

Present: President Peddie; President Pro-Tem Abboud; Members: George, Hrydziuszko, Mooney, Mueller, and Nunez

Absent: None

Also Present: Village Manager/Clerk, Wilson
Village Attorney, Ryan

President Peddie 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 Mooney, second by Abboud, to amend the agenda moving updates from State Senator Jeremy Moss, new State Senator Rosemary Bayer, new House Representative Kyra Harris Boden, and new County Commissioner William Miller to Community Announcements. Also adding Item B3. Authorize the personnel committee and administration to interview and make a recommendation to Council for the hiring of the Village Clerk/Assistant Manager.

Motion passed.

Motion by Mooney, second by Abboud, to approve the agenda as amended.

Motion passed.

COMMUNITY ANNOUNCEMENTS

State Senator Jeremy Moss thanked the Village for their years of support and reported the defeat of a law that looked to terminate the authority of local tree ordinances.

New State Senator Rosemary Bayer, new House Representative Kyra Harris Boden, and new County Commissioner William Miller all expressed their gratitude for the support of the residents and their commitment to serving the residents of the Village.

Council thanked them for their service.

PUBLIC COMMENTS

None.

CONSENT AGENDA

Motion by Mooney, second by Mueller, be it resolved that the Council for the Village of Beverly Hills approve the consent agenda.

1. Review and consider approval of minutes of a regular Council meeting held January 2, 2019.
2. Review and file bills recapped as of Monday, January 7, 2019.

Roll Call Vote:
Motion passed (7-0).

BUSINESS AGENDA

SECOND READING AND POSSIBLE ADOPTION OF AN ORDINANCE AMENDING CHAPTER 22, SECTION 22.08.100 ACCESSORY BUILDINGS, STRUCTURES, AND USES

At the Council meeting held July 17, 2018 the Planning Commission subcommittee presented a report regarding the analysis of two matters: mechanical units in side yards and permit requirements of sheds/small buildings 120 square feet or larger that otherwise do not require a building permit. This was per the assignment by Council in February of 2018 to evaluate the two issues. Council subsequently made a motion instructing the Planning Commission review and make a recommendation for modifications to Section 22.08.100 Accessory Structures, Buildings and Uses, to establish regulations to permit mechanical units in side yards and to establish requirement for zoning permit for sheds/small buildings 120 square feet or larger that otherwise do not require a building permit.

As part of the process in analyzing the matter, the subcommittee of Planning Commission and Administration reviewed existing conditions in the Village and impacts of the proposed amendment to the ordinance. The Planning Commission discussed the topic at numerous meetings, minutes provided. A copy of the report that was presented to Council in July was also provided. On October 24, 2018 the Planning Commission held a public hearing and on November 28, 2018 Planning Commission made a recommendation to approve changes to Section 22.08.100 to add regulations for mechanical units in side yards and establish requirement for zoning permits for buildings 120 square feet or larger. Procedurally, the Village Council must hold a public hearing, and first and second readings prior to adoption. A public hearing was held by Council at the meeting held January 2, 2019. Upon adoption by Council, the language will take effect 20 days after publication.

A copy of the ordinance is available at the Village office.

Mueller continued to be concerned for the large quantity of homes that are current non-conforming. There are many units in the Village that are closer than 5 ft. and moving a unit can be costly to the resident. Wilson explained that valid legal non-conforming use will be permitted to continue.

Nunez reiterated the need to be forward thinking in the development of ordinance updates.

Hrydziuszko agreed with regulation related to side yard units, however, believes that requiring compatibility with the principal building in terms of style, design, material and/or color(s) is an overstep.

George Ostrowski, Planning Commission Chairperson, explained that a detached building could be not just a shed, but a garage, pool house, etc. and the language used was standard. There are no current guidelines related to side yard unit placement, so the purpose of the ordinance would be to codify what is currently a spoken agreement. This amendment would also mean that all detached buildings would get zoning compliance verified.

Mueller thanked the Planning Commission for their time and hard work on the draft of this ordinance. He would like to see clear definitions for compliance to be enforced.

George believes although the intention is good, the side yard unit placement and the detached building specifications should be considered as two separate issues. He continues to be wary of creating additional cost burden for residents as well as attempting to regulate color and design of detached buildings.

