

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

Absent: None

Also Present: Village Manager, Wilson
Village Attorney, Ryan
Village Clerk, Marshall
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.

AMENDMENTS TO AGENDA/APPROVE AGENDA

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

Motion passed.

COMMUNITY ANNOUNCEMENTS

Janice Hausman, Chairperson of the Parks and Recreation Board, provided a recap of the 37th annual Beverly Hills Memorial Day Parade and Carnival. The event was held Monday, May 28, 2018. The extremely hot weather resulted in a lower attendance than usual, but those who attended had a wonderful time.

Hausman summarized the parade and carnival entertainment, games, and activities as well as the food truck offerings this year. A complete financial report is not yet available; however, it is anticipated that parade and carnival expenses will be covered by the generous donations from sponsors. Hausman named the sponsors, noting that they are listed on a banner displayed in the Village office. She asked that residents give their support to those businesses. Hausman thanked Patty Wainer and Jason Gross for their hard work organizing the parade. The Grand Marshal was Beverly Hills resident Norman Rubin, honored for his service in the Army during the Vietnam War.

She thanked those who participated in the Memorial Day Commemoration Ceremony, including Council member Rock Abboud, US Representative Sander Levin, State Representative Jeremy Moss, Paul Kleppert, and Keith Cole, recent recipient of a Congressional Gold Medal for his service in the OSS during World War II. Groves High School student, Allison Miller, performed TAPS, and members of Scout Troop 1024 acted as Honor Guard. The Village Women's Club presented the Public Safety Department with a quilt representing many locations in the Village. Hausman thanked all the volunteers for their efforts before, during, and after the event.

PUBLIC COMMENTS

Laura Smuts, 13 Mile, would like to see sidewalks continued along 13 Mile west of Groves High School.

Rachael Hrydziusko, Evergreen, felt frustration with the reporting on backyard chickens during the May Planning Commission meeting. She would like packets made available to the public.

Chris Makris, Old Post Road, reported his neighborhood is being used as a cut through, from 14 Mile to Evergreen despite a previously installed stop sign.

Mike Bugenski, Carriage Lane, is concerned that heavy trucks are using his street as a turn around and would like to see more signage in this area.

Michelle Canine, Wellesley, expressed her concerns that the lack of sidewalks and no clear signage for bus stops, combined with a rise in traffic, creates a high risk of accidents.

Mooney committed that Administration would be in touch, and consider a traffic study and further action.

Kay Michael, Kirkshire and Cynthia Nagle, Kirkshire, spoke representing the Concerned Owners of Kirkshire. They are concerned about new development, existing drainage problems, and maintaining the aesthetic of the neighborhood. She referenced the Vision and Goals for the Village of Beverly Hills in the Master Plan and what that looks like for the future of her neighborhood.

Mooney referred them to the Planning Commission with their concerns.

CONSENT AGENDA

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

1. Review and consider approval of minutes of a regular Council meeting held May 15, 2018.
2. Review and file bills recapped as of Tuesday, May 29, 2018.
3. Review and consider appointment of Village representative and alternate to the Southeastern Oakland County Resource Recovery Authority Board.
4. Review and consider appointment of Village representative and alternate to the Southeastern Oakland County Water Authority Board.

Roll Call Vote:

Motion passed (7-0)

BUSINESS AGENDA

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

The Planning Commission previously held a public hearing and made a recommendation to Council to update a portion of Chapter 22, Section 22.08.150 Fence, Wall, and Privacy Screen regulations to allow 6ft, solid fencing in two Residential Zone Districts. Upon review by the Village Council and the Village Attorney, a subcommittee was formed to modify the language. The subcommittee, comprised of members of Council, Planning Commission, and Administration, met several times to discuss modifications to the ordinance language based on the discussions at the Council meetings.

The recommended language allows property owners to apply to Village Administration for a fence up to six (6) feet tall and/or solid style under certain conditions. If these conditions cannot be met, the property owner can apply to the Planning Commission under a different set of conditions. The

conditions by which six foot and/or solid style fencing would be permitted were specifically drafted to allow fencing in areas with smaller lots, denser housing, adjacent non-compatible uses, and a higher concentration of existing six foot solid fencing. Likewise, these conditions place a higher burden on property owners in areas of the Village with larger lots and few-to-zero existing six foot fences. Allowance of such fencing would only be permitted in the rear yards.

Attorney Ryan drafted a clause requiring existing fences that do not meet ordinance requirements due to height or opacity be brought into compliance. The Village will require a permit and inspection to ensure the fence is installed in a manner that is consistent with the proposed ordinance requirements including location, orientation, material, and maintenance standards. Administration is proposing a deadline of six (6) months from date of adoption of ordinance language to bring noncompliant/illegal fences into compliance or be removed.

If a resident seeks a taller and/or more opaque style fence in the rear yard, they must demonstrate they meet standards enumerated in section B, 2. for either Administrative or Planning Commission approval.

Those standards are:

Applicant must demonstrate that at least one of the following conditions is met for Administrative approval. Administration has the discretion to require review by the Planning Commission when there is a question of interpretation for consistency with the intent of this ordinance.

- Spacing between residences is less than that required by Section 22.08.090, 22.08.130 or 22.24 of the Zoning Ordinance, whichever is applicable.
- The subject site is adjacent to a non-single family residential land use or Zone District.
- The subject site cannot support vegetative screening in lieu of the proposed fencing. The applicant shall provide supporting documentation of this from a licensed landscape architect or registered arborist.
- At least one residential parcel within 200' of the subject site on that side of the street in that block or at least one abutting residential parcel contains permitted fencing of similar height and/or opacity. To document this, the applicant shall prepare a neighborhood lot study that includes a map of the study area and photograph(s) of existing fencing. An existing privacy screen as allowed in Section 3 Privacy Screens shall not be used as consideration for compliance with this standard.

In the event applicant does not meet any above criteria, applicant must demonstrate that at least one of the following conditions is met for Planning Commission approval. The property owner or occupant of any parcel(s) abutting the subject site shall be given fifteen (15) day notification of the date and time of the meeting at which the request shall be reviewed.

- The subject site and/or an abutting parcel has an unconventional lot, yard and/or dwelling orientation (i.e., side yard adjacent to rear yard, pie-shaped lot adjacent to rectangular lot, or those with multiple parcels contiguous to a single lot line).
- Installation of such fencing would mitigate an essential safety and/or privacy concern.

In addition to condition(s) above, applicant must demonstrate that all of the following conditions are met:

- The size, height and location of the fence does not endanger the public safety.
- The size, location, height, design, and materials of the fence are aesthetically in harmony with the property on which it is located.

- The proposed removal of vegetation and trees and disturbance to natural terrain has been minimized.
- The size, height, design, and location of the fence does not create a traffic or pedestrian hazard.

The proposed language also includes improvements to other sections for clarity and accuracy including updates in definitions, materials, maintenance, and height, and the addition of graphics to illustrate text meaning. The Planning Commission voted to recommend Council approve the proposed updates at their meeting held May 23, 2018.

Mooney opened the public hearing at 8:15 pm.

Steve Macke, Chelton, reported that Beverly Hills has been voted the best place to raise a family. Having yards without fences leaves wide open spaces for neighbors to better connect.

Sharon Tischler, Virmar Court, reminded residents that if the ordinance passes, there may still be deed restrictions or HOA rules in place related to fences. She expressed concern related to maintenance requirements.

The public hearing was closed at 8:21 pm.

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

Tom Ryan clarified that Section A.7 provides for maintenance requirements.

All of Council thanked the subcommittee for their efforts and hard work on drafting this ordinance.

