

Present: President Mercer; President Pro-Tem Briggs; Members: Burry, Kelly, LaFerriere and Mooney

Absent: Oen

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

President Mercer 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.

#### **ADDITIONS TO AGENDA/APPROVE AGENDA**

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

Motion passed.

#### **COMMUNITY ANNOUNCEMENTS**

Doug Koschik, Director of the Baldwin Public Library, presented Council with an annual update on library activities as well as information on the proposed library building program. He related facts about Baldwin Library and its services and programs, the Friends of the Library Group, the Annual Fundraiser, and Beverly Hills usage of the library.

Koschik talked about the Baldwin Library building proposal. Birmingham residents will vote May 6 on a building bond for library renovation and expansion at a project cost of \$21.5 million. The bond does not include operating expenses. Koschik outlined the needs of the Baldwin Library in terms of building conditions, handicapped accessibility, suitability for future technology, and aesthetics. He discussed all aspects of renovation and improvements that would create a more energy efficient, functional, attractive and restored library for the future.

Koschik addressed the issue of contract communities. The City of Birmingham owns the library building and is responsible for maintenance and modifications. Contract communities pay for operating expenses and not capital investment. Birmingham residents will make the decision on the library building proposal. There is always the issue regarding how much a contract community should pay. At this point, the Library Board is not approaching any contract communities with a request for additional revenue. Koschik concluded that the Baldwin Library arrangement with Beverly Hills is an excellent example of intergovernmental cooperation.

In response to an inquiry, Koschik stated that construction would begin in the summer of 2015 and would last for two years if the bond proposal passes on May 6, 2014.

Council liaison to the Library Board, Walter Briggs, thanked Koschik for his presentation. He noted that the Village's partnership with the Baldwin Library represents a tremendous value for the community. President Mercer added that it has been a pleasure to work with Doug Koschik and the Baldwin Public Library.

Township Clerk Sharon Tischler informed residents that Southfield Township will be offering free document shredding for Township residents on Saturday, May 3, 2014 from 10 a.m. until noon at the municipal parking lot.

Nicole Brown introduced herself to Council and the public and announced that she is running for the office of State Representative in this District. Ms. Brown is currently Assistant Prosecutor in Wayne County and a resident of Lathrup Village.

### **CONSENT AGENDA**

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

- a. Review and consider approval of minutes of a regular Council meeting held March 18, 2014.
- b. Review and file bills recapped as of Monday, March 24, 2014.
- c. Set public hearing date of May 6, 2014 to review and confirm 2013 Assessment Rolls for dust and other miscellaneous assessments.
- d. Receive tentative budget and set public hearing date for May 6, 2014.
- e. Set public hearing date of May 6, 2014 to receive comments on a request from Detroit Country Day School, 22305 W. 13 Mile Rd., for Special Use Approval and Site Plan Approval for a building addition to accommodate existing mechanical equipment and facilities operations at the Upper School.
- f. Review and consider proposals for 2014 Dust Control Services.
- g. Review and consider request from Beverly Hills Athletic Club (BHAC) to utilize tennis courts in Beverly Park.
- h. Review and consider request from the Beverly Hills Lions Club for use of Village streets on Monday, May 26, 2014 for the 32nd Annual Fun Run/Walk.

Motion passed.

### **BUSINESS AGENDA**

#### **PUBLIC HEARING REGARDING APPLICATION FOR LAND DIVISION AT 18450 WARWICK**

President Mercer opened the public hearing at 7:55 p.m. on the Land Division application from Mark and Amy Farmer involving property at 18414 and 18450 Warwick. The two existing parcels exceed minimum dimensional standards for lots in the R-2B zone district. The proposal entails the shifting of the common side lot line by 10 feet to the east, thus conveying 1,300 square feet of lot area from 18414 Warwick to 18450 Warwick.

The rationale for the request resulted from a surveying error, which was uncovered as part of the proposal to expand the residence at 18450 Warwick. Specifically, a 13.1-foot discrepancy was found, which would have resulted in the proposed addition encroaching onto the adjacent property (18414 Warwick). The proposed lot reconfiguration would rectify this situation as well as clarify the boundary line for fencing and landscaping purposes.

No one wished to be heard; therefore, the public hearing was closed at 7:57 p.m.

