

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

Absent: Member: Mueller

Also Present: Village Manager, Wilson  
Village Clerk / Assistant Manager, Rutkowski  
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 Hrydziuszko, to approve the agenda.

Motion passed.

### **COMMUNITY ANNOUNCEMENTS**

None.

### **PUBLIC COMMENTS**

None.

### **CONSENT AGENDA**

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

1. Review and consider approval of minutes of a regular Council meeting held June 18, 2019.
2. Review and file bills recapped as of Monday, June 24, 2019.
3. Review and consider approval of final payment for 2018 Concrete Road Improvement Program.

Roll Call Vote:

Motion passed (6-0)

### **BUSINESS AGENDA**

#### **PUBLIC HEARING TO RECEIVE COMMENTS ON AN ORDINANCE TO AMEND CHAPTER 22, SECTION 22.08.280 OF THE MUNICIPAL CODE OF THE VILLAGE OF BEVERLY HILLS**

In 2017 the Village adopted an ordinance amending Chapter 22, Section 22.08.280 Nuisance Activities, to add subsection B, item 3 Fences which regulates fencing surrounding construction sites. At that time, the decision was to require a four (4) foot fence for the duration of time in which an open hole or excavation was accessible on the project site.

Since enacting the ordinance, the Village has had compliance concerns regarding the time such fencing is installed as well as the general security of the fencing. Language is printed on the building and demolition permits noting the requirement, as well as communicated verbally, to ensure contractors are aware of the regulations. Administration has reviewed other communities'

regulations relative to construction fencing and suggests modifying the language to require higher fencing, a longer duration, and specific details regarding gates and accessibility.

Administration has drafted a proposed update to reference Building Department rules per Council and Planning Commission discussion on this matter. Administration has drafted those Construction Site Maintenance Requirements along with detailed submittal guidelines for demolition permits. In addition to these formalized requirements, administration has reviewed its internal processes and we will be conducting a site visit to confirm installation of fencing prior to issuing the permit for demolition or construction.

Upon conducting the public hearing at the May 22nd meeting, the Planning Commission made a recommendation to Council to adopt the proposed changes to the ordinance to reference those newly adopted rules for construction site maintenance. Upon adoption by Council, the language will take effect 20 days after publication.

Peddie opened the public hearing at 7:34 pm.

Paula Roddy, Rutland, requested that the checklist be made available for resident review. She believes that fences should be required any time there is major constructing happening; including the addition of a second story. She hopes that these new requirements will help with debris clean up and portable lavatory maintenance. She also reported the Village Code enforcement office has been a great help with some of these issues at a construction site next door to her home.

No one else wished to be heard, the public hearing was closed at 7:40 pm.

**FIRST READING OF AN ORDINANCE TO AMEND CHAPTER 22, SECTION 22.08.280 OF THE MUNICIPAL CODE OF THE VILLAGE OF BEVERLY HILLS**

The Village of Beverly Hills Ordains:

Section 1.01. That Village of Beverly Hills Zoning Ordinance, Chapter 22, Section 22.08.280 Regulation of Nuisance Activities for the Village of Beverly Hills is hereby amended to read as follows:

**22.08.280 REGULATION OF NUISANCE ACTIVITIES.**

- a. No activity or use shall be permitted on any property which by reason of the emission of odor, fumes, smoke, vibration, noise or disposal of waste is deleterious to other permitted activities in the Zone District or if obnoxious or offensive to uses permitted in neighboring Zone Districts.
- b. All properties shall be in compliance with the Building Department Construction Site Maintenance Requirements while under a valid permit for construction.

Section 2.01. 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 3.01. 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 4.01. REPEALER. Any Ordinance conflicting with this Ordinance be and the same is hereby repealed.

Section 5.01. EFFECTIVE DATE. A public hearing having been held by the Planning Commission on Wednesday, May 22, 2019, and the Village Council on July 2, 2019, the provision of this Ordinance shall become effective 20 days following its publication in The Eccentric, a newspaper circulated within said Village.

Council asked that Administration provide a copy of the checklist for review. They expressed to Administration their concerns related to the expiration of issued permits, and projects that extend well beyond a reasonable time.

Wilson explained that permits are issued with a one-year expiration date; after that it is at the discretion of the Village to renew, or hold the bond monies. The proposed changes to the ordinance will allow the building official to become involved, and give options for stop orders and legal action.

**FIRST READING OF AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE VILLAGE OF BEVERLY HILLS BY REPEALING SECTION 42.07(C)**

Chapter 42 of the Village of Beverly Hills Municipal Code pertains to Offenses Against Public Peace, Safety, and Morals. Section 42.07(c) Apparel of the Opposite Sex states “no person shall appear in public in the dress of the opposite sex.” Administration received a request to eliminate this section from the Code as it is outdated and unnecessary.

The Village of Beverly Hills Ordains:

Section 1.01. That Section 42.07 Offenses Against Morals, Subsection (c) is hereby amended to repeal Section (c).