Peddie reiterated that this draft is a true compromise between subcommittee members who are both in favor of and opposed to six fences. The proposed ordinance does require proof of hardship, and an application for a permit. Applicants will be required to go before the Planning Commission if conditions are not met. Additionally, all non-compliant fences will be required to be repaired or removed by a set date.

Mueller believes that the provision of “200 foot radius containing a similar fence” is not a sufficient reason to allow a fence, and each petition should be considered on its own merit. He also suggested that a requirement of application must be proof that the fence is compliant with any deed or HOA restrictions.

The Council agreed that the ordinance should have the requirement of proof that the fence is compliant with any deed or HOA restrictions.

Nunez explained that the “200 foot radius” provision was put in place because if there are fences located 200 feet or less from a property, then six foot fences would be considered part of the character of the neighborhood.

Mooney thanked all the residents for their comments, and the subcommittee for reaching an agreeable compromise. The primary focus once the ordinance is passed will be on Administration related to enforcement and follow up.

REVIEW AND CONSIDER SITE PLAN APPROVAL FOR PROPOSED RENOVATIONS TO 31015 SOUTHFIELD ROAD, BP GAS STATION

The Village Administration and Planning Commission have been working with representatives from BP Gas Station, 31015 Southfield Rd, for proposed redevelopment of the site. The petitioner is proposing to enclose the former car wash and enclose the space on the south end of the building that is open with an awning cover to expand the convenience store area. The building façade will be updated with this expansion, the canopy posts will be enclosed in brick and fuel pumps will be replaced, there will be landscaping improvements, and the existing light poles will be painted. The plans have been reviewed by the Village Engineer who noted limited impact on existing infrastructure, the Village Planning Consultant whose comments were provided, and the Fire Marshal who has preliminarily reviewed the plans but will require sealed prints at the time of permit issuance for final approval.

After thorough review and comment over a number of meetings, the Planning Commission recommended conditional approval at their meeting held January 24, 2018. The meeting minutes were provided and the conditions for their recommended approval are summarized as: Removal of guardrail on the west and north side of the property; Removal of donation collection boxes; Light poles, canopy, and vent pipes painted to match building façade; repainting of any other existing structures on property; Asphalt should be repaired or replaced to a safe condition; The plans should contain all proposed elevations including sidewalk and pump bases; Removal of all unused equipment on roof and proper screening for the mechanical equipment on ground or roof; and replacement of existing pumps.

The petitioner has submitted plans that appear to meet all those conditions except the requirement to paint the canopy to match the building façade. The petitioner contends the canopy paint colors are dictated by the fuel company and must remain in the color scheme that matches corporate branding.

Project Engineer Ziad El-Baba, P.E. was present representing the owner. He explained that the bottom vinyl panels will be replaced, the pumps will be replaced, and the columns will be enclosed in brick.

Delaney was optimistic about the potential improvements being made, but is disappointed in the current redevelopment proposal. He is very concerned about what will happen with the canopy which is currently corroded and full of holes.

El-Baba explained that the lighting will all be replaced with recessed lighting, and the canopy requirements are set forth by BP Corporate.

Peddie confirmed that the concrete will be replaced with large pieces, and that the landscaping will be verified by a landscape architect.

Oen verified that there would be no changes or replacement of the sign at the corner of the property.

Nunez spoke with the BP Corporate office, and they informed him the color and design has been changed on a corporate level, and will be required to be updated and changed.

Wilson explained that the applicant appears to have met all the requirements as put forth by the Planning Commission. The canopy changes can be specified in the motion, and all landscaping must be approved before final permitting is done.

Motion by Abboud, second by Oen, be it resolved that the Village Council approves the proposed site plan dated May 18, 2018 to renovate the existing building at 31015 Southfield Road, BP Gas Station contingent on the removal of guardrails on the west and north side of the property; removal of donation collection boxes; light poles, and vent pipes painted to match building façade; replacement of canopy underside; repainting of any other existing structures on property; asphalt should be repaired or replaced to a safe condition; the plans should contain all proposed elevations including sidewalk and pump bases; removal of all unused equipment on roof and proper screening for the mechanical equipment on ground or roof; replacement of existing pumps; subject to Fire Marshal review and approval, and Village Engineer review of site engineering, including grading, drainage and utilities.

