

Present: President Mooney; President Pro-Tem Peddie; Members: Abboud, Delaney, Mueller and Oen

Absent: Kelly

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

Council President Mooney 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 Oen, second by Delaney, to approve the agenda as published.

Motion passed.

COMMUNITY ANNOUNCEMENTS

None

PUBLIC COMMENTS

The following residents commented on problems experienced with the curbside leaf collection service initiated this fall including late or no pickups. Residents asked to be reimbursed for the \$30/household assessment added to their tax bills for this unsuccessful service. One resident observed a landscape contractor dumping leaves on the front yard of a vacant home in Beverly Hills.

Susan Beauvais	Buckingham
Harriett Green	Beverly Road
Sharon Tischler	Virmar Court
Marie Weiner	Ronsdale

President Mooney related that curbside leaf collection had been requested by Village residents since the 1980's. This service was considered by Council over a period of years but not implemented. It was deemed difficult to accomplish due to various topographic challenges in the Village. Council recently debated whether to institute a leaf collection program. Mooney said that it was a political decision made by a majority of the prior Council members to proceed with this service. The program went out for bids; a majority of Council voted to accept the quote and assess each household \$30 for this service.

The program has not been successful. Administration has done everything in its power including authorizing the DPW to assist with leaf collection. Council and Administration are aware of the issues facing residents and will reevaluate the contractor and the leaf collection program. Mooney affirmed that Council will do whatever it can to compensate residents in some way for a service that was promised and charged but not delivered.

With regard to leaves dumped on Village property by a landscape company, Mooney stated that it was illegal and will be investigated.

CONSENT AGENDA

Motion by Delaney, second by Oen, to approve the consent agenda as follows:

- a. Consider approval of minutes of a special Council meeting held November 18, 2014.
- b. Consider approval of minutes of a regular Council meeting held November 18, 2014.
- c. Review and file bills recapped as of Monday, December 1, 2014.

Motion passed.

BUSINESS AGENDA

REVIEW AND CONSIDER REQUEST FROM THE AMNESTY/ANIMAL RIGHTS CLUB FROM GROVES HIGH SCHOOL TO USE BEVERLY PARK FOR ITS FOURTH ANNUAL TAILS-N-TRAILS DOG WALK FUNDRAISER MAY 2, 2015

Sophia Pryor and Shelby Kassab, Co-Presidents of the Groves Amnesty International/Animal Rights Club requested the use of Beverly Park on Saturday, May 2, 2015 from 9:30 am until 12:30 pm to host their 2015 Tails-n-Trails Dog Walk fundraiser. All proceeds will go to the Paws-n-Claws and House of Critters Animal Rescues. These are no-kill nonprofit organizations that rely solely on donations and fund raisers.

The group will not use the pavilion; their home base will be set up towards the back of the park. The main event is a dog walk that will take place along the Beverly Park trail. Dogs and cats will be available for adoption after the walk. Other activities being considered are a concession stand, pet-based competitions, a raffle, bake sale, and agility demonstrations from My Hero Dog Training & Sports. Birmingham Public Schools will provide a certificate of insurance covering the event.

Motion by Mueller, second by Delaney, that the Beverly Hills Village Council authorize the Groves High School Amnesty/Animal Rights Club to use Beverly Park for its 2015 “Tails-n-Trails” Dog Walk on Saturday, May 2, 2015 from 9:30 am to 12:30 pm. Further, Council waives any pavilion rental fees and the restriction on sales in the park for this event. A certificate of insurance will be provided by Birmingham Public Schools upon approval of this fundraiser.

Roll Call Vote:

Motion passed (6 – 0).

