

Present: President Mooney; Members: Abboud, Delaney, Kelly, Mueller, and Oen

Absent: President Pro-Tem Peddie

Also Present: Manager, Wilson
Assistant Manager/Clerk, Marshall
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. Boy Scout Carson Toepfer from Troop #1032 led those present in reciting the Pledge of Allegiance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Oen, second by Abboud, to approve the agenda as published.

Motion passed.

COMMUNITY ANNOUNCEMENTS

State Representative Jeremy Moss gave a brief overview of the recently passed state budget. Representative Moss also provided an update on the recent legislative discussions regarding road funding.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

CONSENT AGENDA

Motion by Oen, second by Mueller, to approve the consent agenda as published.

1. Review and consider approval of minutes of a regular Council meeting held July 7, 2015.
2. Review and file bills recapped as of Monday, July 13, 2015.
3. Consider going out for bids for 2016 Village calendar project.
4. Review and consider application for SMART Fiscal Year 2016 Municipal and Community Credit Agreement.
5. Review and consider resolution appointing delegates to the Michigan Employees' Retirement System Annual Meeting.

Motion passed.

PUBLIC HEARING TO RECEIVE COMMENTS ON A REQUEST FROM TIMOTHY PATRICK HOMES FOR SITE PLAN APPROVAL AND CLUSTER OPTION DEVELOPMENT AT 19600 W 13 MILE (TREMONT LANE)

President Mooney opened the public hearing at 7:48 pm on a request from Timothy Patrick Homes for site plan approval and cluster option development at 19600 W 13 Mile (Tremont Lane).

Petitioner Patrick O'Leary provided an overview of the site plan, and described the modifications requested by the Planning Commission and Administration. The most significant change was to

the cul-de-sac, which is now “T” shaped to allow adequate space for public safety vehicle access. The revised site plan has additional plant material to create a natural green barrier to prohibit pedestrian traffic through the properties. Prohibition of pedestrian traffic is formally addressed in the Master Deed and By-Laws which would provide the enforcement basis for the future association.

Dahlia Schwartz, 31170 Sunset Ct, expressed concern about loss of green space and potential for cut-through traffic. She requested the Council incorporate the changes requested by the Planning Commission into the final site plan. She inquired whether the modification to the cul-de-sac impacted the 50 foot buffer which was referenced in the review by LSL Planning. She also addressed several concerns with the Master Deed and By-Laws. Schwartz voiced support of the changes suggested by Village Attorney Ryan to those documents. She thanked the developer for their on-going communication with area residents.

Michael Zainea, 19559 S Waltham, conveyed his desire to maintain existing conditions in the subdivision abutting the development. He noted language in the Master Deed regarding further subdivision of parcels within the development. He expressed concern about potential noise, maintaining a green buffer, and utility easements. Zainea inquired how sheds and recreational vehicles would be regulated.

Todd Schafer, 31504 Sunset Dr, noted the Master Deed listed the maximum number units of 29 which is inconsistent with the cluster development approval of 20 units. He further listed a number of concerns with the language in the Master Deed including: the absence of required language that was part of the cluster option approval, wording regarding the greenery/landscape barriers, various inconsistencies which he noted may be typographical errors, and the enforcement of cut-through pedestrian traffic.

No one else wished to be heard; therefore the public hearing was closed at 8:07 pm.

REVIEW AND CONSIDER APPROVAL OF SITE PLAN APPROVAL AND CLUSTER OPTION DEVELOPMENT AT 19600 W 13 MILE (TREMONT LANE)

Village Attorney Ryan addressed concerns raised during the public hearing. He stated a conservation easement to allow Village enforcement of the maintenance of the green space would be incorporated into the final Master Deed.

Patrick O’Leary concurred that additional language was in progress with regard to an established conservation easement.

Mueller indicated concern with approval given the number of unresolved matters. Upon question from Delaney, Wilson confirmed the Public Safety Department is satisfied with the site plan as submitted relative to the redesigned cul-de-sac. He also stated the 50 foot natural buffer has not been impacted by the “T” design. Delaney inquired whether vehicle storage would be permitted at the end of the street. He further asked for confirmation regarding modifications to 13 Mile Road. Wilson clarified vehicle storage would be enforced by Public Safety and modifications to 13 Mile were part of the engineering review of the proposed road.