**REVIEW AND CONSIDER LAND DIVISION APPLICATION FROM MARK AND AMY FARMER FOR 18450 WARWICK**

Motion by Mooney, second by Briggs, that the Village of Beverly Hills Council approve the land division application for 18414 and 18450 Warwick conditioned on addressing comments from the Village Engineer. Further, the Grant Ward survey drawing should be changed to reflect the 18450 Warwick address as a proposed house.

Motion passed (6 – 0).

**PUBLIC HEARING REGARDING THE CONSTRUCTION OF A STORAGE BUILDING AT BEVERLY PARK**

President Mercer explained that there will be a public hearing to receive input on a request to build a storage shed in Beverly Park for use by the Beverly Hills Little League (BHLL) to house equipment used by the Little League. The BHLL is proposing to build a 16' x 12' structure to be located near the ball diamond that they use and maintain. The public hearing was opened at 7:59 p.m.

Sharon Tischler of 21415 Virmar Court expressed concern with using dedicated park millage money to construct a storage shed for the sole use of the Beverly Hills Little League. She suggested that Council consider building a structure at the expense of the Village and lease storage space for a fee.

No one else wished to be heard; the public hearing was closed at 8:03 p.m.

**REVIEW AND CONSIDER REQUEST FROM THE BEVERLY HILLS LITTLE LEAGUE TO CONSTRUCT A STORAGE BUILDING AT BEVERLY PARK**

Mooney proposed that Council postpone a decision on this item until the next regularly scheduled meeting in order to have the location and size of the structure staked out in Beverly Park for review by interested parties. He related that there are other issues including who should pay for the structure. Mooney thought that the shed should belong to Beverly Hills if the Village pays for the construction. The Village could then lease the use of the shed to the Beverly Hills Little League. Another idea was for the Village to pay for the materials and BHLL to cover the labor costs. Mooney was in favor of constructing the storage shed. He suggested that the Village consider language for entering into an agreement with the BHLL for a five year lease at a minimal fee.

Mooney mentioned that there was a time when the Village provided a summer recreation program on a regular basis. The baseball fields and Beverly Hills Athletic Club use of the tennis courts for youth programs are currently the only recreation programs provided for people in Beverly Park. The Parks and Recreation Board has recommended that the Village contribute to the improvement of the ball fields and dugouts. The fields and dugouts are shared by various leagues including Detroit Country Day School, Groves High School, Our Lady Queen of Martyrs, and a men's church league. Mooney proposed Council consideration of a financial arrangement that compensates the BHLL for all the improvements they are making to the ball field as well as contribute to the cost of the materials to build a storage shed, which the Village would own. The BHLL would have exclusive use of the shed on a lease basis.

Paul Turner, representing the Beverly Hills Little League, was present to provide information on the program.

Motion by Mooney, second by LaFerriere, that the Village Council table the request from the Beverly Hills Little League to construct a storage building at Beverly Park until the next regularly scheduled meeting.

Briggs	- yes
Burry	- yes
Kelly	- no
LaFerriere	- yes
Mercer	- yes
Mooney	- yes

Motion passed (5 – 1).

Kelly stated that she supports the Little League. She questioned whether it was an appropriate use of public funds to spend \$15,000 for a storage shed for the sole use of the Beverly Hills Little League. It is a big expenditure out of the dedicated public millage that should be spent for the benefit of all residents in the community.

Mooney stated that the Little League has contributed to the rehabilitation of the fields over a number of years. If Council decides not to support the effort of the BHLL to build the shed, or if the Village only supplies the materials, perhaps the Village can compensate the Little League in other ways by rehabilitating those fields and dugouts that are used by everyone. Mooney suggested a compromise could be reached that makes all members of Council comfortable.

Paul Turner concurred that the BHLL could share the cost of construction with the Village. He added that the organization is likely to construct the shed in the absence of Village funding because it is an extension of the ball fields. The existing storage boxes do not adequately accommodate the equipment and pitching machines. He remarked that BHLL is a 501c3 nonprofit organization. Turner hoped that the Village could assist the organization by funding field improvements.

Mooney stated that there have been no objections to the shed proposal from Allerton residents. Both the Parks and Recreation Board and Planning Commission have recommended approval of the storage structure. He proposed that Council and administration along with the BHLL work out the logistics and proceed with this proposal.