PUBLIC HEARING TO RECEIVE COMMENTS ON A CONDITIONAL REZONING REQUEST REGARDING 19600 W. 13 MILE ROAD

Former Planning Commission members Lee Peddie and Rock Abboud provided background information on the conditional rezoning request. Peddie stated that, following several meetings with the applicant, the Planning Commission recommended approval of the conditional rezoning of property at 19600 W. 13 Mile Road by a vote of 8 – 0. Surrounding residents had concerns regarding the development, some of which were addressed by the applicant during meetings with

surrounding neighbors. The developers addressed issues including side yard setbacks, a natural buffer zone, and the road configuration. Peddie related that the site is unique to the Village. It is a single family zoned parcel with access only to and from a major roadway (13 Mile Road) and situated between two more intensive land uses, a church to the east and a multiple family residence to the west. If the Council were to grant this conditional rezoning request, the conditions proposed by the applicant would become part of a binding agreement.

Abboud outlined some of the factors related to this rezoning request. It would not be economically feasible for this property to be developed as a single-family residential site with access only to 13 Mile Road. The proposal is to rezone the parcel to R-3 and construct 20 detached condominium units developed under the Village Cluster zoning option. The density, frontage and setbacks under R-3 zoning are consistent and reasonable planning practices in relation to the surrounding property. The conditional rezoning request as proposed would not negatively effect any of the public utilities and capacities in the area. It appears that there would be no negative effect on 13 Mile Road traffic.

Patrick O'Leary, one of the principals of Timothy Patrick Homes, LLC, was present with his partner Tim Stapleton. O'Leary related that this proposal was introduced to the Village in February of this year; there have been several meetings with the Planning Commission and Village staff. There have also been two productive meetings with the surrounding neighbors.

O'Leary used the SmartBoard to make his presentation. The proposal is to have the four acres on the north side of 13 Mile Road east of Evergreen (19600 W. 13 Mile Road) rezoned from R-1 to R-3 with the conditions as follows:

- Proposed site plan attached
- Density limited to not more than 20 units
- 50' natural buffer along the northern property line
- (10) 12'-14' pines planted not closer than 15' on center along the northern property line to offer additional screening to the existing trees
- 24" evergreen shrubs planted 3' on center to provide screening for vehicle headlights
- 12'-14' pines planted 15' on center along the property zoned single family on the western border
- Lot width not less than 50'
- Lot area not less than 5,000 square feet
- The site will be developed under the Village's Cluster Option

The property is owned by Edward Streten; the same family has owned the site since 1930. The property has fallen into disrepair and is a burden to the current owner. Two residential homes and a well house currently exist on the property.

O'Leary referred to his development team consisting of Engineer Fazal Khan and Associates, architects, a soil engineer, arborist, and environmental firm. He outlined his qualifications and those of his partner Tim Stapleton.

The lot is zoned R-1, and the Village Master Plan designation for future use is low density single family residential. O'Leary stated that the Planning Commission and the Village planning consultants have acknowledged that this site's current zoning and future land use should be reevaluated. Conditions have changed since the Master Plan was adopted. The surrounding zoning to the west is multi-family on two-thirds of the site and R-1; property to the north is zoned R-1A; the east property is a church zoned as special use; the property is bound on the south side by 13 Mile Road.

O'Leary addressed the zoning classification and economic and physical feasibility of developing this site the way it is currently zoned, under R-2, R-3, and multi-family zoning. He outlined various development scenarios to demonstrate that they were not feasible for the physical standards of the property. One of the challenges of the site is the 246' width of the parcel.

O'Leary used the Smart Board to display pictures of the surrounding parcels. Four properties border Westwood Subdivision to the south – a church, a condominium project with high density, the 19600 property, and another church. He maintained that the proposed zoning would be the least intensive use compared to the existing uses bordering Westwood Subdivision.

O'Leary displayed photographs of comparable communities to the proposed Tremont Lane and outlined the similarities to what is being proposed. They are Chatterton Village in Canton, Enclave of Heatherwood in Farmington Hills, and Charrington Crossing in Beverly Hills.

High points of the Tremont Lane development were outlined by O'Leary. They are requesting conditional rezoning to construct a site condominium to be constructed under the Village's cluster option. Tremont Lane will be a private road. Road maintenance, repair and replacement is the sole cost and responsibility of the homeowners association. HOA rules and responsibilities will be defined in Master Deed and Bylaws to be approved by the Village.

