

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

Absent: None

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

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 Mueller, to approve the agenda as published.

Motion passed.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

The following residents spoke about their concerns with standing water and drainage issues on their properties.

Lisa Napolitan, Kirkshire
Cynthia Nagel, Kirkshire
Kate Fraser, Kirkshire
Erika Barrett, Kirkshire
Elaina Ferguson, Riverview Drive
Kathleen Tootell, Kirkshire
Leslie Wilson, Marlin Ct.
Sarah Thomas, Locherbie

CONSENT AGENDA

Motion by Mooney, second by Mueller, be it resolved, the consent agenda is approved as published.

1. Review and consider approval of minutes of a regular Council meeting held January 7, 2020.
2. Review and file bills recapped as of Tuesday, January 21, 2020.

Roll Call Vote:

Motion passed (7-0)

BUSINESS AGENDA

SECOND READING AND CONSIDERATION OF ORDINANCE 371, AMENDING THE VILLAGE ZONING ORDINANCE, CHAPTER 22, SECTION 22.16 R-M MULTIPLE FAMILY RESIDENTIAL DISTRICT

Ryan reviewed the changes to the ordinance, and the inclusion of user-friendly tables. The ordinance in its entirety is available online at the Village offices.

Motion by George, second by Hrydziuszko, that the Village of Beverly Hills approves Ordinance 371, amending the Village Zoning Ordinance, Chapter 22, Section 22.16 R-M Multiple Family Residential District, as read.

Roll call vote:
Motion passed (7-0)

SECOND READING AND CONSIDERATION OF ORDINANCE 372, AMENDING THE VILLAGE ZONING ORDINANCE, CHAPTER 22, SECTION 22.18 P-PARKING DISTRICT

Ryan reviewed the changes to the ordinance, and the inclusion of user-friendly tables. The ordinance in its entirety is available online at the Village offices.

Motion by George, second by Mooney, that the Village of Beverly Hills approves Ordinance 372, amending the Village Zoning Ordinance, Chapter 22, Section 22.18 P-Parking District, as read.

Roll call vote:
Motion passed (7-0)

SECOND READING AND CONSIDERATION OF ORDINANCE 373, AMENDING THE VILLAGE ZONING ORDINANCE, CHAPTER 22, SECTION 22.14 R-A, R-1, R-1A, R-2, R-2A, R-2B, AND R-3 SINGLE FAMILY RESIDENTIAL

Ryan reviewed the changes to the ordinance, and the inclusion of user-friendly tables. The ordinance in its entirety is available online at the Village offices.

Motion by George, second by Mooney, that the Village of Beverly Hills approves Ordinance 373, amending the Village Zoning Ordinance, Chapter 22, Section 22.14 R-A, R-1, R-1a, R-2, R-2a, R-2b, And R-3 Single Family Residential, as read.

Roll call vote:
Motion passed (7-0)

SECOND READING AND CONSIDERATION OF ORDINANCE 374, AMENDING THE VILLAGE ZONING ORDINANCE, CHAPTER 22, SECTION 22.10 PP-PUBLIC PROPERTY DISTRICT

Ryan reviewed the changes to the ordinance, and the inclusion of user-friendly tables. The ordinance in its entirety is available online at the Village offices.

Motion by George, second by Hrydziuszko, that the Village of Beverly Hills approves Ordinance 374, amending the Village Zoning Ordinance, Chapter 22, Section 22.10 PP-Public Property District, as read.

Roll call vote:
Motion passed (7-0)

SECOND READING AND CONSIDERATION OF ORDINANCE 375, AMENDING THE VILLAGE ZONING ORDINANCE, CHAPTER 22, SECTION 22.22 B-BUSINESS DISTRICT

Ryan reviewed the changes to the ordinance, and the inclusion of user-friendly tables. He noted changes from the January 7, 2020 First Reading regarding typographical errors in the principal use table. The ordinance in its entirety is available online at the Village offices.

Motion by George, second by Mueller, that the Village of Beverly Hills approves Ordinance 375, amending the Village Zoning Ordinance, Chapter 22, Section 22.22 B-Business District, as read.

Roll call vote:
Motion passed (7-0)

SECOND READING AND CONSIDERATION OF ORDINANCE 376, AMENDING THE VILLAGE ZONING ORDINANCE, CHAPTER 22, SECTION 22.20 O-1 OFFICE DISTRICT

Ryan reviewed the changes to the ordinance, and the inclusion of user-friendly tables. The ordinance in its entirety is available online at the Village offices.

Motion by George, second by Nunez, that the Village of Beverly Hills approves Ordinance 376, amending the Village Zoning Ordinance, Chapter 22, Section 22.20 O-1 Office District, as read.