Roll call vote:

Motion passed (5-2)

Oen	No
Peddie	Yes
Abboud	Yes
Delaney	No
Mooney	Yes
Mueller	Yes
Nunez	Yes

REVIEW AND CONSIDER RESOLUTION ACCEPTING DONATION FROM SOUTH BERKSHIRE CIVIC ASSOCIATION

The Village has been approached by the South Berkshire Civic Association about a possible donation of their existing Association funds. The Association has not met in many years and is going through the process of a legal dissolution yet retains an account of funds from Association dues paid in the past. As the Association is defunct, further inactivity could result in the current funds being remitted to the State of Michigan. In lieu of that occurrence, the Association has requested that the Village accept a donation of their existing funds and for these funds to be utilized for an improvement that would benefit the Association. The Association currently holds over \$16,000 in funds.

The Village Attorney has drafted an agreement by which the Village could accept and hold the donation for later use of the benefit of the Association. There have been some recommended improvements including new street lighting, signage and painting or repairs of fire hydrants. Village Administration has reviewed the proposed agreement and believes it to be in the best interest of the Village.

VILLAGE OF BEVERLY HILLS

RESOLUTION TO ACCEPT FINAL DISTRIBUTION OF THE SOUTH BERKSHIRE CIVIC ASSOCIATION DISTRIBUTION OF ASSOCIATION FUNDS

Moved by Delaney, and seconded by Mueller, to accept final distribution of the South Berkshire Civic Association Distribution of Association Funds.

WHEREAS, the remaining Board of Directors for the South Berkshire Civic Association, a Michigan non-profit corporation, is going through the legal dissolution process with the State of Michigan; and

WHEREAS, the Article of Incorporation state that the purpose of the Corporation is to protect the property values and to guard the general interests of the members of the corporation; and

WHEREAS, MCL 450.2855(c) provides that the asset of a dissolved corporation held for a charitable, religious, eleemosynary, benevolent, education or similar purposes shall be transferred to certain entities, including governmental agencies, engaged in similar activities as those of the dissolved corporation; and

WHEREAS, the remaining Board of Directors deems that the Village of Beverly Hills qualifies as such an entity through MCL 450.2855(c) and engages in activities that further the stated purpose of the Corporation.

NOW THEREFORE, be it resolved that the Corporation distribute its remaining assets to the Village of Beverly Hills, Michigan pursuant to MCL 450.2855(c) for the purpose of funding the following suggested items to benefit the Residents of the Association:

The Association consists of the following Subdivisions:

Coryell Estates, Coryell Estates #1, Kennoway Meadows, Kennoway Meadows #1, Berkshire Valleys #1, Berkshire Valley #2, Berkshire Valleys #3.

Which include the following Streets and Islands:

Elwood, Plantation, Coryell, Embassy, Buttonwood Ct., Marimoor, Leemoor, Stellamar, Vernon, Wendbrook, Woodhaven, Billington Ct., Orcutt, Virmar, Normandale and Gates.

The following are suggested items where the funds could be used to benefit the Residents of the Association:

- 1) Street light on Evergreen at Coryell.
- 2) New street signs and posts throughout the Association.
- 3) Re-paint and or replace, if needed, fireplugs throughout the Association.

BE IT FURTHER RESOLVED, that the assets given to the Village of Beverly Hills shall be used for public purpose as listed in the policy adopted by the Village of Beverly Hills regarding Charitable Donations.

Roll call vote:

Motion passed (7-0).

