

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

Absent: President Pro-Tem Peddie

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

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. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Delaney, second by Oen, to amend the agenda by removing item 1 from the Consent Agenda “Review and consider approval of minutes of a regular Council meeting held November 21, 2017” to the Business Agenda as item 5.

Motion passed.

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

Motion passed.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

None.

CONSENT AGENDA

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

1. Review and file bills recapped as of Monday, November 27, 2017.
2. Set public hearing date of January 2, 2018 to receive comments on a proposed ordinance amending Chapter 22 Section 22.24 Area, Height, Bulk, and Placement Regulations.

Motion passed.

BUSINESS AGENDA

PUBLIC HEARING TO RECEIVE COMMENTS ON A PROPOSED ORDINANCE AMENDING CHAPTER 22 SECTION 22.08.150 FENCE, WALL & PRIVACY SCREEN REGULATIONS OF THE MUNICIPAL CODE

Village Attorney Ryan summarized the proposed changes to Chapter 22 Section 22.08.150 including allowing solid 6-foot fences in Zones R-2A, R-2B, and R-3, adding 6-foot solid fences

for side yards in Zones R-2A, R-2B and R-3, and removing R-2B from zoning areas under the 4-foot open fence and privacy screen jurisdictions.

President Mooney opened the public hearing at 7:38 p.m.

The following residents spoke in opposition of the proposed ordinance:

Paula Roddy, East Rutland
Dominic Nepa, Devonshire
Andrew Drummond, Warwick
Ryan Quinn, Devonshire
Alan Ochalek, Birwood
Scott Borovich, Warwick
Sue Ochalek, Birwood
Matthew Goodrich, Hillcrest
Robert Ruprich, Devonshire
Antonia Grinnan, Riverbank
Victor Benavente, Riverside
Ben Wilensky, Verona Circle
Dave Vazquez, Devonshire
John George, Warwick

Ryan Quinn read correspondence from Brian Reemer, Devonshire, expressing his opposition to the proposed ordinance and President Mooney summarized letters from Patrick & Kathy Westerlund, Devonshire, and Catherine Wilensky, Verona Circle who are also opposed to the proposed ordinance.

Comments in opposition included concern with neighbors installing different types of fencing affecting the aesthetics of the community, gaps between old and new fences, lot lines not lining up, tall fences damaging the openness and changing the feel of the village. Many felt that openness deters crime and encourages interaction between neighbors. Others felt that privacy can be attained through other measures and not solid six-foot fences. There was disappointment expressed with the inclusion of R-2B in the ordinance. Many also expressed disappointment with the condition of many of the fences already in the Village. They would like more clarity and detail on the rules and enforcement related to design, maintenance, and upkeep.

The following people spoke in support of the proposed ordinance:

Tom Alward, Amherst
Marilyn Antrim, Riverside
Kevin Roberts, Kirkshire
Peter Chiappa, Birwood

Those in support of the ordinance spoke about their desire for privacy on their property. They also believe that the fences will not negatively affect the relationships between neighbors; if six foot fences are allowed it does not mean that everyone will install six foot fences.

President Mooney closed the public hearing at 8:28 p.m.

Nunez ensured everyone that they were heard, whether in support or against the proposed ordinance. The Village Council must look at the Village as a whole and determine what is best for everyone.

Oen observed a significant number of six foot fences in various phases of disrepair while driving through the neighboring communities of Royal Oak and Birmingham. He does not support the changes being proposed.

Delaney thanked everyone who attended tonight's meeting. He is opposed to the changes being proposed to the ordinance. He supported addressing the area east of Southfield, but does not support any changes to zone districts west of Southfield. He questioned why, if so many Planning Commission members are opposed to the changes, did they recommend forwarding the ordinance to Council for consideration. He believes six foot fences will change the character of the Village and lower property values. He referenced the various fence styles along 13 Mile Road west of the Public Safety building and their unsightliness. Delaney also commented that a lot of homeowner associations have restrictions regarding fences.

Mooney clarified that Council changed the proposed ordinance to include zone district R-2B in a vote taken on November 21, 2017.

Mueller believes that this ordinance will cause blight. He opposes the changes and would like to see better enforcement of the fences that are already installed in the Village.

Abboud grew up in Detroit and moved to Beverly Hills in 1974. He does not think that allowing six foot fences will change how people choose to raise their family, educate their children, enjoy their neighbors, or enjoy their property. A change in ordinance would not mandate six foot fences between neighbors, and neighbors with close relationships would not put fences up between themselves.

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 22 SECTION 22.08.150 FENCE, WALL & PRIVACY SCREEN REGULATIONS OF THE MUNICIPAL CODE

Ryan conducted the first reading, highlighting the changes including enhanced graphics, changing the allowable fence height from 4 foot to 6 foot in side and rear yards in zones R-2A, R-2B, and R-3. R-A, R-1, R-2, and R-1A will be allowed privacy screens up to 6 foot in height, and no more than 25% of the rear lot line in length.

The proposed ordinance is available on the Village website.

President Mooney called for a recess at 8:51 p.m.

The meeting reconvened at 8:59 p.m.

ACCEPT DONATION OF GODDESS OF LIBERTY STATUE FROM PAT GREENING

Long time village resident, Pat Greening, has offered a carving of Columbia, Goddess of Liberty to the Village. Pat's late husband, Don, was a woodworker by hobby and she would like to donate

the statue to the Village. The Village is grateful for her donation and will display Columbia-Goddess of Liberty with pride, and will include a plaque indicating the donor and artist.

Motion by Oen, second by Delaney, to accept the Columbia, Goddess of Liberty statue from Pat Greening to be displayed at the Village Office.

Roll call vote:

Motion passed (6-0)

REVIEW AND CONSIDER FEE SCHEDULE UPDATE

Council is in receipt of a memo from Planning and Zoning Administrator Saur to review the current fee schedule. Administration is proposing to modify the residential zoned property fee to \$150 and the business/office zoned property fee to \$300.

The proposed increased is to offset costs incurred by the Village for variance requests from residential and commercial property owners. Administration reviews petitions for completeness and accuracy, they prepare meeting materials for the Zoning Board's review including a summarization of case facts, conducting site visits and documentation of site conditions, attend meetings, provide a recording secretary for the meeting minutes, and prepare and distribute notification as required by the Michigan Zoning Enabling Act.

Typical residential cases involve 4-6 hours of staff time, approximately \$40-\$50 for printing and postage of required mailings, and required newspaper publication fees of \$60-\$100. Commercial requests typically require additional staff time, and occasionally require review by the Village Planning Consultant and/or Village Attorney.

The last time petition fees were updated was 2007. With the Village being primarily zoned residential, the bulk of the requests are from residential zoned properties. The increase is necessary to offset the required costs to the Village which have been previously subsidized by property owners Village-wide. The new fees would be consistent with neighboring and similar sized communities.

Additionally, administration is requesting the deposit held for sewer work performed in the Village right-of-way be increased to \$5,000. This money is refundable provided the contractor restores the Village right-of-way upon completion of sewer work in that area for a private residence.

In response to Oen's question, Wilson indicated that \$150 will cover administrative costs for residential requests.

Motion by Delaney, second by Oen, be it resolved that effective January 1, 2018, the Beverly Hills fee schedule will be amended to increase the deposit for sewer work performed in the Village right-of-way from \$1,650 to \$5,000, change residential variance requests from \$65 to \$150 and commercial requests from \$230 to \$300.

Roll call vote:

Motion passed (6-0)

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A REGULAR COUNCIL MEETING HELD NOVEMBER 21, 2017

Delaney stated that at the November 21, 2017 meeting, just prior to the vote on accepting the proposed fence ordinance, as modified by the Council subcommittee, (page 5) he asked for clarification regarding zone districts and whether the proposed ordinance would include areas west of Southfield. He would like the minutes to reflect that he asked for that clarification, and the clarification was that some homes west of Southfield would be included, because Zone R-2B includes homes on both the east and west side of Southfield.

Mueller asked to abstain from voting on amending the November 21st minutes since he was not in attendance.

Motion by Mueller, second by Abboud, to permit Mueller to abstain from voting on the amended minutes of a regular Council meeting held November 21, 2017.