Roll call vote:
Motion passed (7-0)

SECOND READING AND CONSIDERATION OF ORDINANCE 377, AMENDING THE VILLAGE ZONING ORDINANCE, CHAPTER 22, SECTION 22.40 AMENDMENTS

Ryan reviewed the changes to the ordinance, and the inclusion of user-friendly tables. The ordinance in its entirety is available online at the Village offices.

Motion by George, second by Hrydziuszko, that the Village of Beverly Hills approves Ordinance 377, amending the Village Zoning Ordinance, Chapter 22, Section 22.40 Amendments, as read.

Roll call vote:
Motion passed (7-0)

SECOND ANNOUNCEMENT OF BIRMINGHAM AREA CABLE BOARD VACANCY

Council accepted Robert Borgon's resignation from the Birmingham Area Cable Board (BACB), which creates a vacancy on the Board for a partial term ending June 30, 2022.

The BACB meets the third Wednesday of the month at 7:45 AM at the Village Municipal Building. All eligible and interested residents are encouraged to apply by submitting an application to the Village Clerk's Office by January 30, 2020. Applications can be found on the Village website or at the Village Office. A subcommittee consisting of members Mooney (chair), Abboud, and George has been formed to review the applications and offer a recommendation at the next regular Council meeting.

REVIEW AND CONSIDER MERS APPLICATION FOR ADDITIONAL SERVICE CREDIT PURCHASE FOR CHAD TRUSSLER

Public Safety Lieutenant Chad Trussler has petitioned the Municipal Employees Retirement System (MERS) about purchasing additional service credit relative to his defined benefit program. This service credit purchase would be for a period of twelve (12) months. Lt. Trussler has already met the 10-year vesting requirement for the Village. Lt. Trussler has reviewed the terms of this purchase agreement with Village Administration and I am confident that he understands the terms and risks involved.

The cost to Lt. Trussler for this service credit purchase is \$40,174.00. There is no cost to the Village. As a vested employee, were Lt. Trussler to leave before his eligible retirement date he would not be eligible for a refund of these monies. His retirement would be deferred until he reached age of retirement eligibility. I have reviewed the attached resolution for your review and consideration.

Motion by Abboud, second by Mooney, that by Resolution of its Governing Body, at its meeting on January 21, 2020, as provided by the MERS Plan Document, and in accordance with the employer's policy, the employer hereby authorizes the participant named above to make a service credit purchase from MERS as described above. The employer understands this is an estimated cost, calculated using actuarial assumptions approved by the Retirement Board. Any difference between the assumptions and the actuarial experience will affect the true cost of the additional service to the employer. The calculation assumptions are outlined above and the employer understands and agrees it is accountable for any difference between estimated and actual costs.

Roll Call Vote:
Motion passed (7-0)

REFER REZONING REQUEST FOR PARCEL ID TH-24-03-352-003 AND PARCEL ID TH-24-03-352-004, LAHSER ROAD, TO PLANNING COMMISSION FOR PUBLIC HEARING AND RECOMMENDATION

Kellie McDonald, for The Goddard School, has submitted a request for the rezoning of two lots on Lahser Road from R-A Single Family Residential to O-1 Office. Currently, one of the lots has a single-family home and one is undeveloped/vacant. The properties are at the northeast intersection of Lahser and 13 Mile Roads. The request details the intention to demolish the existing home on the one lot, combine the parcels, and construct a child care center/preschool on the property. This area is bounded by an existing office use/Zone District to the south and a single-family residential neighborhood to the north and east. On the west, across Lahser, is the Road Commission for Oakland County office and additional residential.

The Village Master Plan, Future Land Use Map denotes this area for potential redevelopment as a transition zone to the neighboring residential area. The applicant has an offer to purchase the properties, and the current owner of both parcels have submitted written approval of the request to rezone the parcels. Further, during a pre-submittal meeting the application was advised of the proposed amendments to our Ordinance for rezoning standards and has submitted documentation consistent with the proposed requirements. The submittal was reviewed by the Village Engineer who noted potential traffic impacts given the close proximity to Detroit Country Day School and Groves High School. The Road Commission for Oakland County will also be involved in the review and approval process for the site development as Lahser Road is under County jurisdiction. A copy of the application and submittal documents including a preliminary site plan detailing the proposed use, was provided.

The Michigan Zoning Enabling Act requires any request for rezoning of a property be subject to a public hearing and recommendation by the Planning Commission prior to public hearing and review and consideration by Village Council. Procedurally, if Council were to approve rezoning of the land, the applicant would then be required to proceed with the site plan approval and special land use approval process for the proposed use.