Aboud empathized with the residents’ concerns of noise and loss of green space that are a part of any new development. He expressed confidence in the developer to manage those concerns.

Kelly asked about the process for enforcement of the green barrier requirement if it is not well maintained. Ryan stated the Master Deed and Village Ordinances would provide adequate enforcement authority to the Village.

Ryan anticipated the various concerns with the Master Deed and By-Laws language could be rectified by the August 4th Council meeting. O’Leary voiced concern that delaying site plan approval further would negatively impact his project timeline and reiterated that he was in agreement with the changes proposed to the Master Deed and By-Laws.

Delaney and Kelly requested further explanation from O’Leary on the project timeline. Wilson concurred that two weeks could significantly delay progress of the project. He mentioned potentially lengthening the construction timeline is also not in the best interest of surrounding residents. Site plan approval would allow infrastructure installation to be in place this year, which would speed progress in 2016. He noted the project is bound by the zoning agreement made during the conditional rezoning of the property which offers further protection to the Village.

Oen acknowledged the concerns of the petitioner regarding the construction timeline. He noted additional permits required for construction cannot be applied for without site plan approval. Oen suggested approval could be conditional to address the Village’s concerns with language in the Master Deed and By-Laws.

Motion by Kelly, second by Oen, to approve site plan and cluster development at 19600 W 13 Mile (Tremont Lane) subject to acceptance and approval of Master Deed and By-Laws by the Village Manager and Village Attorney.

Roll Call Vote:

Mueller	- yes
Oen	- yes
Abboud	- yes
Delaney	- no
Kelly	- yes
Mooney	- yes

Motion passed (5 – 1).

Sharon Tischler, 21415 Virmar Ct, asked whether the By-Laws regarding storage of boats and recreation vehicles conflicted with Village ordinances. Mooney clarified that the Village ordinance will hold precedence over any association by-laws.

REVIEW AND APPROVE METRO ACT PERMIT BETWEEN MCLEODUSA AND THE VILLAGE

Motion by Delaney, second by Kelly to table the METRO Act Permit extension application filed by McLeodUSA Telecommunications Services, LLC until the August 4, 2015 Council meeting.

Motion passed.

REVIEW AND CONSIDER RECOMMENDATION OF SUBCOMMITTEE FOR ARCHITECTURAL SERVICES FOR VILLAGE HALL

Motion by Oen, second by Abboud, that Village Council approves the proposal from Partners in Architecture to perform design of Village Hall renovations and construction administration for a sum not to exceed \$21,600.

Roll Call Vote:

Motion passed (6 – 0).

The two firm principals, Michael Malone and David Gassen, presented an overview of their firm's experience with municipal work and briefly described their proposal which includes the renovation to the lobby entrance and front counter, ADA accessibility upgrades, and an overall assessment of the facility for any further deficiencies. The firm will provide a written report with recommendations.

Delaney requested an approximate timeline of the assessment and description of deliverables. Gassen explained the onsite assessment will take 1-2 weeks after which they will present the graphic and written report. Upon discussion of the report recommendations with the Village, they will present conceptual plans of the agreed upon renovations. Once there is consensus on the entire scope of the plan, Partners in Architecture will present their recommendations with a timeline and budget for the project.

Oen detailed the rationale of the subcommittee's selection of this firm based upon their proposal, examples of prior work, and their references. Mooney stated improving the efficiency for residents using the building is a main goal of the renovations. Abboud expressed confidence in the firm.

REVIEW AND CONSIDER MERS DEFINED CONTRIBUTION PLAN ADOPTION AGREEMENT

Motion by Oen, second by Mueller, that the Village Council approve and authorize the Village Manager to execute the MERS Defined Contribution Plan Adoption Agreement placing all non-union full time employees hired after July 1, 2015 into the Village's MERS Defined Contribution Plan in lieu of their eligibility for the Village's defined benefit pension plan.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER MERS HEALTH CARE SAVINGS PROGRAM PARTICIPATION AGREEMENT

Motion by Oen, second by Delaney, that the Village Council approve and authorize the Village Manager to execute the MERS Health Care Savings Program Participation Agreement effective for all non-union employees hired after July 1, 2015.

Roll Call Vote:

Delaney - yes
Kelly - no
Mooney - yes
Mueller - yes
Oen - yes
Abboud - yes

Motion passed (5 – 1).

