

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

Absent: None

Also Present: Village Manager, Wilson
Village 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 Oen, second by Delaney, to approve the agenda as amended.

Motion passed.

COMMUNITY ANNOUNCEMENTS

None

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

Paula Roddy, E. Rutland, suggested the Public Safety building be designated as a “Safe Trade Station” for use by residents when meeting for sales or exchanges.

CONSENT AGENDA

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

1. Review and consider approval of minutes of a regular Council meeting held January 16, 2018.
2. Review and file bills recapped as of Monday, January 22, 2018.
3. Review and file bills recapped as of Monday, February 5, 2018.
4. Review and consider request from Groves High School Orchestra to use village streets, sidewalks and Beverly Park for the Forte 5K Run on Sunday, May 20, 2018.
5. Review and consider approval of landscaping contract with Jason’s Outdoor Services for 2018.

Roll call vote:

Motion passed (7-0)

BUSINESS AGENDA

REVIEW AND CONSIDER REQUEST FROM KENSINGTON COMMUNITY CHURCH TO HOLD EASTER EGG HUNT AT BEVERLY PARK ON SATURDAY, MARCH 24, 2018

On January 31, 2018, Claire South of Kensington Community Church telephoned the Village Office and requested to host an Easter Egg Hunt in Beverly Park on Saturday, March 24, 2018. They are requesting use of the park from 9:00 am until 5:00 pm. The event is open to all members of the community. Normally, this type of request would be presented to the Village Parks &

Recreation Board for a recommendation to Council. Given time constraints, the Board members were contacted and they were unanimous in their support of this event being forwarded to Council for review.

After a two year hiatus, this will be the 11th year that Kensington has sponsored the Easter Egg Hunt. Kensington has a presence in the Beverly Hills area where they rent space at Groves High School. There will be activities planned for the whole family. A banner publicizing the Easter Egg Hunt will be hung on the park fence. Kensington has asked that the Village provide three portable restrooms for the event at a cost of \$210.

Motion by Mueller, second by Oen, be it resolved that the Beverly Hills Village Council approves the request from Kensington Community Church to utilize Beverly Park for the purposes of conducting an Easter Egg Hunt in Beverly Park on Saturday, March 24, 2018 between 9:00 a.m. and 5:00 p.m. Further it is recommended that the pavilion rental fees be waived and that the Village provide three portable restrooms for the event. A certificate of insurance will be provided upon approval of the Easter Egg Hunt.

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A REGULAR COUNCIL MEETING HELD DECEMBER 19, 2017

Parliamentary procedure dictates Council cannot go back and change minutes once they have been approved.

REVIEW AND CONSIDER SUBCOMMITTEE'S RECOMMENDATION TO FILL ZONING BOARD VACANCY

The Zoning Board Subcommittee consisting of Abboud, Oen, and Peddie met February 6, 2018 at 7:15 p.m. to review the applications submitted and make a recommendation to fill an alternate member vacancy on the Zoning Board of Appeals. The term for this vacancy expires June 30, 2018.

Motion by Abboud, second by Oen, be it resolved that the Council for the Village of Beverly Hills appoints Christina Gennari to fill an alternate member vacancy on the Zoning Board of Appeals. The term for this vacancy expires June 30, 2018.

Motion passed.

REFER REQUEST FROM BEVERLY HILLS VETERINARY ASSOCIATES, 32831 SOUTHFIELD ROAD FOR SITE PLAN APPROVAL TO THE PLANNING COMMISSION FOR REVIEW AND RECOMMENDATION

Beverly Hills Veterinary Associates, 32831 Southfield Road, has submitted a proposal, which requires site plan approval, to modify their existing building. The proposed changes include façade improvements, interior renovations and a second-story addition. Per Village Ordinance, Council refers the plans to the Planning Commission for review and recommendation prior to Council consideration for approval.

Motion by Abboud, second by Oen, be it resolved that the Village Council refers plans submitted by Beverly Hills Veterinary Associates, 32831 Southfield Road, to the Planning Commission for site plan review and recommendation of proposed renovations.

Motion passed

SECOND READING AND POSSIBLE ADOPTION OF ORDINANCE #362 AMENDING CHAPTER 22 SECTION 22.08.150 FENCE, WALL & PRIVACY SCREEN REGULATIONS OF THE MUNICIPAL CODE

The Council was provided with revised language to the proposed update to Chapter 22, Section 22.08.150 Fence, Wall, and Privacy Screen Regulations. Upon receiving input at the public hearing held December 5, 2017, administration and the fence subcommittee revised language to exclude the R-2B district west of Southfield Road and instead regulate fencing by geographic boundaries.

Mooney invited residents to speak on the proposed ordinance.

The following residents spoke or emailed in opposition of the proposed ordinance:

- Lyle Russell, Rosevear Street
- Paula Roddy, East Rutland
- Robert Stempien, Mayfair
- Lisa Ross, Kinross
- Richard Crackel, Beechwood
- Catherine Ochalek, Verona Circle
- Walter Briggs, Reedmere
- Greg and Shelley Feist, Buckingham
- John and Lisa Ross, Kinross
- Laura Berkaw, Birwood
- Eric and April Hornyak, Kinross
- Marni Freedman, Beechwood
- Tina Yancey, Corsaut Lane
- Bridget Ralston, Sheridan Drive
- Curt and Kimm Jorrey, Arlington
- Josh and Jodi Forquer, Arlington
- Fred Amrose, Kinross
- Monica Mercer, Locherbie
- Ken Flaherty, Jr., Beechwood

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 or emailed in support of the proposed ordinance:

Peter Chiappa, Birwood

Lynne Schrage, Marguerite

Those in support of the ordinance spoke about their desire for privacy on their property. They also felt that fences would allow greater security for children and pets. 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.