The density allowed under a parallel plan is 27 units; this project will have 20 units. The open space requirement is 22,000 SF; the developer is providing 37,000 SF. The setbacks required along 13 Mile are 40 ft.; the Tremont project provides 45 ft. on one side and 97 ft. on the other. A 50 ft. buffer will be provided on the northern property line where none is required. A natural landscape design concept will incorporate detention areas as a water feature. There is sewer, water, gas and electric service available to this site.

O'Leary displayed a drawing of the proposed site plan, which includes all of the items discussed as part of the proposal. He highlighted the supplemental buffer area and landscape screening for Westwood neighbors. Reference was made to the landscaped boulevard on the drive, water features, and landscaped entrance from 13 Mile Road.

O'Leary commented on an aerial overview of the proposed Tremont Lane development and talked about the buffer and landscape screening for Westwood neighbors. He believed that several of the property owners' concerns have been met to minimize the effect of the development of this site. O'Leary referred to a table from the Institute of Transportation Engineer's General Threshold Recommendation for Traffic Study; it indicated recommendations

for requiring a traffic study. The proposed site plan will not generate enough traffic to require a traffic study. The proposed community will have a negligible traffic impact on 13 Mile Road.

A tree survey from Westside Forestry indicated that the trees designated to be removed are low grade scrub trees. Estimated tax revenue from the proposed use would be three times greater than if the property were developed under the current zoning. A summary of market conditions was reviewed. A realtor from Weir Manuel indicated in a correspondence that there was not a single offer on this site for nine months in 2013 that was not contingent upon a rezoning of property.

O'Leary displayed and addressed the parallel plan that will be presented as part of the Cluster Development requirements. The written presentation outlines the Village's Cluster Option in detail. O'Leary said that the proposed development has met or exceeded Cluster Option requirements.

President Mooney opened the public hearing at 8:22 p.m. to receive comments on the conditional rezoning request for 19600 W. 13 Mile Road.

Ann Baker-Zainea on Waltham, whose property abuts the proposed development, stated that the developers have not addressed all of the issues. She currently looks out at trees from her backyard; she would not have purchased her home knowing there would be a cluster condominium development behind her home. Neighbors are concerned about a lack of a barrier fence between the development and the Westwood Subdivision. They expect an increase in Groves students cutting through the area. Baker-Zainea said that the value of her property will decrease if this development occurs; it will impact all surrounding property owners significantly. She asked if there are construction limitations for this two-year project. Baker-Zainea submitted a petition signed by six abutting neighbors who object to the Tremont Lane development.

Dahlia Schwartz on Sunset Court said that the applicant's photographs showing existing 13 Mile Road properties as viewed from the Westwood neighborhood were misleading. Schwartz maintained that residents affected by this development see green trees from their property. She questioned whether the R-3 district is an appropriate zoning change for this area. Area residents attending Planning Commission meetings spoke about the lifestyle, backyards, children playing, shade, and the natural setting. None want to see this changed, but some residents are resigned to the idea that the parcel in question will be developed.

Schwartz wished that the Village had put more thought into how this parcel should be developed. She did not know whether to recommend that the Council vote yes or no at this point. If the development is approved, she urged that Council make certain that all residents continue to be included in the site plan process and that Council ensure that the character of the neighborhood is preserved. She asked that trees and green borders be maintained and that foot traffic to and from Groves High School be addressed.

Laura Schreiner, attorney representing the property owner, stated that Mr. Streten is asking that his property be allowed to progress like the surrounding neighborhood has done. If this proposal is not approved, the property owner would seek the highest and best use for his parcel. She views

this proposal as a win-win situation for the neighbors and the property owner. Schreiner asked that the Council support the proposal so that everyone can move forward.

Mark Carley on Waltham, who lives directly behind the Apostolic Christian Church, mentioned that the developer talked about things that were required versus what they were going to provide including landscape buffers, etc. Carley questioned the nature of the binding agreement for the conditional rezoning. He asked what assurances there would be that the developers have the capacity to complete the project. Mooney responded that there will be acceptable assurances.

Pete Kelly on Sunset said that to characterize the use of church property bordering this site as intense is misleading and incorrect based on his observations.