REVIEW AND APPROVE HUBBELL, ROTH & CLARK INVOICES FOR PAYMENT

Motion by Oen, second by Abboud, to allow Council member Kelly to abstain from voting on the invoices received from Hubbell, Roth & Clark based on the financial relationship of her employer with the vendor.

Motion passed.

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 \$19,083.75 for the period ending June 4, 2015.

Roll Call Vote:

Motion passed (5 yes – 0 no – 1 abstention).

PUBLIC COMMENTS

None.

MANAGER’S REPORT

Erity Dam Update – Wilson stated the Village received the emergency permit from the DEQ and the draw down process began the morning of July 21st utilizing the contractor recommended by the DEQ. He stated the flow over the damaged spillway has almost ceased which has allowed access to begin the necessary analysis of potential damage to Evergreen Road. He acknowledged relocation of stranded fish will take place as part of the DEQ permit requirements. The permit allows the Village 90 days to complete repairs and restore the impoundment.

Lahser Road Repairs – Wilson relayed updates from the Road Commission for Oakland County’s project on Lahser Road. The stretch from 14 Mile north to Maple will be reopened on July 24th and the stretch of road from 13 Mile north to 14 Mile will be closed immediately thereafter. Local traffic will continue to have access, and the Village has coordinated with the trash hauler to maintain regular pick up. The Road Commission has projected reopening the road by Labor Day.

DTE Trimming – Wilson explained DTE has notified the Village of a trimming program for high voltage lines along major corridors that will take place over July and August. They will be in contact with neighboring homeowners where there are residential properties abutting work. Wilson noted this is not the neighborhood clearance program which recently caused concern in Bloomfield Hills and Bloomfield Township.

Mooney commended Wilson on his efforts to maintain ongoing communication regarding the Ery Dam and pond with Council and residents. He encouraged Council members to visit the west spillway to see the site firsthand. Mooney remarked on the cost for repairs due to the damaged spillway. He also acknowledged the efforts of Assistant Manager Marshall and the Village staff.

COUNCIL COMMENTS

Kelly declared her intention to resign her position on the Council effective the end of July due to increased personal and professional obligations. She expressed great appreciation for her experience as a Council member. She thanked the residents of the Village for their hard work and dedication to the community. Kelly conveyed regret at resigning before her term ended.

Mueller congratulated the newly elected Chairperson and Vice-Chairperson of the Parks & Recreation Board, Janice Hausman and Jennifer Ruprich. He also thanked William Kondak for his service as Chairperson. He acknowledged President Mooney's efforts, along with the Park Rangers and volunteers, to move the large mulch pile at Beverly Park. He expressed regret of Kelly's resignation.

Abboud voiced surprise at Kelly's resignation and wished her well. He praised Kelly's service on the Council. He updated Council on a Zoning Board of Appeals case heard in July and thanked members for their service. He invited Council members to attend the July 22nd Planning Commission meeting to provide input on a presentation by Bob Gibbs to recommend marketing for the Southfield Road Corridor. Abboud announced he plans to attend the Michigan Municipal League meeting. He also thanked Wilson for his communication and response to the issues with the Ery Dam.

Delaney stated appreciation for Kelly's service to the Village. He also thanked Wilson for the ongoing communication regarding the Ery Dam.

Oen reiterated gratitude to Kelly for her service on Council. He welcomed her return to Council in the future.

Mooney announced the Beverly Hills Little League (BHLL) won the game against Birmingham to advance to the state sweet sixteen championship for the first time. He encouraged everyone to visit the League's website www.beverlyhillslittleleague.org to see game times and locations and attend. Mooney congratulated Lloyd Diehl, BHLL President, Paul and Todd Turner, BHLL Coaches, and the entire team on their achievement.

Mooney congratulated Cynthia Arvant on her appointment as 46th District Judge serving the Village of Beverly Hills and her additional service in the community.

Mooney expressed regret to learn William Hassberger, former Council Member and former County Commissioner, passed away at 99 years old.

Mooney honored Kelly for her service on Council. He noted her presence will be missed and encouraged her to return to Council when the opportunity allows. Kelly received a standing ovation.

Motion by Oen, second by Delaney, to adjourn the meeting at 9:27 pm.

Motion passed.

John Mooney
Council President

Ellen Marshall
Village Clerk

Erin Wilks
Recording Secretary