

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

Absent: Nunez

Also Present: Village 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. Those present recited the Pledge of Allegiance.

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

Motion by Delaney, second by Oen, to amend the consent agenda by removing item C4. Receive tentative budget and set public hearing date for May 2, 2017 to the business agenda as item B6.

Motion passed.

Motion by Oen, second by Peddie, to approve the amended agenda.

Motion passed.

#### **COMMUNITY ANNOUNCEMENTS**

State Representative Jeremy Moss updated the Council on several items. The state legislature worked together and defeated House Bill No. 4001 which would have repealed the state income tax. Legislators were concerned about the lack of replacement funds to cover the lost funds if income tax was no longer collected. The House of Representatives approved ten bills that would expand the Michigan Freedom of Information Act to include the Governor's Office and State Legislature. All of those bills are currently before the Michigan Senate for consideration.

Rep. Moss will be holding a coffee hour on Monday, April 17 at 5:30 p.m. in the Southfield Library. His contact information is (844) 347-8035, email: [jeremymoss@house.mi.gov](mailto:jeremymoss@house.mi.gov) or his website is <http://moss.housedems.com>.

#### **PUBLIC COMMENTS**

Leslie Sheets, Buckingham, commented that the recent rains have caused a flooding problem in her backyard. She has experienced flooding in the past, but this year seems to be worse. She is seeking assistance from the Village. She was informed that the Village Manager will contact her next week.

Alda Marie McCook, Riverside, was watching the meeting on television at home, but came to the Village Office to report that she could not hear the audio of the meeting.

**CONSENT AGENDA**

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

1. Review and consider approval of minutes of a regular Council meeting held March 21, 2017.
2. Review and file bills recapped as of April 3, 2017.
3. Set public hearing date of May 2, 2017 to review and confirm 2016 Assessment Rolls for dust and other miscellaneous assessments.
4. Review and consider authorizing administration to seek bids for auditing services.
5. Review and consider awarding contract for 2017, 2018 and 2019 street sweeping services to G & M Enterprises.
6. Review and consider request from the Berkshire Middle School Dad's Club to use village streets and sidewalks for a 5K Walk/Run on Saturday, May 6, 2017.
7. Review and consider request from the Beverly Hills Lions Club for use of Village streets on Monday, May 29, 2017 for the 35<sup>th</sup> Annual Fun Run/Walk.

Motion passed.

**BUSINESS AGENDA**

**PUBLIC HEARING TO RECEIVE COMMENTS ON A PROPOSED ORDINANCE AMENDING CHAPTER 17 OF THE MUNICIPAL CODE TREES**

President Mooney opened the public hearing at 7:56 p.m.

Rosemary Bayer, Dunblaine, is opposed to the section of the proposed ordinance requiring residents to obtain a permit to remove a landmark tree.

It was explained that the ordinance was being established proactively, and was designed to protect Village owned easements, as well as provide protection against developers clearing large areas with no recourse.

Mooney closed the public hearing at 8:01 p.m.

**FIRST READING OF AN ORDINANCE AMENDING CHAPTER 17 OF THE MUNICIPAL CODE TREES**

Attorney Ryan summarized the existing sections of Chapter 17 Trees – Article I and then reviewed proposed sections of Article II regarding trees on private property. Those sections include General Provisions, Definitions, Permit Requirements, Landmark Trees, Protective Barriers, Relocation or Replacement of Trees, Enforcement and Violations, Penalties and Civil Fines, Action for Violations: Time Limit, Construction Non-Applicability, Appeals, Fees, and Performance Guarantee.

The proposed language would require a permitting process for non-residential and new residential development. Existing single family lots would be exempt from the permitting requirements except when proposing to remove a landmark tree, as defined by ordinance. The intent of this additional language is to regulate tree removal on properties when new developments are proposed.

The proposed ordinance would also require Planning Commission approval of major removal permits, which is removal associated with site plans, subdivision, condominiums, and lot splits.

Administration would approve any minor removal permits, which are all other tree removal permits. Exempt from permit requirements are single family lots (unless the tree to be removed is a landmark tree), any tree under 6” diameter breast height (DBH), emergency removal by a public utility or the Village, and removal of prohibited trees. Permits for tree planting or removal activity in the Village right-of-way will continue to be handled administratively as described in Article I.

The proposed ordinance would require replacement tree(s) as outlined in section 17.15. The Planning Commission proposed the option to allow contributions to an environmental trust fund in lieu of tree replacement. The Council would need to establish this fund, the balance of which could be used for tree planting activity in public areas.

Oen suggested that Cottonwood trees be added to the non-permitted list. Mueller will not support an ordinance wherein the Village determines what trees can or cannot be removed on private property. Peddie, Oen and Delaney also agreed with Mueller. Delaney would like to have additional discussion regarding the other aspects as they relate to non-residential and new residential development.

Abboud will communicate Council’s discussion with the Planning Commission at their next meeting.

**PUBLIC HEARING TO RECEIVE COMMENTS ON A PROPOSED ORDINANCE AMENDING CHAPTER 22 OF THE MUNICIPAL CODE SECTION 22.08.290 SITE PLAN REVIEW**

The public hearing was opened at 8:25 p.m. No one wished to be heard, therefore the public hearing was closed at 8:26 p.m.

**FIRST READING OF AN ORDINANCE AMENDING CHAPTER 22 OF THE MUNICIPAL CODE SECTION 22.08.290 SITE PLAN REVIEW**

Council agreed to postpone the first reading until the previous proposed ordinance regarding Chapter 17 is settled.

**SET DATE FOR FY 2017-18 BUDGET STUDY SESSION**

Motion by Oen, second by Mueller, that Council schedule a budget study session for Monday, April 17, 2017 at 6:00 p.m.

Motion passed.

**RECEIVE TENTATIVE BUDGET AND SET PUBLIC HEARING DATE FOR MAY 2, 2017**

Council is in receipt of the tentative FY 2017-18 budget.

Motion by Oen, second by Peddie that the Council set a public hearing date of May 2, 2017 to receive comments.

Motion passed.

**PUBLIC COMMENTS**

None

**MANAGER’S REPORT**

Marshall reported that construction for the private road at 31805 Evergreen began yesterday. As part of this project there will be new water and sewer mains constructed that will need to be connected to the existing infrastructure along Evergreen Rd. The depth of the existing infrastructure and its proximity to Evergreen Road will necessitate the closing of Evergreen at Beverly temporarily while the area is under excavation. The contractor hopes to complete the work by the end of this week.

Delaney inquired about when Certificates of Insurance are required for Beverly Park usage.

Curbside yard waste began on Monday, April 3, 2017. Free compost is now available in the Village Hall parking lot.

Village Offices will be closed on Friday, April 14, 2017, in observance of Good Friday.

**COUNCIL COMMENTS**

Mueller thanked Matt Goodrich for putting the following volunteers together to remove dead fall and logs from in and around the pond at Beverly Park on March 26, 2017: Brian Reemer, David Vasquez, Bob Ruprich, Tom Leeper, Phil Lim, Pat Westerlund, Scott Griggs, Cal Ruprich, Jen Ruprich, Joe Roy, Bill Hess, Jeff Kahn, and Ellen Marshall.

Abboud reported that the Zoning Board of Appeals has a full agenda for their April meeting. He attended the SEMCOG General Assembly meeting, where the 2017-18 Annual Operating Budget was approved. They will be hosting a Transportation Summit on April, 25, 2017. He was in attendance at the Michigan Municipal League Capital Conference in Lansing where he was part of the breakout session regarding the complete streets program; a program which helps to consider street design to meet all needs including vehicle, bike, or walking. He also shared that Connected Autonomous Vehicles are an issue on the horizon. He congratulated his daughter on being invited to join Kappa Delta Phi; the International Honors Society for Education.

Oen reminded residents to use email to stay connected to the Village.

Motion by Oen, second by Mueller, to adjourn the meeting at 8:50 pm.

Motion passed.

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

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

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