

Present: President Peddie; President Pro-Tem Abboud; Members: George, Hrydziusko, 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 led by members of Boy Scout Troop #1024 and recited by those in attendance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

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

Motion passed.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

Bob and Karen Daykin, Buckingham, expressed their continued concerns related to the plan review and permit process for residential construction.

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 June 4, 2019.
2. Review and file bills recapped as of Monday, June 10, 2019.

Roll Call Vote:

Motion passed (7-0)

BUSINESS AGENDA

SECOND READING AND CONSIDERATION OF PROPOSED ORDINANCE 366 AMENDING CHAPTER 22, SECTIONS 22.08.090, 22.08.130, 22.08.300 OF THE MUNICIPAL CODE OF THE VILLAGE OF BEVERLY HILLS.

Motion by Hrydziusko, second by Mooney, that the Village of Beverly Hills Ordains:

Section 1.01. 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 2.01. 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 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. Ordinance 22.08.130 is hereby repealed and any other Ordinance in conflict 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 18, 2019, the provision of this Ordinance shall become effective 20 days following its publication in The Eccentric, a newspaper circulated within said Village.

Roll call vote:
Motion passes (7-0)

SECOND READING AND CONSIDERATION OF PROPOSED ORDINANCE 367 AMENDING CHAPTER 22, SECTIONS 22.04, 22.08.370, 22.14, AND 22.16 OF THE MUNICIPAL CODE OF THE VILLAGE OF BEVERLY HILLS.

Motion by Hrydziusko, second by Mooney, that the Village of Beverly Hills Ordains:

Section 1.01. That Section 22.04 of Chapter 22 is hereby amended to read as follows:

SECTION 22.04 DEFINITIONS

Adult Foster Care Facility: A facility for the care of adults, eighteen (18) years of age and older, as licensed and regulated by the State under Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Social Services. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility. Such organizations shall be defined as follows:

- a. Adult Foster Care Family Home: a private home with the approved capacity to receive or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- b. Adult Foster Care Small Group Home: a private home with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.
- c. Adult Foster Care Large Group Home: a private home with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.

d. No Change

Child Care Facility: A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

a. Child Care Center: A facility, other than a private residence, receiving more than six preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

b. Foster Family Home: A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

c. Foster Family Group Home: A private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian

d. Family Day Care Home: A private home in which up to six (6) minor children are received for care and supervision for periods of less than 24 hours a day, except children related to the caregiver by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

e. Group Day Care Home: A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to the caregiver. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

Section 2.01.

That Section 22.08.370 of Chapter 22 is hereby amended to read as follows:

SECTION 22.08.370 GROUP DAY CARE HOMES AND CHILD CARE CENTERS

a. Licensing: In accordance with applicable state laws, facilities shall be registered with or licensed by the appropriate state government departments and shall be required to be in continuing compliance with the standards outlined for such facilities.

b. Outdoor Play Area: For each person cared for in a facility there shall be provided and maintained a minimum of one hundred fifty (150) square feet of usable outdoor recreational area. The outdoor recreational play area shall be suitably fenced and screened from abutting residentially zoned or used land in accordance with SECTION 22.08.150. Outdoor recreational areas shall not be located in the front yard.

c. Location: No state licensed facility shall be located within fifteen hundred (1500) feet of another State licensed care facility regardless of community boundaries. Child care centers shall have at least one property line abutting a major thoroughfare, intermediate thoroughfare or collector street.

d. Off-Street Parking: Off-street parking shall be provided for any employees who are not residents of the home. Whenever off-street parking areas are adjacent to land used or zoned for residential purposes, a wall or landscaped screen shall be provided along the sides of the parking area adjacent to such residential land or use in accordance with SECTION 22.08.160. An on-site drive shall be provided for drop offs/loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the street.

e. Compliance with Zoning Ordinance: The proposed site and building shall be in full compliance with all yard and bulk regulations (including setback, lot size, and lot width regulations) for the district in which it is located. Child care centers shall have a minimum side yard setback of at least twenty-five (25) feet.

Section 3.01.