### **PUBLIC HEARING REGARDING THE APPLICATION FOR LAND DIVISION AT 31805 EVERGREEN**

Manager Wilson stated that the Village is in receipt of an application for land division at 31805 Evergreen Road. The site is located on the west side of Evergreen Road north of Ronsdale Road. There is an existing house on a 5.596 acre parcel, which is being remodeled. The owners propose to divide the parcel into a total of four separate lots along a private roadway. All four of the parcels are in excess of the R-1 zoning district minimum lot size.

Village Administration, through Public Services Director Meszler and Hubbell, Roth & Clark, has identified areas of concern relative to the site plan that was submitted with this application. Of particular note, there are concerns relative to sight distance along Evergreen Road with the proposed location of a private road. Sight line conditions along this portion of Evergreen are less than ideal. In addition, the proposed private road opening onto Evergreen would be in close proximity to the intersection of Evergreen and Beverly Road. This portion of Evergreen Road is under the jurisdiction of the Village of Beverly Hills and must meet engineering standards for sight distance. There is also an issue relative to an access easement for an existing parcel to the north that will have to be addressed in the site plan review process.

Considering the technicalities of a land division request, it was administration's determination that the parcels meet the requirements for a land division. However, there are issues that have to be resolved prior to any construction, particularly when addressing the access and development of a road. The petitioners have submitted a preliminary site plan to the Village, which administration is in the process of reviewing with them. The site plan includes the development of a private road that would access all of the properties.

Primary issues include sight distance and traffic safety. Wilson explained the location of the parcel on Evergreen Road nearly adjacent to the three-way intersection of Beverly Road. Evergreen Road curves as you travel north, and there is a change in elevation creating sight distance issues. Ronsdale Subdivision is immediately south of this property. Administration met with the petitioners and staff from Hubbell, Roth & Clark at the site a few days ago to do some measuring; sight distances are poor. It was the determination of Administration and LSL Planning that it is not possible to determine the exact location of the private road on the property until there is a complete site plan review of the proposal.

Wilson thought it was appropriate for Council to consider the land division application conditioned upon approval of the road and the site plan. Another issue that exists involves accessibility of the property to the north. There was an access easement that was previously agreed upon and is still in place. This is a civil matter enforceable upon the parties, but the Village cannot authorize a site plan that would cut off another property from access to Evergreen Road. Wilson commented that there is a lot of site plan work to do. The petitioners could table their request for land division pending approval of the site plan.

Wilson informed Council that he addressed an ordinance issue with Attorney Ryan and LSL Planning relative to whether the site plan review process is required for constructing single family homes. Subdivisions built in the past have gone through a site plan review process. Wilson stated that this is a standard that Administration intends to uphold. Any development is subject to site plan review.

President Mercer declared the public hearing open at 8:34 p.m. regarding the application for land division at 31805 Evergreen.

John Keebler of 31845 Evergreen Road stated that he can see the property in question from the back of his house. Residents who live close to 31805 Evergreen are concerned and request that Council not approve the land division, private road and new residence construction without full consideration of the following issues: 1) Adding another intersection at a busy point along

Evergreen. Sight line problems, speeds and accidents along Evergreen Road. The intersection of Evergreen with Beverly Road, Wilshire and Ronsdale will worsen with an additional road; 2) Threat to the fragile riverbank, wildlife and flora; 3) Economic effect on area residents; 4) Privacy infringement.

Robert Ellwood of 20046 Ronsdale was present representing four houses that would abut the development in question. He expressed concerns with the proposal related to the environmental impact, privacy, aesthetics and traffic safety. The Village has maintained its commitment to uphold safety, quality, character, privacy and the value of our neighborhoods. Before Council is a plan that may contradict those principles. As a representative of the four southern parcels, Ellwood asked Council not to approve the land division.

Attorney Marc Drasnin spoke on behalf of Terry and Jennifer Berg at 31825 Evergreen Road. The Bergs have expressed serious concerns regarding the proposed redevelopment of the site. The site at 31805 Evergreen, directly south of the Berg residence, is accessed from Evergreen Road. The plan to redevelop their property would eliminate the easement for ingress and egress along with the driveway, which the Bergs utilize to access their property. The developer proposes to construct a new roadway closer to Beverly Road off of Evergreen. There has been no resolution in terms of providing the Bergs with a new access road to and from their home. The changes proposed are unacceptable to the Bergs and would pose a safety risk given the dimensions of the property and need for access from their residence to and from Evergreen Road. Drasnin objected to moving forward with the land division before there is a resolution to the access for the Bergs residence.

Andrew Wood of 31426 Waltham said the he lives in the Westwood Subdivision across from Ronsdale. He expressed concern that the proposed development and new road would result in increased traffic issues. Wood proposed that it was premature to move ahead with a land division before knowing the location of the new road.

Cynthia Brody of 20069 Ronsdale commented on the peaceful character of the community. She was opposed to granting the land division application without more information on the proposed development of property and location of the road.

No one else wished to be heard; the public hearing was closed at 8:50 p.m.

**REVIEW AND CONSIDER LAND DIVISION APPLICATION FROM THEODORE AND JULIE WILLETT FOR 31805 EVERGREEN**

The Village is in receipt of a Land Division Application from Theodore and Julie Willett for 31805 Evergreen Road. The owners of this 5.596 acre parcel are requesting to divide the parcel into four single family lots for the eventual construction of single family homes. The Land Division request has been reviewed by LSL Planning and found to be compliant with the Village Zoning code as to the creation of the proposed lots. The proposed lots per the Land Division application are significantly in excess of the minimum requirement of 16,000 sq. ft. lots for the R-1 district. The lots have acceptable building envelopes for the applicable setbacks. The Planning Commission has reviewed and recommended approval of a Land Division Application for 31805 Evergreen.

Manager Wilson affirmed that there are issues remaining that will be part of a thorough site plan review process. This land division request is somewhat unusual having no resolution of the road situation at this time. Approval of the land division request does not authorize the applicant to begin any construction. The applicant would still need to complete the site plan review process by Village Administration, the Planning Commission and Village Council, with additional public hearing(s) along the way.

Village Administration, with Public Services Director Meszler and Hubbell, Roth & Clark, has identified some areas of concern relative to the site plan that was submitted. There are concerns relative to sight distance along Evergreen Road with the proposed location of a private road. The proposed private road opening onto Evergreen would be in close proximity to the intersection of Evergreen and Beverly Road. This portion of Evergreen Road is under the jurisdiction of the Village of Beverly Hills and must meet engineering standards for sight distance. There is also an issue relative to an access easement for an existing parcel to the north that will have to be addressed in the site plan review process.

Developer John Mentag representing property owners Julie and Ted Willett displayed a site map of the area in question. He is proposing to secure three additional lots that are sizable. The parent house is currently being restored. The goal of the Willetts is to develop their property in the character that fits in with the surrounding properties. The square footage of each of the four proposed parcels will exceed the lot average of surrounding parcels.

Mr. Mentag and the Willetts have met with neighboring property owners to discuss their intentions. Mentag said that the Willetts would like to continue the dialog with the Bergs and figure out an option for access. The applicants know that they cannot build a house on the site until the road and easement issues are resolved. Council approval of the land division would divide the property at this point. Mentag has met with property owners to the south and talked about landscaping and screening. These items will be addressed during site plan review.

Mentag said that they are proposing to build homes around a small court with private access for three additional homes. Care will be taken to preserve trees on the site. Mentag met with Wilson and HRC engineers regarding traffic issues. Engineering studies will determine whether standards are met and will be part of the site plan review.

Council discussed the land division request. It was understood that the applicant has met all qualifications for land division based on the Village's regulations and the approval process for land divisions. It was questioned why the applicant wants approval of the land division prior to resolving the site plan issues. Mentag indicated that the owners are aware that the land division would be subject to site plan review and approval. Issues must be resolved with the private road, site distance requirements, and the Berg easement issue. Mentag thought it would be unfair to the petitioner to defer the land division until after site plan review.

Attorney Ryan proposed combining the land division application with the site plan review in order to verify that all outstanding issues are handled. There are unresolved matters with respect to placement of the homes, location of the private road, and an access easement for the Bergs. Ryan did not think that the request complied with the land division act due to the easement issue. He recommended postponing the land division request subject to site plan review and approval.

