. Once those costs are known the petitioners can determine if it is in their best interest to go forward with such a project. If so, they will need to submit another petition to establish a Special Assessment District for the project for Council’s review and consideration.

Annual Water Testing – The Village will be performing annual water testing this year in compliance with regulation from the Department of Environment, Great Lakes and Energy (EGLE). EGLE is the new name for the former Michigan Department of Environmental Quality (MDEQ). The annual testing requirements have changed for all communities. As a result of these changes, the Village will be required to take a minimum of thirty (30) samples from residential homes this year. In addition, many of the sampling protocols have changed from prior years, particularly for sites identified as Tier I sites. Further, the criteria for classification as a Tier I site has also changed, resulting in far fewer Tier I sites in the Village. Village Administration will be in direct contact with all of our Tier I sites to include them in our test results. Anyone interested in being included in the sampling pool for this year’s tests can contact the Village and they will be tested at no charge.

Riverside Dr. Petition – Village Administration is in receipt of a petition from residents along Riverside Drive to perform a traffic study to analyze traffic and speed conditions on Riverside and also to examine the treatment of removal of the yellow center lines that were placed on Riverside when the road was last repaved. Village Administration will be working with the Traffic Improvement Authority (TIA) on a traffic study for this area. We are also procuring costs for the removal of the striping along Riverside.

Parking Issues – The Village was made aware of a number of students from Groves that were parking along Elwood Street and crossing 13 Mile in the morning and afternoon to attend school. The number of cars parking in this area had become excessive and the Village had concerns about the number of pedestrians crossing 13 Mile. Village Administration has issued a temporary Traffic Control Order (TCO) and erected no parking signs along Elwood. These signs can be removed at the end of the school year. The Public Safety Department worked with Groves officials to get the word out to students regarding the parking regulation changes. This has been an issue in past years around this time. School policy does not provide parking passes to Sophomores. As these students become of driving age, they begin driving themselves to school without a proper place to park. We will continue to work with the school and monitor the situation.

Music in the Park – On Friday, June 7th at 7:00 PM there will be a free concert in Beverly Park. Bob Mervak will be performing jazz and easy listening music. This free and family friendly event is being sponsored by the Parks and Recreation Board.

COUNCIL COMMENTS

Council thanked all of the sponsors and volunteers for their hard work on the Memorial Day Parade and Carnival.

George thanked Administration for their work on areas that needed commercial clean up. He stated that there is a need for a crosswalk at Berkshire.

Hrydziusko updated the Council on the Planning Commissions subcommittee work. She encouraged residents to attend the Concert in the Park on June 7th.

Mueller reminded everyone the deer are out, and to be aware of the fawns and babies.

Mooney apologized for not proclaiming June Gun Violence Awareness month in 2018.

Abboud was able to present the Don and Patricia Greening Scholarship to high school graduates Luke Mercer and Rachel Kos, at their recent awards ceremonies.

Motion by Abboud, second by Nunez, to adjourn the meeting at 8:51 pm.

Motion passed.

Lee Peddie
Council President

Kristin Rutkowski
Village Clerk

Elizabeth M. Lyons
Recording Secretary