

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

Absent: Member George

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

President 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 approve the agenda.

Motion passed.

COMMUNITY ANNOUNCEMENTS

House Representative Kyra Bolden was in attendance, she reported she is serving on the committees for lower insurance and criminal justice reform.

Greg Burry from Next Birmingham thanked the Council for their consideration of waiving the fees for the upcoming pavilion rental.

PUBLIC COMMENTS

None.

CONSENT AGENDA

Motion by Mooney, second by Mueller, be it resolved that the Council for the Village of Beverly Hills approve the consent agenda.

1. Review and consider approval of minutes of a regular Council meeting held March 19, 2019.
2. Review and file bills recapped as of Monday, April 1, 2019.
3. Review and consider request from Baldwin Public Library to waive pavilion rental fees for the summer program event on Thursday, August 1, 2019.
4. Review and consider request from Next to waive pavilion rental fees for the Next Octoberfest event on September 12, 2019.
5. Review and consider request from the Parks and Recreation Board to hold the Concert in the Park Event on June 7, 2019.
6. Review and consider waiving sales restrictions at Beverly Park for all Village sponsored events for 2019.
7. Review and consider Parks and Recreation logo.
8. Review and consider request from the Beverly Hills Lions Club to use Village streets on Monday, May 27, 2019 for their 37th annual Fun Run/Walk.

9. Review and consider request from the Beverly Hills Lions Club to hold “White Cane Collection” from April 26 to May 5, 2019.
10. Review and consider resolution for West Nile Virus Fund expense reimbursement.

Roll Call Vote:

Motion passed (7-0).

BUSINESS AGENDA

PROCLAMATION RECOGNIZING APRIL AS CHILD ABUSE PREVENTION AND AWARENESS MONTH

WHEREAS, abuse and neglect are suffered by children in our communities, regardless of age, race, gender, or economic situation;

WHEREAS, 1 in 10 children will be sexually abused before the age of eighteen;

WHEREAS, this reported maltreatment is only a portion of the overall problem threatening our children, for so many cases go unreported, and today’s technology has brought with it a new and dangerous form of child endangerment – the online predator; and

WHEREAS, CARE House of Oakland County works to break the cycle of child abuse and neglect; provides a protective circle of light and hope for a better life; advocates for the safety and protection of children; and partners with community organizations and agencies to offer programs and services aimed at preventing child abuse.

NOW, THEREFORE, BE IT RESOLVED, that I, Lee Peddie, Council President of the Village of Beverly Hills, County of Oakland, State of Michigan, do hereby proclaim April 2019 as ***Child Abuse Prevention and Awareness Month*** in the Village of Beverly Hills, and call on all residents, community agencies, organizations, and businesses to increase their participation in efforts to prevent the abuse of our children, thereby strengthening and protecting the community in which we live.

Motion by Mooney, second by Mueller, be it resolved that the Council for the Village of Beverly Hills approves the proclamation as read.

Motion passed.

REVIEW AND CONSIDER SUBCOMMITTEE’S RECOMMENDATION TO FILL THE VACANCY ON THE BIRMINGHAM AREA CABLE BOARD

A subcommittee chaired by Peddie met at 7:15 pm to review applications to fill a vacancy on the Birmingham Area Cable Board. The subcommittee recommended the appointment of James Delaney with the partial term expiring on June 30, 2020.

Motion by Mooney, second by Mueller, to appoint James Delaney to the Birmingham Area Cable Board with term expiring June 30, 2020.

Motion passed.

Motion by Mooney, second by Hrydziuszko, that the Beverly Hills Village Council, upon conducting a first reading March 19, 2019, and a second reading on April 2, 2019, formally adopts Ordinance #365 amending the Village Municipal Code, adding Chapter 45 Marihuana Establishments. Ordinance #365 will be published in the Eccentric Newspaper on Sunday, April 14, 2019 and the ordinance will take effect Saturday, May 4, 2019.