That Section 22.14.030 of Chapter 22 is hereby amended to read as follows:

SECTION 22.14.030 PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses may be permitted in RA, R-1, R-1A, R-2, R-2A, R-2B and R-3 zoning districts, subject to the conditions imposed in SECTION 22.08.300 and subject further to the approval of the Village Council: {Ord. 326, 10-27-07}

a. No Change

b. No Change

c. No Change

d. No Change

e. Private schools operated on a non-profit basis.

f. Non-profit private school related accessory uses and accessory structures, such as: auditoriums, athletic and recreational facilities, and similar uses. Each use or structure shall be subject to a separate special approval.

g. Group day care homes.

h. Public off-street parking in connection with item (a) through (g) above and provided said parking area is improved and maintained in accordance with SECTION 22.28. {Ord. 252, 5-12- 91 }

Section 4.01.

That Section 22.16 of Chapter 22 is hereby amended to add:

22.16.020 PERMITTED PRINCIPAL USES

In the R-M district, no uses shall be permitted unless otherwise provided in this section, except the following:

- a. No Change
- b. Family Day Care Homes.
- c. Accessory Uses including:
 - 1. Private parking.
 - 2. Private swimming pool and private recreational facilities.
 - 3. Greenbelt - See Section 22.24.
 - 4. Home occupations.

Section 5.01.

That Section 22.16.030 of Chapter 22 is hereby amended to read as follows:

SECTION 22.16.030 PERMITTED USES AFTER SPECIAL APPROVAL

The following uses may be permitted in the R-M zoning district subject to the conditions imposed in Section 22.08.300 and subject further to the approval of the Village Council:

- a. No Change
- b. No Change
- c. No Change
- d. Group day care homes.
- e. Child care centers, pre-schools, and nursery schools.
- f. Nursing homes and convalescent centers.
- g. Use of a six (6) foot high obscuring masonry wall in lieu of a greenbelt. See SECTION 22.24., footnote (h).

Section 6.01. 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 7.01. 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 8.01. REPEALER. Any Ordinance conflicting with this Ordinance be and the same is hereby repealed.

Section 9.01. 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.

Roll call vote:
Motion passed (7-0)

REVIEW AND CONSIDER FISCAL YEAR 2018-2019 BUDGET AMENDMENT

There are General Fund amendments relating to adjusting revenue and expenses to more accurately reflect projected actuals for FY19 including amendments for increased State of Michigan revenue and various adjustments to expense accounts to more approximate expected year end levels.

In Major Roads there are amendments for increased monies received from the State of Michigan and expense adjustments increasing the budget for additional drainage improvements along with other adjustments to more approximate expected year end levels.

In Local Roads there are amendments for increased monies received from the State of Michigan and expense adjustments for traffic signs and traffic equipment.

In Public Safety there are amendments to adjust tax revenue along with expenditure adjustments for dispatch and health insurance to more accurately reflect projected actuals for FY19.

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

Motion by Abboud, second by Hrydziuszko, 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 and Public Safety funds as reflected in the June 14, 2019 memorandum from Finance Director, Sheila McCarthy.

Roll call vote:
Motion passed (7-0)

REVIEW AND CONSIDER RESOLUTION FOR THE TRANSFER OF ACT 51 FUNDS

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

WHEREAS, the Village Council has adopted an Asset Management Plan which has been approved by the Michigan Department of Transportation and the Transportation Asset Management Council for which the Village will follow the asset management process detailed within this plan for its major and local street systems; and

WHEREAS, the Village is adequately maintaining its major streets which are: 13 Mile Road, 14 Mile Road (West Village Limits to Evergreen Road), Saxon Road (Norchester Road to Southfield Road), Evergreen Road, Pierce Road, Beverly Road, Riverside Drive, Norchester Road, W. Bellvine Trail, Hampstead Street, and S. Hampton Street.

NOW, THEREFORE, BE IT RESOLVED that the Beverly Hills Village Council does intend to transfer \$150,000.00 of Act 51 Major Streets monies to the local roads to fund the rehabilitation, reconstruction, and replacement of various local roads in FY 2020. Additional transfers will be addressed within the annual budgeting processes.

Roll call vote:

Motion passed (7-0)

REVIEW AND CONSIDER TRAFFIC CONTROL ORDER #127-YS-19 FOR THE SOUTHEAST CORNER OF WOODHAVEN AND VERNON

This traffic control order was temporary for a traffic control yield sign placed on the southeast corner of Woodhaven and Vernon. With approval it will become a permeant sign.

Motion by George, second by Mooney, be it resolved that the Village of Beverly Hills Council Traffic Control Order #127-YS-19 to control traffic at the southeast corner of Woodhaven and Vernon.

Motion passed.