REVIEW AND CONSIDER COST PARTICIPATION AGREEMENT BETWEEN THE OAKLAND COUNTY BOARD OF COMMISSIONERS AND THE VILLAGE OF BEVERLY HILLS TO RECONSTRUCT 14 MILE ROAD FROM WEST LAHSER ROAD TO WEST VILLAGE LIMITS

The Village of Beverly Hills applied to the Oakland County Board of Commissioners for funding reconstruction of 14 Mile Rd. from west of Lahser Rd. to the west Village limits through the Commissioner’s Pilot Local Road Improvement Matching Fund Program. The Village was awarded \$16,801 towards this project. The estimated total cost for the project is \$300,672.00.

Motion by Delaney, second by Abboud, be it resolved that the Council for the Village of Beverly Hills approves the 2018 Local Road Improvement Matching Fund Pilot Program Cost Participation Agreement and authorizes the Village Manager to sign the agreement. The Village was awarded \$16,801 towards this project, and the estimated total cost for the project is \$300,672.00.

Roll call vote:
Motion passed (7-0).

REVIEW AND AFFIRM PROPOSED PLANNING COMMISSION BY-LAWS

At the meeting held February 20, 2018, the Village Council directed Planning Commission to develop proposed bylaws to be reviewed by Council not later than September 2018. A draft of bylaws has been provided to Council which include procedural guidelines for the general public in attendance. Both the Village Ordinance, Chapter 21 Village Planning, Section 22.01 (d) and the Michigan Planning Enabling Act require the adoption of Planning Commission bylaws.

After some discussion the Council agreed they wanted a clear outline of the allowances for the public to speak at Commission meetings.

SECOND ANNOUNCEMENT OF VARIOUS BOARD/COMMISSION VACANCIES

The following board members terms expire on June 30, 2018. All the members have been notified of their term expiration and those listed below wish to be considered for reappointment.

Council agreed in November of 2008 to make these vacancies open to the public as well as the currently seated member. Deadline for applications is Friday, June 8, 2018.

Parks & Recreation

Janice Hausman
Bill Kondak
Jennifer Ruprich

Planning Commission

Andrew Drummond
George Ostrowski
Bob Ruprich

Zoning Board

Chris Crossen
Karen Mitchell
Mary Ann Verdi-Hus

Alt. members

David Crawford
Christina Gennari

All terms are for three years. This constitutes the second announcement of the vacancies with appointments scheduled to take place at the June 19th meeting. The Parks and Recreation

subcommittee will meet at 6:15 p.m., the Planning Commission subcommittee will meet at 6:45 p.m., and the Zoning Board subcommittee will meet at 7:00 p.m.

REVIEW AND CONSIDER RESOLUTION TO ADOPT 2018/19 INDUSTRIAL WASTE CONTROL CHARGES

All non-residential water customers receive a charge of sanitary industrial waste control (IWC) on their water bills. These charges do not impact residential water bills. The rates are paid on water consumption and are based upon water meter size. These rates are established by the Great Lakes Water Authority (GLWA) and are passed down to non-residential users.

These rates were not included in the water rates for residential users passed by Council at the annual budget meeting as the new rates for FY19 were not yet available. These rates will be effective on July 1, 2018. Village Administration has reviewed these rates and recommends approval as submitted.

Motion by Oen, second by Nunez, to adopt the following Resolution:

**VILLAGE OF BEVERLY HILLS
RESOLUTION
ESTABLISHING FY 2018/2019
SANITARY INDUSTRIAL WASTE CONTROL CHARGES**

Non-residential premises within the Village connected to the water and/or sanitary sewer system shall pay a consumption charge based upon the amount of water used as shown by the water meter installed in each premises as follows:

Industrial Waste Control Charges

Meter Size	Monthly	Quarterly
5/8"	\$ 3.59	\$10.77
3/4"	\$5.39	\$16.17
1"	\$8.98	\$26.94
1-1/2"	\$19.75	\$59.25
2"	\$28.72	\$86.16
3"	\$52.06	\$156.18
4"	\$71.80	\$215.40
6"	\$107.70	\$323.10
8"	\$179.50	\$538.50
10"	\$251.30	\$753.90
12"	\$287.20	\$861.60
14"	\$359.00	\$1077.00
16"	\$430.80	\$1292.40

Effective with all bills mailed after July 1, 2018 and thereafter until changed.