Mooney believes there needs to be a balance struck between the need for privacy and the protection of the character of the Village. He believes the requests submitted to the Zoning Board of Appeals (ZBA) are limited due to a high non-approval rate. There are over 200 non-conforming fences in the Village, and the current ordinance does not allow for the regulation or enforcement of the maintenance of these fences. He suggested that a sub-committee composed of Council members, Planning Commission members, Ryan, and Village Planning Consultant Brian Borden, meet and discuss a continued ban on 6 foot fences, but a change to the hardship allowances which would allow the ZBA more opportunity for approval. He also suggested the sub-committee include enforcement tools for uniformity and the encouraged use of natural materials.

Abboud, Nunez, and Peddie all thanked residents for their continued input, and understand both the desire of some for more privacy, and the desire of others to maintain the Village as it is. They all agreed they look forward to working with the Planning Commission to reach a compromise. They are all in favor of reconsidering what falls under the category of practical hardship. They assured all residents that sub-committee meetings are open to the public, and they can contact the Village office for more information.

Delaney and Oen both remain opposed to six foot fences, however they would like to see the committee revisit the draft and come to a compromise.

Mooney would like to see people be able to have a fence when they are concerned about the safety of their children and pets. He would like consideration given to what constitutes a hardship and how the ZBA considers hardships. He would also like the Village to strengthen the regulations related to the enforcement on the upkeep of existing fences.

Motion by Delaney, second by Oen, to table the second reading and possible adoption of Ordinance #362 amending Chapter 22, Section 22.08.150 Fence, Wall & Privacy Screen Regulations

Motion passed.

Motion by Oen, second by Mueller, that a sub-committee composed of members of Council, Planning Commission, Village attorney, and administration meet to address concerns raised by residents related to privacy fences. The sub-committee shall also review whether a change to the fence ordinance would apply to the entire Village and how a proposed ordinance would address both the desire for privacy and open neighborhoods.

Motion passed.

PUBLIC COMMENTS

None.

MANAGER’S REPORT

Fire Truck Purchase – Village Administration has completed the process for the purchase and acquisition of two fire trucks as approved by Council at the last regular meeting. Administration had reported that the purchase price of the truck was \$620,441.40 with a down payment of \$15,640.29 and the Village financing \$604,801.11. This is not correct. The Village is financing the amount of \$604,801.11. However, the \$15,640.29 was not a down payment but rather the discount price that the Village received on the purchase. As we financed this through a third party we were eligible for the cash discount amount which was \$15,640.29. Fortunately, we were able to catch this discrepancy before any funds were sent. The Village has ordered the vehicle with no payment to date. The first payment will be due on February 15, 2019.

Pension and OPEB Reporting – In compliance with new State of Michigan requirements for the reporting of Pension and OPEB (Retiree Health Care) obligations, the Village has submitted the necessary forms to the Michigan Department of Treasury. Per the report on pensions, the Village was 84.7% funded as of the most recent valuation (12/31/16) and our Actuarially Determined Contribution (ADC) was 4.0% of all Governmental Fund revenues. Pension plans that are less than 60% funded and have an ADC of greater than 10% of Governmental Fund revenues are considered to be in “underfunded status”. The Village exceeds both measures. For OPEB, the Village was funded at a level of 41.2% as of 6/30/17 and had an Annual Required Contribution (ARC) of 7.3% of Governmental Fund Revenue. OPEB Plans are considered to be in underfunded status if the funding level is below 40% and the ARC is greater than 12.0%. Again, the Village exceeds both of these measures. A copy of the reports that were prepared by Finance Director McCarthy and submitted to the Department of Treasury were provided for review.

Winter Family Fun Day – The Parks and Recreation Board will be hosting the annual Winter Family Fun Day in Beverly Park on Sunday, February 11th from 1:00 to 4:00 PM.

Office Closed – Village Offices will be closed on Monday, February 19th in observance of Presidents Day. Trash service will not be interrupted.

COUNCIL COMMENTS

Mueller reminded residents the Winter Family Fun Day is scheduled for Sunday, Feb. 11 from 1-4 pm at Beverly Park.

Abboud thanked Tyler McVety and Nick Argyris for their applications to serve on the Zoning Board of Appeals. A joint Planning Commission and Council meeting is scheduled for February 14, 2017. He announced SEMCOG is taking applications for the Taubman Fellowship program. The fellowship program provides registration, materials, room and board for local elected officials, selected by SEMCOG, to attend the Harvard University John F. Kennedy School of Government program for Senior Executives in State and Local Government.

Delaney thanked Deputy Director Howard Shock for his positive representation of the Village in the Eagle paper. He reported that State Government is considering replacement requirements for lead service lines.

Oen thanked the residents for their input and believes that they are making positive progress on the fence ordinance.

Mooney thanked the residents who came out. He assured them that their input is appreciated, that Council does not want to ruin any neighborhood and they take people's right to privacy seriously. He thanked council and administration for their work at the strategy session. He also shared that Joe Knollenberg, former Congressman representing Beverly Hills district, passed away.

Motion by Abboud, second by Mueller, to adjourn the meeting at 8:43 p.m.

Motion passed.

John G. Mooney
Council President

Ellen E. Marshall
Village Clerk

Elizabeth M. Lyons
Recording Secretary