

Present: President Mercer; President Pro-Tem Briggs; Members: Burry, Kelly, LaFerriere and Mooney

Absent: Oen

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

President Mercer 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 Mooney, second by Briggs, to approve the agenda as published.

Motion passed.

COMMUNITY ANNOUNCEMENTS

None

CONSENT AGENDA

Motion by Mooney, second by Burry, to approve the consent agenda as published.

- a. Consider approval of minutes of a regular Council meeting held September 17, 2013.
- b. Review and file bills recapped as of Monday, September 23, 2013.

Motion passed.

BUSINESS AGENDA

REVIEW AND CONSIDER ANNUAL FUNDING REQUEST AND CONTRACT FROM BIRMINGHAM BLOOMFIELD COMMUNITY COALITION FOR FY 2013/2014

The Birmingham Bloomfield Community Coalition (BBCC) provides services to reduce substance abuse by youth within the Village of Beverly Hills and the greater Birmingham Bloomfield community. These services center on raising awareness and reducing the access and use of tobacco, alcohol, marijuana and other dangerous drugs by teens. BBCC acts in similar fashion to a “community services” function, a service the Village of Beverly Hills does not currently staff on its own.

The Village Council approved funding in the FY 2013/14 Budget for contract community action programs. An amount of \$1,200 was allocated for BBCC. The organization has requested that Beverly Hills fund these important functions being provided to the community. A contract entailing the services was distributed to Council for their review.

Motion by Mooney, second by Burry, that the Council for the Village of Beverly Hills approve the funding request of Birmingham Bloomfield Community Coalition in the amount of \$1,200 for the provision of substance abuse prevention services; further that Administration be directed to sign the contract document providing for this continuing community service. The funds for this expense are available in Account #101-747-890.03
Community Action: Contracted.

Carol Mastroianni, Executive Director of the BBCC, talked about upcoming and ongoing Coalition sponsored activities and events that incorporate proven prevention strategies targeting youths and families. Prevention programs are being designed to give young people the skills they need to feel confident with themselves and make better decisions.

Roll Call Vote:
Motion passed (6 – 0).

REVIEW AND CONSIDER ANNUAL FUNDING REQUEST AND CONTRACT FROM BIRMINGHAM YOUTH ASSISTANCE FOR FY 2013/2014

Birmingham Youth Assistance (BYA) works to provide services and support to youths and families in the Village of Beverly Hills and the greater Birmingham School District community. These services center on preventing and reducing juvenile delinquency, child neglect and abuse through citizen, school, court and municipal involvement. BYA acts in similar fashion to a “community services” function, a service the Village of Beverly Hills does not currently staff on its own.

Youth Assistance Chairperson Richard Stasys was present with staff members Nikki Keller and Christine Gannon. Stasys stated that Birmingham Youth Assistance is starting its 52nd year of providing programs and services to the families in the Birmingham School District. He talked about the mission and operation of BYA programs.

Caseworker Nikki Keller discussed the counseling casework services. She works with kids from ages 7-17 in the area of prevention and counseling on a referral basis. The referral can be from a parent, the court, school district, or police department. Keller outlined program procedures. She currently works with 65 families, 14 of which are from Beverly Hills. Her goal is to counsel small groups and individuals to serve more families within the community.

Richard Stasys thanked Council for the Village’s support of the BYA program. Council members expressed their appreciation for outreach to the community and programs offered by Birmingham Youth Assistance.

Motion by Burry, second by Briggs, that the Council for the Village of Beverly Hills approve the funding request of Birmingham Youth Assistance in the amount of \$6,000 for the provision of youth and family services; further, that Administration be directed to sign the contract document providing for this continuing community service.

Roll Call Vote:
Motion passed (6 – 0).

REVIEW AND CONSIDER RECOMMENDATION FROM PARKS & RECREATION BOARD TO PROVIDE FUNDING FOR IMPROVEMENTS TO BALL FIELDS

Mooney acknowledged Coach Paul Turner in the audience. Not only is Paul Turner the Director of Tournaments for the Beverly Hills Little League, but he and his brother Todd Turner have done excellent work as coaches for the program. Mooney related that the Beverly Park Deed Restrictions indicate that the park is to be used by the Little League and by Boy and Girl Scouts. Mooney provided a comprehensive review of the Beverly Hills Little League operation in the community and a rundown of past and current use, maintenance, and condition of both the north and south ball diamonds. The Little League has done a great deal over the years to maintain the ball diamonds, contributing labor and materials.

Paul Turner talked about the improvements needed for the north and south diamonds to make the ball fields safe and functional for the Little League teams as well as all the teams and residents who use these fields in Beverly Park. He noted that retrofitting both fields with longer bases will allow the Little League to add another division and be more competitive. Turner commented on how the fields have been neglected over the last decade, particularly the north field.