Motion passed (5-0).
1 abstention

Motion by Delaney, second by Oen, to amend the minutes of a regular Council meeting held November 21, 2017 to include Delaney’s request for clarification of area and zone districts.

Motion passed (5-0).
1 abstention

Motion by Delaney, second by Oen, to approve the minutes of a regular Council meeting held November 21, 2017 as amended.

Motion passed (5-0).
1 abstention

PUBLIC COMMENTS

None

MANAGER’S REPORT

Park Survey - The Parks & Recreation Board is updating their five-year Recreation Master Plan. As part of the update, they are asking for your input. A survey was included in the December Villager newsletter and an electronic version is available on the Village website. Please complete and submit the brief survey for your household by December 31st. Thank you for your participation.

Public Education Requirement - The Village has been working with the Michigan Department of Environmental Quality to remedy a situation with one home in the Village that had an old water service line. This issue came to Administrations attention during regulation testing of our residential water supply. The Village’s portion of that service line has been replaced and subsequent tests at that home have been negative. The Village water supply was and is safe for

drinking and any other residential uses. The Village completed all of the Public Education requirements relative to this one high test result. Part of the education efforts include a two-page notice in the December issue of the Village newsletter that was mailed to all residences in the Village. In compliance with DEQ regulations, the Village will be taking samples from dozens of homes in 2018. If residents would like to be included in upcoming water sampling, please contact the Village Office and they will add your home to the list. Residents may also feel free to contact the Village with any questions relative to the Public Education materials.

Leaf Pick Up - The last day currently scheduled for leaf pick up is Tuesday, December 12th. This has been a very late season for leaves to fall. Residents are advised to have all bagged and canned leaves out to the curb for pickup by December 12th. In past years, the Village has been able to extend leaf collection. With the current renovations at the recycling facility there is no guarantee that they will be able to extend leaf collection this year. If collection is extended it will only be for one additional week.

Baby Wren - Wilson offered his congratulations to former Village employee, Elizabeth Wren and her husband, Chris, whose first child, Edward John Wren, was born December 1, 2017 weighing 9 lbs. 12 oz. All three are doing well.

In response to Delaney's inquiry, Wilson indicated that Oakland County cleaned up the tree damage at Riverside and Southfield, however there is still debris and additional work to be completed. Administration will contact the County to clean up the remaining debris.

Mooney explained that during recent routine testing of the Village water quality, one home tested positive for lead. The Village replaced its portion of the water service line at that home and subsequent testing shows no traces of lead. Homes on either side of that home were also tested, and they were lead free. The Michigan Department of Environmental Quality is requiring the Village to provide extensive public education materials throughout the Village regarding lead in water, to which the Village has complied. There is no problem with the Village water, it is completely safe. More information can be found in the winter edition of *The Villager*.

COUNCIL COMMENTS

Nunez remarked that it was nice to have so many people in attendance at tonight's meeting. He feels people live here because it is a safe community and he has never heard of anyone not moving into a community because of fences.

Delaney is very concerned about the potential for allowing six foot fences in the village. He commented that perhaps Council needs to address code enforcement at their January study session. He asked Attorney Ryan to determine how many votes are required to pass the proposed fence ordinance.

Abboud reported that the Zoning Board of Appeals has a meeting scheduled for Monday, December 11, 2017. SEMCOG issued an alert last week about changes to pension plans and retiree healthcare. If you have questions please contact Bill Anderson at (313) 938-4409. He wished everyone a Happy Hanukkah as well as recognized Pearl Harbor Day and how proud he is to be an American.

Mooney suggested a Council study session in January. Members were asked to submit dates of availability to him so a meeting can be scheduled. Abboud offered to attend the South Oakland County Mayors dinner Wednesday, December 13th. Mooney expressed disappointment that Planning Commissioners suggested that some Council members would personally benefit from a change to the fence ordinance. He is confused that some Planning Commission members do not support a change to the ordinance, and yet they voted for it to come to Council for review. He believes the character of a neighborhood is based on the character of the neighbors.

Motion by Abboud, second by Oen, to adjourn the meeting at 9:45 p.m.

Motion passed.

John G. Mooney
Council President

Ellen E. Marshall
Village Clerk

Elizabeth M. Lyons
Recording Secretary