

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

Absent: None

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.

#### **AMENDMENTS TO AGENDA/APPROVE AGENDA**

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

Motion passed.

#### **COMMUNITY ANNOUNCEMENTS**

Oakland County Commissioner William Dwyer stated that he provides a monthly report on County activity to the Council. Commissioner Marcia Gershenson and Commissioner Dwyer have been working for two years on controlling gun violence. In June 2016, they will distribute 4,000 gun locks to all law enforcement departments in Oakland County. A second part of the initiative will be working with retailers to provide discounts on gun vaults.

Mooney thanked him for all of his hard work and support at the County level.

#### **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 special Council meeting held April 26, 2016.
2. Review and consider approval of minutes of a regular Council meeting held May 3, 2016.
3. Review and file bills recapped as of Monday, May 16, 2016.

Motion passed.

#### **BUSINESS AGENDA**

##### **SECOND ANNOUNCEMENT OF VACANCY ON THE PARKS & RECREATION BOARD**

The second announcement was made for the Parks & Recreation Board vacancy, this term has an expiration date of June 30, 2017. The deadline for receiving applications for this position will be Wednesday, June 1, 2016.

**FIRST ANNOUNCEMENT OF VARIOUS BOARD/COMMISSION VACANCIES**

The following is a list of board members whose terms expire on June 30, 2016. All of the members have been notified of their term expiration and those listed below wish to be considered for reappointment. It was noted that Council agreed in November of 2008 to make these vacancies open to the public as well as the currently seated member.

**Cable Board**

Vacancy (Greg Burry)  
Vacancy (Pat Schneider)

**Planning Commission**

Vacancy (Dennis Chegash)  
Robert Stempien  
Pat Westerlund

**Parks & Recreation**

Irene Davis

**Zoning Board**

William Donnelly  
Reanen Maxwell  
Vacancy (Eric Rass)

All terms are for three years. This constitutes the first announcement of the vacancies with appointments scheduled to take place at the June 21, 2016 Council meeting. Deadline for applications is Friday, June 10, 2016.

**DISCUSSION REGARDING FRONT YARD SETBACKS**

Peddie stated that front yard setbacks are predominantly an issue on the west side of the Village. The Planning Commission should consider reviewing this ordinance, as there have been a number of variances requested, and it is important to maintain the neighborhood and its character while still making room for development and rebuilds.

Oen agreed with Peddie, but would like to express caution that the character of the neighborhood be maintained. He would like to see the Planning Commission conduct research and present their findings to Council.

Delaney asked if this is in regard to the entire Village, or one specific area. Peddie explained that it is mostly the west side, and particularly the areas with larger lots.

Borgon asked if there is one universal ordinance for setbacks, and what area seems the most affected by this ordinance. Ryan explained that it is the RA area which has large lots. There is a front setback requirement to take the average of the lots within 200 feet. There is one ordinance but each district has separate setback requirements.

Mueller explained that the issues that have come up is that the setbacks are dictated by the average. When a build creates a variance of 10 or 20 feet, it skews the average for other homes. The concern is that if a home is built with a variance, an older home could find itself viewing the back of a new build home.

Abboud stated that he brings up larger lot variances and setbacks at all Zoning Board and Planning Commission meetings. It is important to meet the needs of the residents as well as new

buyers. The Council must be diligent in their findings and ensure that ordinances protect the vision of the Village.

Resident Bill Wegert thought if there was a setback issue for a builder or homeowner they would approach the Planning Commission with their concerns. In his opinion, numerous times the Village, and LSL approved plans where the setbacks were not monitored. There is a property in his neighborhood that is well beyond the setback, and yet got approved. He felt that since Dave Byrwa left his position with the Village, nothing has been done correctly. He questioned why this is being brought up and by whom. He expressed concern that the Village is looking to gratify contactors by changing things. The properties in his neighborhood are good sized, if people want to build they could expand back instead of forward.

Mooney explained that regardless of opinions about this ordinance, the Zoning Board of Appeals is seeing many requests for variances. This discussion is to consider asking the Planning Commission to review the ordinance. He reminded them that the Zoning Board operates independent of the Planning Commission and the Village Council.

Bob Walsh, Smallwood Court, stated that he has seen very few changes in his neighborhood. In April 2013, an applicant came in looking to tear down a house and rebuild. The applicant was given unlimited approval. The neighbor expressed concern regarding the garage and drainage issues. Construction was stopped and the applicant was sent back to the Zoning Board for approval on the project after it was started. Walsh reviewed ordinance 22.24(a), and stated that this ordinance should be enforced when the site plan is submitted before building begins.

Motion by Peddie, second by Abboud, to send a review of the front yard setback ordinance as it applies to Section RA to the Planning Commission for review.

Motion passed.

### **PUBLIC COMMENTS**

Wegert expressed concern that Bellvine Trail is being repaved from 14 Mile to Corsaut Lane despite being in good condition. He would like to see them not repave Bellvine Trail from 14 Mile to Smallwood and instead repave Eastlady from 14 Mile to Smallwood.

### **MANAGER'S REPORT**

Wilson attended a meeting for Saxon Rd. Special Assessment District at the Birmingham City Hall on Monday, May 16, 2016 and discussed a potential Special Assessment District along Saxon. There would be two separate districts for Village and Birmingham residents. The scope of the project appears larger than the residents were willing to accommodate.

Village Administration met with the contractor and the architect May 13, 2016 to discuss the upcoming renovations to the Village Hall. Village Staff has begun some preliminary work on packing, cleaning and discarding items that will no longer be needed. The Village office will be closed Thursday, May 26, 2016 for office relocation.

As a part of requirements under the SAW Grant, the Village will be required to produce a water and sewer rate study by the end of the year. He will be meeting with Plante Moran to discuss the requirements of the study and receive a proposal.

The Village has been receiving applications for door-to-door soliciting. Village Administration has worked well with the Public Safety Department in developing a background check process for all applicants. Applications have been received from people who have out-of-state identifications. The concern is that the ability to do criminal background checks on out of state residents is often more limited than it is for Michigan residents. If Council is agreeable, the Village Attorney will be asked to investigate making possession of a Michigan Driver's License or State Identification a requirement for obtaining a solicitation license in the Village.

Delaney inquired if there were any measures the Village could take to enforce maintenance and beautification of the lots and areas on Southfield Road. Wilson stated that the properties are privately owned and the Village cannot do much until it is deemed as blight. Improvements and modifications to some of the plantings and landscape along that area are being discussed with business owners.

Borgon expressed support of the solicitor's license checking. Ryan stated that he would speak to Chief Torongeau regarding the identification requirements.

### **COUNCIL COMMENTS**

Borgon stated that after reviewing options for Council meetings during Village office construction, the best location for the meetings would be Southfield Township Hall located at 18550 W Thirteen Mile Road.

Motion by Borgon, second by Peddie, to move the Council meetings during the duration of construction to Southfield Township Hall located at 18550 W Thirteen Mile Road.

Motion passed.

Mueller thanked the volunteers who came Saturday, May 14, 2016 to the Park Clean Up Day. There is a Parks & Recreation Board meeting Thursday, May 19, 2016.

Abboud reported he will be attending the Regional Transit Authority meeting on May 31, 2016. He also invited Council and residents to attend the Memorial Day Parade and Carnival on May 30, 2016.

Delaney thanked Chief Torongeau and the Public Safety department for their admirable response to some significant events in the Village.

Oen thanked Public Safety Officers for the tremendous job they do. New graduates have recently joined the department and will be an asset to the Village. He stated he looks forward to the Parade and Carnival.

Mooney recognized the Public Safety team who has gone above and beyond in their call of duty. He encouraged residents to attend the Memorial Day Parade and Carnival. He thanked Abboud, Mueller, volunteers, The Lions Club for all their work on Park Clean Up Day. He recognized the Academic All-Starts, as featured in the Observer and Eccentric, who are residents of Beverly Hills; John Dolan, Alexandra Mertz, and Claire Westerlund.

Motion by Oen, second by Abboud, to adjourn the meeting at 8:37 pm.

Motion passed.

**John Mooney**  
**Council President**

**Ellen Marshall**  
**Village Clerk**

**Elizabeth Lyons**  
**Recording Secretary**