Sharon Tischler on Virmar Court understood that it was inevitable that the property at 19600 will be redeveloped. She referred to other parcels in the Village with unique characteristics that have been developed with less intense use than the proposed development. She asked Council to weigh the proposal carefully on the basis of how many units it wants to see on the property, noting that there may be room to negotiate.

Bob Walsh on Smallwood Court questioned who in the Village will be responsible, along with the City of Royal Oak building department, to review the site plan and determine whether it conforms to the Village Code. Mooney responded that the site plan will be reviewed by the Planning Commission and enforced appropriately to comply with all ordinances in the Village in the event that the request is approved.

JoAnn Khachaturian on Sunset expressed her concern with Groves students cutting through her backyard. She requested that the developer construct a barrier between the Westwood Subdivision and the cluster development.

No one else wished to be heard; the public hearing was closed at 8:46 p.m.

There were comments and questions from Council regarding minimum square footage of the proposed units, the two year time limit for completion of the development, traffic implications for 20 new units with ingress from 13 Mile Road, and the possibility of providing a barrier between Westwood and the developed parcel.

O'Leary stated that he could provide square footage minimums for the proposed units. He indicated that there is no requirement in the ordinance for a traffic study on this site. O'Leary thought it was reasonable to allow two years for completion of a development of this size. With regard to a barrier, the developers would rather not construct a barrier between Westwood and neighbors residing in the cluster development, but O'Leary was open to the idea if it was the desire of the Village.

Wilson and Attorney Ryan addressed the concept of a conditional rezoning. It is a relatively new process approved by the Legislature when the Michigan Zoning Enabling Act was amended in 2006. Some of the concerns brought up this evening may be addressed by the conditional rezoning process. This is not a traditional rezoning request where a developer asks that a site be

rezoned from the current classification to a new classification with future development based upon the guidelines of the new zoning classification. With a conditional rezoning, a property can be rezoned to an alternate classification with specific conditions offered by the applicant. These conditions are above and beyond the current guidelines of the requested zoning designation. In this case, Mr. O’Leary has proposed that his rezoning request be granted subject to nine conditions. These will be actual conditions of the rezoning and will be tied to the site plan.

One of the conditions is that the property will be developed under the Cluster Option of the Village Zoning Ordinance. This will give the Village, through the Planning Commission and Village Council, an opportunity to thoroughly review and approve a site plan for this development. If the concept for a cluster development proposal from Timothy Patrick Homes is approved by Council, there will be a site plan review and approval at which time the details of the development will be worked out. The developer must qualify for development under the Cluster Option. A final site plan must be reviewed by the Planning Commission and approved by the Village Council.

Approval of a conditional rezoning request requires the adoption of a Conditional Zoning Agreement, which Attorney Ryan has drafted for Council review. The Conditional Zoning Agreement is a contract that is signed by the developer and Village officials and recorded in the Oakland County Register of Deeds for perpetuity. The Agreement runs with the land and binds the parties, their heirs, successors and assigns. If the conditions of the rezoning agreement are not met, or if the property is not developed in the specified amount of time, the zoning of that property would revert back to the original zoning designation.

CONSIDER CONCEPTUAL APPROVAL OF CONDITIONAL REZONING REQUEST FROM TIMOTHY PATRICK DEVELOPMENT REGARDING 19600 W. 13 MILE ROAD

Motion by Abboud, second by Oen, that the Village of Beverly Hills Council approve, in concept, the conditional rezoning request of Timothy Patrick Homes LLC to rezone property at 19600 W. 13 Mile Road from R-1 to R-3 with conditions contained in the Conditional Rezoning Agreement. The concept approval is subject to approval of the final site plan and approval to develop the site under the Cluster Option of the Zoning Ordinance.

Delaney commented on concerns raised by residents this evening. There was a request that the applicant provide a barrier between Westwood Subdivision and the cluster development. There was also a question about the amount of time allowed to complete the project. Delaney did not think those concerns were sufficiently addressed. Mooney responded that the Planning Commission as well as Council will review these items during the site plan review process. Council is approving the conditional rezoning in concept at this point.