Mooney remarked that LSL Planning and the Planning Commission have recommended approval of the land division based on the applicant's compliance with the Land Division Act. The Willetts have granted the Bergs an easement for access to Evergreen Road. If the land division is granted, the Bergs retain the right to ingress and egress. The Village is not involved in that private agreement. Mooney did not think that granting the land division would put the Village at risk. He proposed granting the land division subject to approval by the Planning Commission and Council of the site plan to include satisfactory location of the private road and an easement that allows the Berg property ingress and egress to Evergreen Road.

Mentag added that State Law requires that a municipality respond to a land division request within 45 days.

Motion by Mooney, second by LaFerriere, that the Village of Beverly Hills Council approve the Land Division Application from Theodore and Julie Willett for 31805 Evergreen Road subject to approval by the Planning Commission, Administration and Council of the location of the private road as part of site plan review; further subject to the provision of adequate ingress and egress for the Berg property.

Mercer opened the floor for additional public comments. Terry Berg of 31825 Evergreen disagreed with granting the land division application prior to resolving site plan issues. He asked Council to put themselves in his position of not knowing if his driveway would be eliminated. Berg was concerned with the devaluation of his property.

The following residents had questions or comments and urged Council to postpone consideration of the land division request pending site plan review and approval.

Judy Fries	20005 Ronsdale
Sharada Thunga	20024 Ronsdale
Wendy Keebler	31845 Evergreen
David Crawford	20153 Evans Court
Robert Ellwood	20046 Ronsdale
Andrew Wood	31426 Waltham

Roll Call Vote:

Burry	- no
Kelly	- yes
LaFerriere	- yes
Mercer	- yes
Mooney	- yes
Briggs	- no

Motion passed (4 – 2).

**REVIEW AND CONSIDER RESOLUTION FOR MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM (MERS) APPLICATION FOR ADDITIONAL CREDITED SERVICE FOR ERIC KOENIG**

Public Safety Officer Eric Koenig has made inquiries to the Municipal Employees' Retirement System regarding the purchase of additional service credit. PSO Koenig is a vested member of the Public Safety Department with over 20 years of service. MERS has run a calculation for the purchase of five years of service credit. Five years is the maximum amount of service credit that can be purchased. The purchase price of \$138,371 is the full responsibility of PSO Koenig. Village Administration has reviewed this option with PSO Koenig and is confident that he is aware of the regulations and ramifications of this purchase.

Motion by Mooney, second by LaFerriere, that the Village of Beverly Hills Council resolve to approve the Application of PSO Eric Koenig to purchase additional credited service as provided by the MERS Plan Document and in accordance with Village of Beverly Hills policy.

Motion passed (6 – 0).

**PUBLIC COMMENTS**

None

**REPORTS – MANAGER**

**FY 2014-15 Budget** – Council has received a copy of the draft FY 2014-15 Village Budget compiled by Village Administration. The Manager's Report contains highlights of the preliminary budget. Wilson asked Council to consider setting a date for a budget study session.

**Eryty Dam** – Wilson stated that he has been in discussion with Hubbell, Roth & Clark on the status of the report on the Eryty Dam. Most of the structural analysis has been completed; soil samples have been collected and analyzed. HRC is scheduled to appear before Council at its April 15 meeting to discuss the SAW Grant award. Wilson is working with HRC on an Eryty Dam presentation at the same meeting.

**Requests for Proposal** – The Village issued Requests for Proposals for financial management software and has received two proposals. Councilman Briggs has assisted with the analysis of the software proposals. The Village received one proposal for leaf collection. Wilson is evaluating the bid and will report on this at the Council budget session.

Mooney questioned the Manager's understanding of the follow up required for the proposal to construct a storage shed in Beverly Park. Wilson will have the area staked out in the park this week as Council requested. He and the Finance Director will discuss funding options. Mooney asked that the youth hockey goal be retrieved from Riverside Pond.

**REPORTS – COUNCIL**

Briggs thanked Doug Koschik for his presentation on the Baldwin Library building proposal. He announced that the Communications Committee will meet on Thursday, April 3 at 7:30 p.m. in the Village offices. Mercer thanked Briggs for his involvement on the Baldwin Library Board.

Motion by Mooney, second by Briggs, to adjourn the meeting at 10:20 p.m.

Motion passed.

**Tim Mercer**  
**Council President**

**Ellen E. Marshall**  
**Village Clerk**

**Susan Bernard**  
**Recording Secretary**