Leslie Wilson, Marlin Ct., spoke in opposition to the proposed rezoning and build at this parcel. She and her neighbors are concerned about the impact on them as residents.

Kellie McDonald, applicant, owns a Goddard School in another location, and would like to meet with the neighbors to work with them.

Motion by Hrydziusko, second by Mueller, that the Village Council refers submittal from Kellie McDonald, the Goddard School, for the requested rezoning of two lots on Lahser Road, Parcel ID TH-24-03-352-003 and Parcel ID TH-24-03-352-004, to the Planning Commission for public hearing and recommendation.

Motion passed.

REFER PLANS SUBMITTED FOR VESTIBULE ENCLOSURE AT MARKET FRESH, 31201 SOUTHFIELD ROAD, TO THE PLANNING COMMISSION FOR REVIEW AND RECOMMENDATION

On behalf of the property owner, the Village has received a request for site plan approval from the architects for Market Fresh, 31201 Southfield Road, to construct a vestibule enclosure at the existing front entranceway. The proposal details an addition at the storefront that will be a glass enclosure of existing paved walkway/entrance. Additionally, the proposal would replace the existing cloth canopy along the Southfield Road side of the building with a steel canopy and a partial restriping of the pedestrian walkways and parking spaces near the entrance to direct pedestrians to the relocated doors. A copy of the application and plans were provided. Procedurally, the application will be reviewed by the Planning Commission for a recommendation and then Village Council will review and consider approval of the proposed site plan.

The owner of Market Fresh was in attendance, he agreed to meet with Administration to ensure clean up of the rear alley.

Motion by Hrydziusko, second by Abboud, that the Village Council refers plans submitted for vestibule enclosure at Market Fresh, 31201 Southfield Road, to the Planning Commission for review and recommendation.

Motion passed.

PUBLIC COMMENTS

Dick Maxwell, Walmer Ln., would like Council to consider lowering the speed limit on 13 Mile, and would like to see stronger enforcement of the speed limit.

MANAGER'S REPORT

13 Mile Road Construction Meeting – Hubbell, Roth, and Clark, Inc. along with the City of Southfield and the Village of Beverly Hills are hosting an informational meeting for the public regarding the preliminary plans for the 13 Mile Road Rehabilitation Project on Monday, January 27, 2020 from 6:00 PM – 8:00 PM at the Village Municipal Building.

Breathalyzer Machine Calibration – Council has been made aware of issues regarding an outside contractor and discrepancies with the testing and calibration of breathalyzer equipment in multiple law enforcement agencies in Michigan. Unfortunately, the Village of Beverly Hills Public Safety Department was one of the law enforcement agencies such discrepancies may have occurred. The Michigan State Police are currently investigating these matters. The Village of Beverly Hills Public Safety Department is cooperating fully in this investigation. No Village employee or member of the Public Safety Department is under investigation nor accused of any wrongdoing. In the interim, the Village has taken the equipment in question out of service and will be utilizing blood draws for instances of suspected driving under the influence. A copy of a memo from Deputy Director Howard Shock has been included for your review.

Joint Parks and Council Meeting – The annual joint meeting between the Village Council and the Parks and Recreation Board will be held on Thursday, January 23rd at 7:30 PM in the Village Chambers.

Joint Planning and Council Meeting – The annual joint meeting between the Village Council and the Planning Commission will be held on Wednesday, February 12th at 7:30 PM in the Village Chambers.

November Ballot Issue – Based upon the direction provided by Council at the annual strategy session Village Administration has begun working on the language and formatting for a Charter Amendment for the November 2020 ballot. Administration will work with Mr. Ryan to get this language before Council for review and consideration in the coming weeks.

COUNCIL COMMENTS

George attended the Birmingham School Bond Proposal meeting, and would like to invite the Superintendent to speak at an upcoming meeting. Water on properties is an ongoing issue; and an expensive one to solve. Would like to know more about how other cities have approached or solved the problem.

Hrydziusko reiterated that the money from the Bond Proposal supports not only the students but Birmingham Next as well.

Mueller reminded everyone of the upcoming Joint Parks & Recreation and Council meeting.

Nunez would like to hear more about the solutions other communities have used to solve water problems.

Mooney explained that the Clean Water Act passed in the 1990s prohibited running drain spouts into combined sewers. He also expressed deepest condolences to the Bliven family on the loss of Bob Bliven; longtime volunteer, employee, and resident of Beverly Hills.

Abboud reported updates on SEMCOG finance allocations.

Motion by Mooney, second by Nunez, to adjourn the meeting at 9:35 pm.

Motion passed.

Lee Peddie
Council President

Kristin Rutkowski
Village Clerk

Elizabeth M. Lyons
Recording Secretary