Ostrowski explained that the decisions related to the need for a floor or rat wall is made by the building inspector. The primary focus of the ordinance amendment is to be proactive related to the construction of new homes or major renovations.

David Miller, Downing Place, believes that there should be different regulations regarding generators and air conditioning units. He also expressed concern that there is potential that a green screen would not provide adequate protection from noise or sight.

Sharon Tischler, Virmar Court, reported that when units are not maintained they will get louder. She also expressed concern that if you allow structures to be built without floors or rat walls it will lead to rats.

Motion by Mueller, second by Nunez, be it resolved that the Beverly Hills Village Council approve the proposed modification to Section 22.08.100 Accessory Structures, Buildings and Uses in Residential Zone Districts to regulate mechanical units in side yards and to require zoning permit for small buildings 120 square feet and larger that are otherwise not require to obtain building permits.

Roll Call Vote:

Nunez	yes
Peddie	no
Abboud	yes
George	no
Hrydziusko	no
Mooney	no
Mueller	yes
Motion fails (3-4)	

SET PUBLIC HEARING DATE OF FEBRUARY 19, 2019 TO REVIEW AND CONFIRM 2018 SPECIAL ASSESSMENT ROLL FOR THE SOUTHFIELD ROAD BUSINESS ASSESSMENT DISTRICT

The Village maintains the public right-of-way along the Southfield Road business district and assesses the cost of landscape maintenance and water for the sprinkling system to the property owners on the west side of Southfield Road.

Motion by Mooney, second by Mueller, that the Beverly Hills Village Council set the public hearing date for Tuesday, February 19, 2019, to review and confirm the 2018 Special Assessment Roll for the Southfield Road Business Assessment District.

Motion passed.

AUTHORIZE THE PERSONNEL COMMITTEE AND ADMINISTRATION TO INTERVIEW AND MAKE A RECOMMENDATION TO COUNCIL FOR THE HIRING OF THE VILLAGE CLERK/ASSISTANT MANAGER

The Personnel Committee and Administration has met and began the review process of applications for the Village Clerk/Assistant Manager position.

Motion by Mooney, second by Abboud, that the Beverly Hills Village Council authorize the personnel committee and administration to interview and make a recommendation to Council for the hiring of the Village Clerk/Assistant Manager.

Motion passed.

PUBLIC COMMENTS

None.

MANAGER'S REPORT

Office Closed – Village Offices will be closed on Monday, January 21st in observance of Dr. Martin Luther King, Jr. Day. Trash collection service will not be interrupted.

Joint Parks and Recreation Committee Meeting – There will be a joint meeting of the Council and the Parks and Recreation Committee on Thursday, January 17th at the Village Hall.

Final Water Testing Results – I have included for your review a copy of the 170 water tests that were completed in the Village in December. All the 170 sites tested received a reading of less than the action level of 15 parts per billion (ppb) for lead. As you can see, a significant majority of the tests were lower than 1 ppb (test results are reported in mg/L; to convert to ppb multiply by 1,000). Between the June and December testing periods the Village received and tested over 300 residential water samples.

Best Cities in Michigan – The website Homesnacks has compiled their annual list of the best places to live in Michigan and the Village of Beverly Hills ranked 4th for the second year in a row.

Kevin Sheard, Buckingham, submitted a letter to administration related to his concerns regarding a new home that has been constructed next to his. Administration has contacted the builder to meet and review Village requirements and expectations.

COUNCIL COMMENTS

George would like the Council to consider the potential for Beverly Park, and what the appropriate allotment of millage would be to achieve that vision. There are underutilized assets in the Village, and he believes people will support what brings value.

Nunez suggested that the water testing results form be updated to be more reader friendly in the future. He requested a breakdown of the various strategies for the millage renewal.

Mooney reminded residents the taxes were due by February 14, 2019 at Southfield Township.

Abboud reported the Personnel Committee has interviews scheduled for the Clerk/Assistant Manager position, and the Finance Committees has a planned meeting.

Motion by Mooney, second by Mueller, to adjourn the meeting at 9:01 p.m.

Motion passed.

Lee Peddie
Council President

Chris Wilson
Village Clerk

Elizabeth M. Lyons
Recording Secretary