Roll call vote:
Motion passed (7-0).

DISCUSSION REGARDING FREQUENT POWER OUTAGES AND DTE ENERGY

Delaney expressed serious concerns about the age of the power equipment in the Village and the frequency with which the Village loses power. Three years ago DTE was before the Village Council and committed to tree trimming around power lines yet they have not done any work.

Administration agreed to appoint a representative to work with Delaney to meet with DTE and get answers.

PUBLIC COMMENTS

None.

MANAGER'S REPORT

Water Testing – The Village has begun residential water testing as required by the DEQ. At this time, the focus is on getting samples from the first sixty (60) homes that meet the highest criteria as established by DEQ and EPA regulations. As of June 1, samples have been collected from roughly half of this group. Once these samples have been collected, tested, and submitted to the DEQ, testing will begin for the remaining residences that have requested to be tested. Some residents have reported difficulty in meeting the regulations set forth by the DEQ for collecting a valid sample. If a resident is unable to meet these requirements, their sample will be accepted and tested, however it cannot be included in the population reported back to the DEQ. Any resident who wishes to have their water tested can contact the Village and their water can be tested at no cost to them.

Riverside/Hillcrest Drainage Issues – The resident(s) along Riverside who have had issues with backyard drainage have been in discussions with Village Administration regarding the establishment of a Special Assessment District (SAD) to install the necessary infrastructure and make the necessary modifications to remedy this drainage issue. Under the terms for a Village SAD, the project would be completed and supervised by the Village with the cost split between the homeowners and the Village on an 80/20 basis. The Village allows the homeowners to place the assessment on their tax bill in equal installments over a period of 10 years to settle the assessment. Village Administration has spoken with representatives of both homeowners and they have both indicated they are agreeable to such a resolution. HRC is currently working on designing a project that will drain this area properly.

Village Hall Renovation Final Payment – Village Hall is in receipt of a request for final payment on the Village Hall renovation project. This project has been completed for some time, but the Village was holding money pending the resolution of an issue with the roof. There was a leak that took a long time to locate, and once it was found, final repairs could not be made until the weather was warmer. These repairs have been made and there have been no leaks with the recent heavy rains. Village Administration and the architects are confident that the repairs have been done correctly and are ready to prepare the final payment to close out this project.

First July Meeting – The first Council meeting in July is scheduled for the evening of Tuesday, July 3rd, and the next day is a holiday. If anyone is going to be unable to make it to this meeting please let President Mooney know to ensure a quorum.

COUNCIL COMMENTS

Nunez reminded incumbents that it would behoove them to attend the subcommittee application interview.

Mueller thanked the Parks & Recreation Board for another successful Memorial Day Parade and Carnival.

Abboud reported the Zoning Board of Appeals will meet June 11th. The Planning Commission subcommittees have reported their findings to the Commission and are preparing to present findings to Council. He thanked Public Safety Director, Torongeau for his officers' presence at the Parade and Carnival.

Peddie commended Public Safety on their quick response and control of a recent garage fire.

Mooney congratulated PSO Jeff Moore who was awarded the Officer of the Year (2018) by the department. He also congratulated PSO James Balagna who was awarded the MADD Mothers Drunk Driving (Life Saving) award for 2017-2018. He addressed misinformation and concerns that were recently posted on social media.

Motion by Oen, second by Nunez, to adjourn the meeting at 10:05 pm.

Motion passed.

John Mooney
Council President

Ellen E. Marshall
Village Clerk

Elizabeth M. Lyons
Recording Secretary