Roll Call Vote:

Abboud	- yes
Delaney	- no
Mooney	- yes
Oen	- yes

Peddie - yes
Mueller - yes

Motion passed (5 – 1).

A five minute recess was called at 9:13 pm. The meeting reconvened at 9:18 pm.

PUBLIC HEARING TO RECEIVE COMMENTS ON PROGRAM YEAR 2015 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Council is required to hold a public hearing before it considers allocating Community Development Block Grant funds. Mooney opened the public hearing at 9:19 pm for comments on the Beverly Hills application for participation in the 2015 CDBG program.

No one wished to be heard; the public hearing was closed at 9:20 pm.

REVIEW AND CONSIDER PROGRAM YEAR 2015 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Beverly Hills has participated in the federally funded Community Development Block Grant (CDBG) program for more than 25 years. The Village is currently in a three year contract (2012, 2013 and 2014) with Oakland County to participate in this program administered through Oakland County's Community & Home Improvement Division. The estimated allocation for Program Year 2015 is \$15,937. This year Council is being asked to consider allocating funds for minor home repair services for low to moderate income senior citizens, removal of architectural barriers at the Village municipal building, and public services.

Motion by Oen, second by Delaney, that the Village of Beverly Hills Council adopt the following Resolution:

Whereas, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs, and;

Whereas, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan, and

Whereas, the Village of Beverly Hills has duly advertised and conducted a public hearing on December 2, 2014 for the purpose of receiving public comments regarding the proposed use of PY 2015 Community Development Block Grant (CDBG) funds in the approximate amount of \$15,937, and

Whereas, the Village of Beverly Hills found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need.

Account	Project Name	Amount
172170-731619	Removal of Architectural Barriers	\$6,156.00
172160-731227	Minor Home Repair	5,000.00
172160-732170	Public Services – Yard Services	4,781.00

Therefore, Be It Resolved, that the Village of Beverly Hills' CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Council President is hereby authorized to execute all documents, agreements, or contracts which result from this application to Oakland County.

Roll Call Vote:
Motion passed (6 – 0).

REVIEW AND CONSIDER PURCHASE OF FIRE TURNOUT GEAR FOR THE DEPARTMENT OF PUBLIC SAFETY

Council has budgeted for replacement of aging Public Safety Department fire gear. The Department met with its Public Safety Mutual Aid partners to develop specifications for future purchases. Four bids were requested for this purchase; three vendors submitted bid packets to provide 20 plus sets of turnout gear including turnout coat, bunker pants, boots and helmets. The low bid was from Apollo Fire Equipment of Romeo, Michigan. The Department has done business with Apollo for over 20 years and has found them to be responsive to its needs.

The Beverly Hills Public Safety Department is requesting to purchase 23 sets of fire gear meeting bid specifications in the amount of \$2,394.99 per set from Apollo Fire Equipment for a total cost of \$55,084.77. Funds are available in account 205-900-980 Public Safety Equipment. Questions from Delaney were addressed by Public Safety Director Torongeau.

Motion by Delaney, second by Oen, that the Village of Beverly Hills Council authorize the Department of Public Safety to purchase 23 sets of fire gear as bid at \$2,394.99 each from Apollo Fire Equipment for a total cost of \$55,084.77 from account 205-900-980 Public Safety Equipment.

Roll Call Vote:
Motion passed (6 – 0).

SECOND ANNOUNCEMENT OF TWO VACANCIES ON THE PLANNING COMMISSION

Letters of resignation from the Planning Commission have been received from Mr. Abboud and Ms. Peddie.

Motion by Oen, second by Delaney, to accept the resignation of Rock Abboud and Lee Peddie from the Planning Commission due to their election to the Village Council.

Motion passed.

Mooney made the second announcement of two vacancies on the Planning Commission due to the election of Mr. Abboud and Ms. Peddie to the Village Council. These terms will expire on June 30, 2015 and June 30, 2016. The deadline for submitting applications for these positions is Wednesday, December 10, 2014 at 4:30 pm. A Council subcommittee with Abboud as chair, Mooney and Delaney will meet at 7:00 pm on Tuesday, December 16, 2014 prior to the regular Council meeting to review applications and to make a recommendation to Council to fill two seats on the Planning Commission.