Motion passed.

DISCUSSION ON REVISIONS TO CH. 22, SECTION 22.08.280 NUISANCE ACTIVITIES, SUBSECTION B, ITEM 3 FENCES

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.

The current language is as follows:

Fences. Every excavation and/or demolition resulting in an open hole shall be enclosed with a rigid barrier not less than four (4) feet high and sufficient to prevent the entry of unauthorized persons. All barriers shall remain in place until such time as the open hole or excavation has been filled or enclosed. All barriers shall be of adequate strength to provide suitable protection for the general public as required by the building official.

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

As this language is in the Zoning Ordinance, it requires review and recommendation by the Planning Commission as well as a public hearing to be held by both bodies before approval. Administration can draft language for Planning Commission review at their April 24th meeting.

Hrydziuszko would like the ordinance to require a six foot, gated, and locked chain-link fence. Requirements for portable restrooms, and dumpsters on site. She would also like the ordinance provided to contractors and posted on site to assure neighbors of awareness and compliance.

Nunez would like to see fences or barricades required for any unsafe structures or areas, and a code of conduct related to fences.

Wilson explained that the current ordinance did not have six-foot fences required because it was written prior to the changes to the Village fence ordinance. Administration supports six-foot fences at construction sites; a construction site would be considered the building envelope.

Council unanimously directed Administration to work with the Planning Commission to draft an amendment to Chapter 22, Section 22.08.280 Nuisance Activities, to add subsection B, item 3 Fences and proceed with a public hearing.

PUBLIC COMMENTS

Harry Names, Buckingham, would like to see a community garden at Beverly Park.

MANAGER'S REPORT

14 Mile Rd. Paving Project - The Village is having a pre-construction meeting with the contractor for the 14 Mile Rd project on Wednesday, April 3rd. This project is a mill and paving project for the section of 14 Mile from Lahser west to the Village limits. Council may recall that this project was delayed from last summer/fall to this spring due to the number of paving projects last year. The contractor is anxious to get this project started and completed as soon as possible. Weather and ground conditions will need to continue to improve before this project can begin. I will forward along a construction schedule as soon as one is available. We will also inform and try to coordinate the schedule with Berkshire Middle School.

Memorial Day Parade and Carnival Registration - The annual Memorial Day Parade and Carnival will be held on Monday, May 27th beginning at 11 :00 AM. Those who would be interested in participating can now register via on-line registration on the Village website.

Yard Waste Collection - Curbside Yard waste collection begins the week of Monday, April 1st. Yard waste can be placed in paper yard waste bags or containers with a yard waste sticker on them. Stickers are available at the Village Office.

Consumer Confidence Report - A copy of the Village's annual Consumer Confidence Report (CCR) was included in the Council packet. This report us a summary of the testing done by the Village, SOCWA and GLWA over the course of a year. This testing includes, but is not limited to, such things as lead, copper, sodium, turbidity, chlorine, fluoride, radium, nitrate and E. coli bacteria.

COUNCIL COMMENTS

Hrydziusko reported the Planning Commission created their subcommittees related to the items put forth at the joint meeting. Their intention is to be prepared to report on them at the July Council meeting.

Mueller reported the Parks & Recreation Board will be hosting their first Concert in the Park on June 7. The first phase of buckthorn eradication has been completed and Administration continues to coordinate with Public Works for the removal of debris. The Board continues to apply for grants for the plantings in the fall.

Mooney is looking forward to the concert, and thanked Delaney for serving on the Cable Board.

Abboud offered condolences to the Borgon and Cavanaugh families on the passing of Camilla Duffy Cavanaugh.

Peddie thanked Bolden for her update, and Delaney for serving on the Cable Board.

Motion by Mooney, second by Mueller, to adjourn the meeting at 8:24 p.m.

Motion passed.

Lee Peddie
Council President

Kristin Rutkowski
Village Clerk

Elizabeth M. Lyons
Recording Secretary