REVIEW AND CONSIDER VARIOUS BOARD/COMMISSION APPOINTMENTS

Administration provided 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 in the memo 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. Council subcommittees met starting at 7:00 pm this evening to review applications for Village Boards and Commission. All terms are for three years beginning July 1, 2019 and expiring June 30, 2022.

The Parks & Recreation Board subcommittee chaired by Mueller recommended the appointment of Sara Bresnahan to the Parks & Recreation Board.

Motion by Mueller, second by Nunez, to appoint Sara Bresnahan to the Parks & Recreation Board with term to expire on June 30, 2022.

Roll Call Vote:

Motion passed (4-3)
Hrydziusko Yes
Mooney No
Mueller Yes
Nunez Yes
Peddie No
Abboud No
George Yes

The Planning Commission subcommittee chaired by Hrydziusko recommended the reappointment of Robert Stempien, Patrick Westerlund, and Benjamin Wilensky.

Motion by Hrydziusko, second by George, to reappoint Patrick Westerlund to the Planning Commission with term to expire on June 30, 2022.

Roll call vote:
Motion passed (7-0)

Motion by Hrydziusko, second by George, to reappoint Benjamin Wilensky to the Planning Commission with term to expire on June 30, 2022.

Roll Call Vote:
Motion passed (6-1)
Mueller Yes
Nunez No
Peddie Yes
Abboud Yes
George Yes
Hrydziusko Yes
Mooney Yes

Motion by Hrydziusko, second by George, to reappoint Robert Stempien to the Planning Commission with term to expire on June 30, 2022.

Roll call vote:
Motion passed (7-0)

The Zoning Board subcommittee chaired by Peddie met and recommended the reappointment of Reanen Maxwell, the appointment of Ahmad Jawad, currently an alternate member, as a full member, and the appointment of Jon Oen.

Motion by George, second by Mooney, to appoint Jon Oen to the Zoning Board of Appeals with term to expire on June 30, 2022.

Roll call vote:
Motion passed (7-0)

Motion by George, second by Mooney, to reappoint Reanen Maxwell to the Zoning Board of Appeals with term to expire on June 30, 2022.

Roll Call Vote:

Motion failed (4-3)

| | |
|------------|-----|
| Abboud | No |
| George | Yes |
| Hrydziusko | No |
| Mooney | Yes |
| Mueller | No |
| Nunez | No |
| Peddie | Yes |

Motion by George, second by Mooney, to appoint Ahmad Jawad as a full member to the Zoning Board of Appeals with term to expire on June 30, 2022.

Roll call vote:

Motion passed (7-0)

Peddie thanked all the applicants and congratulated the newly appointed members thanked all the returning members for their continued hard work and dedication.

PUBLIC COMMENTS

None.

MANAGER'S REPORT

BP Renovations – Village Administration has met with the ownership of the BP station on the corner of 13 Mile and Southfield. A site plan for the rehabilitation of this site was approved by the Village last summer. There have been some delays with the design and permitting from the State for the removal of the existing gas tanks. Those permits are now in place. Work is scheduled to begin on this property during the last week in June. The store will remain closed during this renovation. The project is anticipated to last around 60 days, reopening around Labor Day.

New Pumper Delivery – The Village has taken preliminary delivery of our new Pumper Truck. It was available for duty during the Memorial Day Parade and Carnival. At this time the truck is undergoing some final equipment installation. It will be available for full time use by no later than the end of this month. Once it is fully equipped and on site the Public Safety Department will begin taking steps to dispose of the existing pumper.

Offices Closed – Village Offices will be closed on Thursday, July 4th in observance of Independence Day. Village Offices will be opened on Friday, July 5th. Trash service will not be interrupted this week.

COUNCIL COMMENTS

George would like to come up with ways to encourage more residents to become involved volunteering for Boards and Commissions. He reported the ZBA would like the Council to reconsider the accessory structure and side unit ordinances.

Hrydziuszko reported the Concert in the Park was a success and well attended.

Mueller was very happy with the turn out at the Concert in the Park.

Nunez believes it is important to give careful consideration to all applicants, and changes in Boards and Commissions helps encourage residents to apply.

Mooney also reported the Concert in the Park was a great success.

Abboud updated the Council and residents related to various boards he serves on in the county and state.

Peddie reported the Baldwin Library has started their Youth Room renovations.

Motion by Abboud, second by Nunez, to adjourn the meeting at 8:36 pm.

Motion passed.

Lee Peddie
Council President

Kristin Rutkowski
Village Clerk

Elizabeth M. Lyons
Recording Secretary