Section 2.01. REPEALER. Section 42.7(c) is hereby repealed.

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

Nunez and George would like to see a total overhaul of the Municipal Code. Ryan pointed out that having the code overhauled would result in a modern accessible code. Wilson explained the complete overhaul has always been considered cost prohibitive.

Mooney suggested that a subcommittee be formed to review the code further, and determine an appropriate course of action. Peddie requested that Abboud reach out to members of the Michigan Municipal League and SEMCOG for more information on Municipal code overhauls.

**REVIEW AND CONSIDER ACCEPTING WITHDRAWAL OF SPECIAL LAND USE REQUEST AND SITE PLAN REQUEST FROM DETROIT COUNTRY DAY SCHOOL LOCATED AT 22305 W. 13 MILE ROAD**

The Village has conducted a site visit and confirmed Detroit Country Day School (DCDS) has removed the recreational structures, play structure and sport court, and is in the process of restoring the areas on the top of the hill. The dismantled structures are being temporarily stored on site while the school works with local organizations to repurpose them.

This is pursuant to the written request from Cunningham-Limp on behalf of DCDS to withdraw their request for special land use approval and site plan approval to amend the approved site plan for the Middle School to retain two recreational structures constructed and add a security structure in the parking lot.

Motion by Hrydziusko, second by Mooney, be it resolved that the Village of Beverly Hills Council accepts the withdrawal of the request by Detroit Country Day School for special land use and site plan amendment for the Middle School given that the two recreational structures have been removed.

Motion passed.

**REVIEW AND CONSIDER RESOLUTION APPROVING LOCAL ROAD IMPROVEMENT MATCHING FUND PILOT PROGRAM COST PARTICIPATION AGREEMENT WITH OAKLAND COUNTY BOARD OF COMMISSIONERS**

The Village of Beverly Hills applied for Local Road Improvement Program funding to offset some of the upcoming road repair/reconstruction costs. The Oakland County Board of Commissioners has approved the Village's application for funding under the 2019 Pilot Local Road Improvement Matching Fund Program. Funding in the amount of \$16,284.00 from the County will be provided to the Village for the concrete repair and replacement on Foxboro Way between Metamora Lane and Sleepy Hollow Lane. The remaining balance for the reconstruction project will be paid by the Village. The Board of Commissioners sent the Village a Cost Participation Agreement to be executed. Upon its execution, the Village will invoice the County for \$16,284.00.

Motion by Mooney, second by Hrydziusko, be it resolved that the Village of Beverly Hills Council hereby approves the Local Road Improvement Matching Fund Pilot Program Cost Participation Agreement with the Board of Commissioners of the County of Oakland, Michigan in the amount of \$16,284.00.

Motion passed.

**FIRST ANNOUNCEMENT OF ZONING BOARD OF APPEALS VACANCIES**

There are two (2) vacancies on the Zoning Board of Appeals. The first vacancy is for a full member with a term ending June 30, 2022. The second vacancy is for an alternate member with a partial term ending June 30, 2021. The second vacancy was created when an alternate member was appointed as a full member at the previous council meeting.

The Zoning Board of Appeals meets on the second Monday of the month at 7:30 pm in the Village Council Chamber.

All eligible and interested residents are encouraged to apply by submitting an application to the Village Clerk's Office. Applications can be found on the Village website or at the Village Office. Applications are due Monday, July 29 with appointments scheduled to take place at the August 6<sup>th</sup> regular council meeting.

**PUBLIC COMMENTS**

Sharon Tischler, Virmar Court, suggested the Council review the code and take care of obsolete ones preemptively.

**MANAGER'S REPORT**

**BP Renovations** – Construction has begun at the BP station on the corner of 13 Mile and Southfield. The underground tanks are being removed; the DEQ is on site and will submit reports to the Village.

**Crosswalk at Berkshire and 14 Mile** – The cross walk across 14 Mile for Berkshire is being installed and will be completed before the end of the summer.

**COUNCIL COMMENTS**

George reported that Detroit Country Day is interviewing new headmasters. He would like to see the Council move forward with the Municipal Code overhaul. He spoke with Maxwell who was not reappointed to the Zoning Board, and she expressed her disappointment at not being reappointed, having just served as vice-chair of the Board. Wilson clarified that there is a dedicated right of way at Waltham that has been abandoned and is not intended for vehicle use.

Hrydziuszko thanked Public Safety for their continued patrol of speeders in neighborhoods. She reported the Planning Commission continues to review land use standards.

Nunez believes it is important that all applicants for open positions be present at the appointment meetings.

Mooney would like the Council to reconsider the reappointment process.

Abboud updated the Council and residents related to various Boards he serves on in the county and state. He also recommended Maxwell reapply for a position on the ZBA.

Motion by Mooney, second by Abboud, to adjourn the meeting at 9:00 pm.

Motion passed.

**Lee Peddie**  
**Council President**

**Kristin Rutkowski**  
**Village Clerk**

**Elizabeth M. Lyons**  
**Recording Secretary**