At the regular meeting of the Parks & Recreation Board in September, the Beverly Hills Little League (BHLL) presented a proposal seeking financial support to make improvements to the ball fields at Beverly Park. The proposal included the following enhancements:

1. New dugouts on the north diamond
2. Replace aging home plate and pitching rubber on both north and south diamonds
3. Install 80' base anchors on north diamond
4. Infield maintenance on south diamond
5. Provide a high-quality field mix on north diamond
6. Construct a storage shed for all BHLL equipment

Budget estimates for the above items total \$28,210 and were obtained from a contractor who has done previous work for the Little League. Consideration of funding for a storage shed was postponed until the BHLL returns to a future Parks & Rec meeting with more information. The Board agreed to proceed with a recommendation to Council for proposed ball field improvements including the dugouts, infield, and pitching rubbers in order to have the work completed before the 2014 season. Half of the cost of those improvements would be \$7,000.00.

Mooney emphasized that this proposal does not cover all of the improvements needed for the ball diamonds. Further, the ball fields need to be upgraded and maintained following these improvements.

Motion by Mooney, second by Briggs, that the Beverly Hills Village Council authorize an expenditure not to exceed \$7,000 toward the Beverly Hills Little League proposal dated September 10, 2013 excluding the storage shed. Funding will come from the Park Improvement Fees in the Capital Projects Fund (401 905 985.00). Improvements include: new dugouts on the north diamond, replace home plate and pitching rubbers on both diamonds, install 80' base anchors on north diamond, infield maintenance on south diamond, and provide high quality field mix on north and south diamonds.

Mooney and Wilson addressed questions from Kelly regarding funding of park priority projects; current balance of park funds; and the involvement of kids in baseball. It was clarified that the BHLL will match the contribution of the Village to the fields. The Little League will come back before the Parks and Recreation Board to discuss details of the storage shed portion of the proposal.

Resident Bill Wegert stated that he fully supported the proposed ball field improvements.

Roll Call Vote:
Motion passed (6 – 0).

ANNOUNCEMENT OF COMMUNICATIONS COMMITTEE VACANCY

Briggs announced a vacancy on the Communications Committee. This committee meets on the second Thursday of each month at 7:30 pm in the Council chamber. The term of the vacancy expires on June 30, 2016. Applications are available at the Village office or online at www.villagebeverlyhills.com.

PUBLIC COMMENTS

Bob Walsh of Smallwood Court referred to discussion at the last Council meeting regarding the new home site at 31820 Bellvine. He asserted that there are at least two violations of the municipal code related to this construction. Walsh mentioned what he understood to be a violation of the front yard setback requirements. The other issue is related to drainage problems on the lot due to the higher grade. Walsh questioned the Village's oversight of building plans and construction considering that Beverly Hills no longer employs a building official and contracts with the City of Royal Oak for building department services.

Walsh related that Manager Wilson indicated at the last Council meeting that he would consult with the Village planning consultants and the Royal Oak building department regarding this site plan and prepare a written report. He would like a copy of that report. Walsh referred to a report on this new construction submitted to the Village by an outside engineering firm. He asked if there will be a stop work order to correct code violations on the house in question.

Bill Wegert of 32420 Westlady reviewed that he and other area residents have voiced concern regarding the enforcement of established Village ordinances with respect to the new residence being constructed on Bellvine. Residents believe that this home site is not compliant with two ordinances, Section 22.08.140 regarding elevation and grading and the ordinance regarding the front yard setback requirements.

Wegert questioned whether the written report from the Village Manager regarding these issues is available. At the last Council meeting, Mr. Wilson said that he believed that the site plan was in conformance. Wegert expressed the view that the homeowner should have gone before the Zoning Board of Appeals for a variance from the front yard setback requirement. Wegert asked that Village appointees follow the ordinances and zoning requirements in order to maintain the character of the neighborhoods.

Duncan Mein of 31725 Topper Court, whose residence is located behind the new construction on Bellvine, mentioned public safety concerns regarding the open basement and large piles of dirt on the construction site. He was concerned about the safety of kids in the neighborhood. Mein supported the drainage concerns mentioned by other area residents.

REPORTS – MANAGER

Because he was out of the office last week attending a National City Managers Association Conference, Wilson's Manager's Report was not available for distribution in the Council meeting packet.

Wilson informed Council that Plante & Moran will present the annual audit report at the October 15, 2013 Council meeting. The Village received the Retiree Health Care Fund actuarial report today; Gabriel Roeder Smith and Company will present that report at an upcoming Council meeting. The report will be made available to Council this week.

Wilson related that there has been interest and discussion in the community regarding the condition of the Eryty Dam. There was a question about the ownership of what is referred to as the right overflow spillway, which is located almost directly under Evergreen Road. The Village's consulting engineering firm, Hubbell Roth & Clark, conducted a survey on the Eryty Dam.