SECOND ANNOUNCEMENT OF ONE VACANCY ON THE ZONING BOARD OF APPEALS

A letter of resignation from the Zoning Board of Appeals has been received from Jim Delaney due to his election to the Village Council.

Motion by Oen, second by Mueller, to accept the resignation of Jim Delaney from the Zoning Board of Appeals due to his election to the Village Council.

Motion passed.

The second announcement was made of a vacancy on the Zoning Board of Appeals for a term to expire on June 30, 2015. Applications for this position will be available online and at the Village office until December 10, 2014 at 4:30 pm. A Council subcommittee with Abboud as chair, Mooney and Mueller will meet on Tuesday, December 16, 2014 at 7:15 pm to review applications and make a recommendation to Council on this appointment.

FIRST ANNOUNCEMENT OF ONE VACANCY ON THE ZONING BOARD OF APPEALS

A letter of resignation from the Zoning Board of Appeals was received from Phil Mueller due to his appointment to the Village Council.

Motion by Delaney, second by Oen, to accept the resignation of Phil Mueller from the Zoning Board of Appeals due to his appointment to the Village Council.

Motion passed.

The first announcement was made of a vacancy on the Zoning Board of Appeals to fill the seat of Phil Mueller. The deadline for receiving applications is Friday, December 26, 2014 at 4:30 pm. A Council subcommittee of Abboud as chair, Oen and Peddie will meet on January 6, 2015 at 7:15 pm to review applications and make a recommendation to Council on this appointment.

REVIEW AND APPROVE HUBBELL, ROTH & CLARK INVOICES FOR PAYMENT

Motion by Oen, second by Delaney, that the Village of Beverly Hills Council approve the invoices submitted by Hubbell, Roth & Clark Inc. for professional services in the amount of \$18,906.10 for a period ending November 1, 2014.

Roll Call Vote:

Motion passed (6 – 0).

PUBLIC COMMENTS

Sharon Tischler of Virmar Court commented on the software used to prepare the list of Village expenditures for approval. Tischler referred to a bill from Lou’s Transport Inc. for leaf pickup in the amount of \$1,622.50. She suggested that this bill be taken into consideration when the Village deals with its leaf collection contractor.

Tischler suggested that the Village look at the traffic situation with respect to the proposed redevelopment of property at 19600 W. 13 Mile Road. Tischler asked for a status report on the Eryty Dam and spillway.

MANAGER’S REPORT

Wilson stated that two long serving employees of the Public Safety Department will be retiring this month. They are Lt. Eric Ottney with 32 years of service and Lt. Jon Schultz with 30 years of service with the Village. Wilson would like to add a special order of business to the agenda of the December 16 Council meeting to recognize their long-term service to the Village. There was unanimous consent of Council to honor these two individuals at its next regular meeting.

Mooney announced a special strategy meeting of the Village Council to be held on Saturday, January 10, 2015 from 9 am to 1 pm. He would like the Village department heads to attend, the Village Clerk, and the Public Safety Director. He asked Wilson to invite the chairs of the various Boards and Commissions.

COUNCIL COMMENTS

Delaney thanked Director Torongeau for providing him with information regarding the Public Safety Department. Delaney commented on the leaf collection program noting that he was not in favor of continuing the service. He questioned whether it was realistic to think that a household could have its leaves picked up for \$30 per season. Delaney applauded Manager Wilson for his involvement in trying to salvage the program for this year.

Oen remarked that he would not support the continuation of a leaf collection program.

Mooney stated that he and Councilman Mueller presented proclamations to three deserving young men at an Eagle Court of Honor held on December 1. Mooney congratulated Eagle Scouts Jason Gross, James Patrick Mocerri, and Cameron Scott for their contributions to the Village. The community should be proud of these outstanding citizens.

Motion by Oen, second by Delaney, to adjourn the meeting at 9:50 pm.

Motion passed.

John Mooney
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary