

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

Absent: Abboud

Also Present: Village 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. Those present recited the Pledge of Allegiance led by Eagle Scouts Charles Ringey and David Kent.

AMENDMENTS TO AGENDA/APPROVE AGENDA

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

Motion passed.

SPECIAL ORDER OF BUSINESS

RECOGNIZE EAGLE SCOUTS CHARLES RINGEY AND DAVID KENT

Mooney explained that only 4% of Boy Scouts achieve the status of Eagle Scout. He is honored to present two members of Beverly Hills Troop 1024 with recognition for achieving this rank.

David Kent built a “Safe Place” bench at Beverly Elementary. This bench is a designated safe space for children to eliminate loneliness and foster friendship on the playground. Both he and his brother volunteer regularly at Beverly Park for clean-up events and activities. Mooney presented him with a proclamation for Outstanding Citizenship.

Charles Ringey built two regulation sized horseshoe pits at Beverly Park. He has helped with many park clean up events. Mooney presented him with a proclamation for Outstanding Citizenship.

COMMUNITY ANNOUNCEMENTS

Troop 1024 Scout Master Steve Kent, Locherbie, expressed his pride in the honored Eagle Scouts. He has had the honor of guiding both young men through scouting since they were young, and is thrilled to announce that both Kent and Ringey will continue on as Assistant Leaders and mentors to younger scouts.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

None.

CONSENT AGENDA

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

1. Review and consider approval of minutes of a regular Council meeting held June 6, 2017.
2. Review and file bills recapped as of Monday, June 12, 2017.

3. Review and consider application for SMART Fiscal Year 2018 Municipal and Community Credit Agreement.
4. Review and consider administration's request to seek bids to repair the Erity Dam.

Roll Call Vote:

Motion passed (6-0)

BUSINESS AGENDA

APPOINT VARIOUS MEMBERS TO BOARDS/COMMISSION

Council subcommittees met starting at 6:30 pm this evening to review applications for Village Boards and Commission. A number of Board members' terms will expire on June 30, 2017. It is Council's policy to make these vacancies open to the public as well as the currently seated members. All terms appointed in this session expire June 30, 2020.

At 6:30 pm the Planning Commission subcommittee chaired by Peddie met to consider filling three vacancies on the Planning Commission. The subcommittee recommended the reappointment of Vincent Borowski and Antonia Grinnan and David Jensen to the Commission. There were five new applicants

Motion by Oen, second by Delaney, to reappoint Vincent Borowski to the Planning Commission with term to expire on June 30, 2020.

Motion passed.

Motion by Mueller, second by Delaney, to reappoint Antonia Grinnan to the Planning Commission with term to expire on June 30, 2020.

Motion passed.

Motion by Nunez, second by Peddie, to reappoint David Jensen to the Planning Commission with term to expire on June 30, 2020.

Roll Call Vote:

Motion failed (3-3)

Mooney Yay

Mueller Nay

Nunez Yay

Oen Nay

Peddie Yay

Delaney Nay

Motion by Peddie, second by Mueller, to appoint Charles Copeland to the Planning Commission with term to expire on June 30, 2020.

Roll Call Vote:

Motion passed (6-0).

The Zoning Board subcommittee chaired by Peddie met at 6:45 pm to consider filling three full member vacancies on the Zoning Board. David Eifrid is not seeking reappointment. The subcommittee recommended the reappointment of Charles Raeder and Michele Tillman to fill two vacancies and appoint Jan Gatowski, currently an alternate member, to fill the other. There were four new applicants.

Motion by Peddie, second by Oen, to reappoint Charles Raeder and Michele Tillman and appoint Jan Gatowski as a full member to the Zoning Board of Appeals with terms to expire on June 30, 2020.

Motion passed.

Motion by Peddie, second by Oen, to reappoint Charles Raeder to the Zoning Board of Appeals with term to expire on June 30, 2020.

Motion passed.

Motion by Mueller, second by Oen, to reappoint Michele Tillman to the Zoning Board of Appeals with term to expire on June 30, 2020.

Motion passed.

Motion by Oen, second by Delaney, to appoint Jan Gatowski as a full member to the Zoning Board of Appeals with term to expire on June 30, 2020.

Motion passed.

Motion by Oen, second by Peddie, to waive the announcement of the alternative member chair vacancy on the Zoning Board of Appeals and fill it immediately.

Motion passed.

Motion by Peddie, second by Nunez, to appoint David Crawford as alternative member to the Zoning Board of Appeals with term to expire on June 30, 2018.

Motion passed.

A subcommittee chaired by Delaney met at 7:00 pm to review applications to fill two vacancies on the Birmingham Area Cable Board. The subcommittee recommended the reappointment of Frank Maly and the appointment of Rosemary Bayer to fill two vacancies with terms expiring June 30, 2020. There were two new applicants.

Motion by Oen, second by Delaney, to reappoint Frank Maly to the Birmingham Area Cable Board with term expiring June 30, 2020.

Motion passed.

Motion by Oen, second by Peddie, to appoint Rosemary Bayer to the Birmingham Area Cable Board with term expiring June 30, 2020.

Motion passed.

The Parks & Recreation Board subcommittee chaired by Mueller met at 7:15 pm to review applications for three vacancies on the Parks & Recreation Board. The subcommittee recommended the reappointment of Molly Borgon, Matt Goodrich and Phillip Schmitt. There were seven new applicants.

Motion by Mueller, second by Oen, to reappoint Molly Borgon to the Parks & Recreation Board with terms to expire on June 30, 2020.

Motion passed.

Motion by Mueller, second by Oen, to reappoint Matt Goodrich to the Parks & Recreation Board with terms to expire on June 30, 2020.

Motion passed.

Motion by Mueller, second by Oen, to reappoint Phillip Schmitt to the Parks & Recreation Board with terms to expire on June 30, 2020.

Motion passed.

Mooney thanked all the applicants and expressed pleasure in seeing so many applicants. He congratulated the newly appointed members thanked all the returning members for their continued hard work and dedication.

DISCUSS TREE ORDINANCE

George Ostrowski, Chairperson of the Planning Commission, presented a request for reconsideration of the proposed amendment to Chapter 17 Trees, Article II – Trees on Private Property. He is a licensed Landscape Architect in the State of Michigan and has dealt with similar ordinances in communities throughout southeastern Michigan. The ordinance crafted by the Planning Commission is one appropriate for the Village, and one that reflects the unique characteristics of Beverly Hills. The Tree Preservation Ordinance has been a discussion point for at least the last three, annually held, Joint Council/Planning Commission meetings. Further, the recently adopted Village Master Plan, identifies as a goal to "*engage in a pro-active approach to protect the quality of and promoting access to the Village's natural resources*". The need for this amendment is identified as an Action item (page 40), and as an Ordinance Action item (page 44), with Short Term Priority (1-2 year task) specifically, to "*adopt a woodland ordinance to a) preserve landmark tree, b) require new developments to replace or preserve trees, and/or c) establish a permitting process for tree removal*". It is the belief of the Planning Commission that the Ordinance, as proposed, proactively and completely satisfies this task. The Planning Commission has discussed at length Council's review and subsequent tabling of the ordinance. The Commission noted that the Village is predominately single family residential and absent some protections, there is risk to losing the existing trees and character of the Village. There is

concern that a developer could utilize the lack of regulations to circumvent requirements for new developments. Existing single family property owners would only need a permit for removal of a healthy landmark tree. Small trees, undesirable species, and diseased or dead trees would be exempt from permitting requirements.

Patrick Westerlund, Vice-Chairperson of the Planning Commission, and Commission member Antonia Grinnan, expressed the intended goal of the Tree Ordinance is long term protection for the character of the Village.

Mueller and Nunez expressed concern that during the permitting or appeals process for landmark tree removal the request could be denied. Delaney had initial concerns regarding private property rights, however he sees where concern is warranted if a property owner clear cuts their property and then sells to a developer circumventing the process. Oen initially found the ordinance restrictive, but after discussion sees how it would be advantageous to the Village overall. Peddie would also like to see protection from tree clearing, while not creating restrictive a process for homeowners.

Ostrowski reiterated that the tree ordinance would be a proactive approach to protecting single family residential lots, and create an environmental trust fund for future plantings. Currently the Village has no regulation regarding tree replacement when reviewing a site plan.

Rosemary Bayer, Dunblaine, would like to see the Commission address trees being taken down on properties that are being rebuilt. There are many old trees in the Village that are going to have to be removed due to age or health, and she would not want to see those trees left standing or become a liability due to ordinance restrictions.

Charles Copeland, Bellvine Trail, has dozens of landmark trees on his property, and believes it is his right to attend to those trees as he sees fit. He does agree that there should be an ordinance to protect against over development.

Ostrowski reiterated that the ordinance only relates to healthy landmark trees. Diseased, fallen, dying or damaged trees are exempt. Trees located in the right away are Village owned.

Mooney stated he is in favor of a tree ordinance, and supports the Commission being proactive, he just would like to see the need for the ordinance. Ostrowski and Westerlund pointed out several instances and locations where trees have been cleared, and the Village has no record of what trees were removed or how many.

Ostrowski agreed the Commission will take the Council recommendations into consideration and review the Ordinance for resubmission.

REVIEW AND CONSIDER 2016/17 FISCAL YEAR BUDGET AMENDMENTS

Wilson provided proposed FY 2016-17 Village of Beverly Hills Budget Amendments. These amendments align actual expenditures to budgeted expenditures in the General, Major and Local Road, Public Safety, Capital and Water and Sewer Fund. These proposed FY 2016-17 budget amendments have been reviewed by Village Administration and are recommended for approval. Manager Wilson provided the rationale for various budget amendments.

Motion by Oen, second by Peddie, be it resolved that the Village of Beverly Hills Council authorizes Village Administration to transfer or adjust monies reserved in the General, Major Roads, Local Roads, Public Safety, Capital and Water & Sewer Operating Funds as reflected in the June 15, 2017 memorandum from Manager Chris Wilson, which will be made available online and at the Village Office.

Roll Call Vote:
Motion passed (6-0)

PUBLIC COMMENTS

None.

MANAGER'S REPORT

Evergreen Road Construction – The Village has been able to negotiate with the City of Southfield and Dan's Excavating for a modification to the construction plan for the northern portion of the intersection at Evergreen and 13 Mile. The original plan called for the entire intersection to be reconstructed in one phase, similar to the process that was used on the southern half of the intersection. This would necessitate a complete closure of the intersection during the construction process and significant detours for southbound Evergreen traffic. The plan has been modified to do part-width construction. This will allow for southbound Evergreen traffic to be maintained throughout the construction process. In addition, residents in subdivisions along Evergreen will continue to be able to access northbound Evergreen. Access to northbound Evergreen from eastbound and westbound traffic on 13 Mile will not be possible for the duration of the project. This arrangement will eliminate the need to detour any traffic off of Evergreen and should significantly reduce cut-through traffic on local streets while maintaining much better access for the subdivisions along Evergreen. This modification will extend the duration of the project from a projected 4 weeks to 7 weeks. There will also be some additional costs to the Village for the extended project time. Construction will commence the week of June 19th. The intersection should be reopened to traffic by mid-August.

July 4th Schedule - Village Offices will be closed Tuesday, July 4th. The first regular Council meeting in July will be held on Wednesday, July 5th. Trash collection will occur as scheduled on Monday, July 3rd. Trash collection for Tuesday, July 4th will occur on Wednesday, July 5th.

Recycling Carts – The Village has a sample of the new recycling cart that will be distributed to all homes in the Village this September. Residents may check out the sample cart in the lobby of Village Hall. These new carts will allow for mixed recycling.

Eriy Dam - All plans for the rehabilitation of Eriy Dam have been submitted to the DEQ. Bids will be received and reviewed in early July with a recommendation to Council at the meeting of July 18th. Construction is set for August to be completed by Labor Day.

Union Contract Negotiations – Village Administration has been conducting productive negotiations with both the Public Safety Officers (PSO) union and the Command Union. Administration has been able to reach tentative agreements with both Unions, subject to review and approval by Council. The PSO contract expires June 30th of this year with the Command Union expiring on December 31st. I anticipate bringing long term contract proposals (5 years+) for Council's review and consideration as early as the meeting of July 5th.

COUNCIL COMMENTS

Mueller announced the slab for the ping pong table in Beverly Park has been poured, and the table will be installed by mid-July.

Mooney thanked David Jensen, MaryAnn Verdi-Hus, and David Eifrid for their service to the Village. He set the agenda for the Council Study Session scheduled for Tuesday, June 27, 2017 at 5:30 pm. The planned agenda includes; the purchase of a new fire truck, code enforcement, the water main project, term limits for Boards and Commissions, and changes to the sign ordinance.

Motion by Oen, second by Delaney, to adjourn the meeting at 9:20 pm.

Motion passed.

John Mooney
Council President

Ellen E. Marshall
Village Clerk

Elizabeth M. Lyons
Recording Secretary