HRC has determined that the spillway was clearly located outside of the original right-of-way for Evergreen Road. However, there was an issue with additional right-of-way being deeded back to the Village in about 1983. This transaction appears to be tied to the condominium complex in the immediate area; the Village did accept that right-of-way. With the change in right-of-way that occurred roughly 30 years ago, there is some dual ownership of that spillway. This complicates the situation with the Village owning a portion of the south wall with the condominium complex; the entire north wall is privately owned. Wilson did not have information on why the extra right-of-way was deeded nor why it was accepted.

The Village will be working with the Department of Environmental Quality and will obtain an opinion from the State on a recommended process to follow regarding repair, property rights, and assessing the cost for potential repair. Wilson is also working with HRC in reviewing the Village's options. A report will be prepared encompassing the findings, an analysis of the condition of the spillways, future options for both the left and right spillways, and the impoundment and all of Riverside Park. The next step will be to receive input and direction from the DEQ on how to proceed. Wilson hopes to involve the concerned property owners in the immediate area in a review of the findings to determine if there is a consensus on a direction in terms of repair and funding of repairs.

Wilson reviewed that there was discussion at the last meeting regarding flooding issues that occurred in and around Buckingham on August 30, 2013. This matter has been investigated thoroughly in the last two weeks. The Village had Oakland County out twice to evaluate sewers. It was originally suspected that there may be a blockage responsible for the number of backups in the area of Greenfield south of 14 Mile Road. Oakland County found no evidence of a backup occurring there.

The Village checked with the neighboring jurisdictions of Royal Oak and Birmingham, both of which had flooding issues; rain data was gathered from Oakland County. The rain data from the Acacia Park retention basin measured out to a 50-year rain event for August 30. Birmingham gauged a 90-year rain event in the area. The sewers are gauged for a 10-year one-hour storm at a minimum. If the Village finds any evidence of a blockage, it will be made known as soon as possible. The Village finds no evidence at this point of anything other than a significant rain event that overtaxed the capacity of the infrastructure in that area.

Wilson related that work has started on installing restrictor plates in the catch basins in the area around Buckingham and two to three blocks west of Greenfield to encompass the entire sewer infrastructure. The installation will be monitored by the Village. There has been a lot of anecdotal evidence that flooding has occurred before in that area. The restrictor plates will cause temporary ponding of water in the streets until the restrictor plates allow the water to get into the system. Wilson has not found evidence of a problem in the sewer system that would point toward liability to the Village for the flooding. Michigan PA 222 is relatively clear in stating that cities and villages are quite protected in these matters.

Wilson informed those present that he has been working with LSL Planning and the City of Royal Oak on investigating the new construction on Bellvine Trail since April. LSL has reviewed the site plan for this residence and found it to be compliant with the Village's regulations regarding site plan. Wilson indicated that he has discussed the site plan done by LSL and believes it to be correct. He indicated at the last Council meeting that area residents are invited to sit down with him and discuss these issues.

Wilson addressed questions from Council on the Bellvine house issue. He stated that drainage will be an ongoing issue because of the topography of the area. There were drainage issues with the former house at this location. Wilson related that a property owner cannot raise the elevation to the point where it causes drainage issues for the neighbors. The Village will not allow the drainage situation to be exacerbated by this construction; he believes that the drainage will be improved. Wilson said that there were fundamental code violations. The Village has worked with the contractor, who made numerous changes to the drainage plan. Drainage is a concern, but not to the point where there will be a stop work order on this property. Public safety concerns on the construction site will be addressed. Snow fencing will be installed to attempt to mitigate the open basement aspect of the construction.

Wilson updated Council on a sewer issue at Riverside and Faircrest where Oakland County located a significant blockage. A contractor was able to cut out the blockage and get the sewer flowing without open cutting the pipe. The Village is considering the possibility of lining this section of sewer.

Mercer clarified that the Village contracts with the City of Royal Oak Building Department to conduct residential site plan review, permitting, and incremental inspections with respect to home construction. Commercial building plans are reviewed by LSL Planning.

REPORTS – COUNCIL

Burry observed that there is an increasing number of rental properties in Beverly Hills. It is difficult for the Village office to know whether a home is being rented in the community. Rental

property must be licensed, inspected, and maintained. Burry asked residents to contact the Village if they know of a home that is being rented.

Mooney expressed the view that it is important that people are able to attend a local government meeting and voice their opinions. He welcomed residents to attend Council meetings and express their concerns.

Mooney announced that the Annual Halloween Hoot is scheduled for Sunday, October 20 in Beverly Park. Donations to this event can be made by calling the Village offices. Volunteers are needed at 9 am to help top and gut pumpkins.

Mercer thanked Greg Burry for his involvement with the Birmingham Youth Assistance organization and his participation on the BASCC Board.

Mercer urged residents to contact Village Administration if they think that there are issues that are not being adequately addressed. Council meetings are not the only forum for voicing concerns.

Motion by Mooney, second by Briggs, to adjourn the meeting at 9:20 p.m.

Motion passed.

Tim Mercer
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary