

Present: President Mooney; Members: Abboud, Delaney, Kelly, Mueller and Oen

Absent: Peddie

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

Council 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. Those present recited the Pledge of Allegiance.

#### **AMENDMENTS TO AGENDA/APPROVE AGENDA**

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

Motion passed.

#### **COMMUNITY ANNOUNCEMENTS**

Southfield Township Clerk Sharon Tischler advised residents who applied for an absentee ballot for all elections that they should receive their absentee ballot application this week for the May 5 Special Election. They should call the Southfield Township office if they have not received their application by this weekend. Those who do not have their name on the permanent list and want to receive an absentee ballot can contact the Township office with their request. Tischler reminded everyone that, in addition to the State ballot question, there will be a Birmingham School millage renewal ballot question. Franklin residents will be voting on a millage renewal issue.

#### **PUBLIC COMMENTS**

None

#### **PUBLIC HEARING – REQUEST FROM TIMOTHY PATRICK HOMES FOR QUALIFICATION AND A DEVELOPMENT PLAN FOR A CLUSTER OPTION DEVELOPMENT AT 19600 W. 13 MILE ROAD**

Mooney stated that the development of property at 19600 W. 13 Mile Road has been before the Council previously for ancillary issues and has been reviewed by the Planning Commission. The Planning Commission held a public hearing and recommended that Council approve the request from Timothy Patrick Homes for development under the cluster concept for property located at 19600 West 13 Mile Road based on demonstration that qualification standards of Ordinance Section 22.26.030 have been met.

Mooney declared the public hearing open at 7:34 pm on the request from Timothy Patrick Homes for qualification and development plan for a cluster option development at 19600 W. 13 Mile Road.

Sharon Tischler on Virmar Court expressed concern with the volume of traffic on 13 Mile Road as well as congestion and traffic safety issues that may occur as a result of the proposed development. She questioned whether a traffic study was done in conjunction with plans to improve the property. Tischler commented on the history of this parcel and wondered why the development and private road was not named after the original property owner.

No one else wished to be heard; the public hearing was closed at 7:38 pm.

**PUBLIC HEARING – REQUEST FROM MENTAG DEVELOPMENT FOR A PRIVATE ROAD AT 31805 EVERGREEN ROAD**

Before Council for approval is an application for a private road at 31805 Evergreen Road. Council previously approved a land division application for this property, which involved splitting the property into four parcels. There is one existing house to the rear of the property. The property owners (Willets) plan to construct homes on the remaining three parcels with access to a private road off of Evergreen Road.

The Planning Commission has reviewed the private road application at various meetings in 2014. There were discussions relative to providing access to the private road for the property owner to the north at 31825 Evergreen Road (Bergs). That property has access easement rights across the 31805 parcel. At one point, it was the consensus of the Planning Commission that the plan would not be recommended for approval until there was an agreement between the two property owners with respect to access from 31825 Evergreen to the private road. The final drawings should reflect the agreed upon access arrangement, and the agreement between the two homeowners should be formalized.

Wilson related that the access easement issue was worked out at the end of the last year with both property owners in agreement. At its January 2015 meeting, the Planning Commission reviewed a reworked plan where the Bergs would have a dedicated easement along their property for continued ingress to their home. The developer would construct a service road that would tie into the Berg's existing driveway. Wilson stated that this agreement has not been signed as of today. He has been in contact with the attorneys for both parties. Based upon the history of this project and the recommendation of the Planning Commission, the access easement is critical to approval of the private road development.

The attorney for the applicant has indicated that he has had further correspondence with residents of the abutting Ronsdale subdivision who have requested some alterations to the plan. Wilson has asked that these changes be reflected in a revised set of drawings submitted to the Village along with an agreement to the extent possible with the representatives of the Ronsdale community.

The attorneys for both the homeowner to the north and the property owner are not present tonight. They asked that the public hearing go forward as it has been noticed. They requested that action on the private road application be tabled until those agreements are in place and can be reviewed by Village Administration and legal counsel.

Mooney declared the public hearing open at 7:39 pm on the request from Mentag Development for a private road at 31805 Evergreen Road.

Siva Thunga on Ronsdale Drive stated that there were a couple of meetings between Ronsdale homeowners and the Willets after the Planning Commission meeting held in January. Modifications to the initial plan were agreed upon in terms of buffering between the Ronsdale properties and the private road. It was proposed that a final draft be prepared prior to approval of the private road application.

No one else wished to be heard; the public hearing was closed at 7:41 pm.

#### **CONSENT AGENDA**

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

- a. Consider approval of minutes of a joint Council/Planning Commission meeting held February 11, 2105
- b. Consider approval of minutes of a regular Council meeting held February 17, 2015
- c. Review and file bills recapped as of Monday, February 23, 2015.
- d. Review and consider request from the Beverly Hills Athletic Club for use of the tennis courts during the 2015 season.

Motion passed.

#### **BUSINESS AGENDA**

##### **REVIEW AND CONSIDER REQUEST FROM KENSINGTON COMMUNITY CHURCH TO HOLD ANNUAL EASTER EGG HUNT AT BEVERLY PARK ON SATURDAY, MARCH 28, 2015**

Mueller stated that Kensington Community Church has requested to host its tenth annual Easter Egg Hunt in Beverly Park on Saturday, March 28, 2015. They are asking to use the park from 9:00 am until 5:00 pm. The event is open to all members of the community. 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 \$288.

Motion by Mueller, second by Oen, that the Beverly Hills Village Council approve 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 28, 2015 between 9:00 a.m. and 5:00 p.m. Further, pavilion rental fees are waived and the Village will 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 (6 – 0).

##### **REVIEW AND CONSIDER APPROVAL OF QUALIFICATION AND A DEVELOPMENT PLAN FOR A CLUSTER OPTION DEVELOPMENT AT 19600 W. 13 MILE ROAD**

Abboud and Wilson provided background information on the proposal from Timothy Patrick Homes for development of property at 19600 W. 13 Mile Road.

In December of 2014, the Village Council rezoned the approximately 4-acre site to R-3 Single Family Residential under a conditional rezoning request submitted by the applicant. A conditional rezoning includes a zoning agreement document that binds the applicant to certain terms and conditions as part of the rezoning. One of the terms of the zoning agreement between the Village and applicant was that development of the property would be done under the Village's cluster housing option (Section 22.26 of the Zoning Ordinance). The Agreement limited the density to not more than 20 units. Other conditions provided buffer areas along the north and northwest property line where the site is contiguous with developed detached single family residences.

At its January 28, 2014 meeting, the Planning Commission held a public hearing and considered the proposal in terms of whether it qualifies for development under the cluster housing option outlined in Zoning Ordinance Section 22.26.030. The Commission reviewed the submittals and found that the applicant met two of the four requirements of 22.26.030 (only one required) by the fact that the development abuts a major road (13 Mile) and that the proposed development does preserve natural assets of the property through the clustering of structures. In addition, the Planning Commission found that the applicant met all four of the required criteria of 22.26.030 (e). The Planning Commission also found that the development plan met the standards of 22.26.050 subject to final site plan review and subject to conditions.

The Planning Commission reviewed a concept plan provided by the applicant as part of the qualification process. Upon Planning Commission and Council agreement that the proposal qualifies for construction under the Cluster Housing Option and approval of the concept plan, the next step is final site plan review. Wilson stated that Village Administration reviewed the qualifications and development plan for the proposed Tremont Lane development at 19600 W. 13 Mile Rd. and agreed with the positive recommendation of the Planning Commission.

Motion by Oen, second by Abboud, that the Village Council, upon review and recommendation by the Planning Commission, approve the cluster concept qualification and development plan of Timothy Patrick Homes, LLC for 19600 W. 13 Mile Road, or Tremont Lane, upon finding that the applicant's submission meets the standards of Ordinance Section 22.26.030 (a), (d) and all four criteria of (e), subject to the following conditions:

- Addressing all items outlined in LSL Planning review letter of January 23, 2015.
- Engineering review.
- Provision of condominium documents required for site condominium development.
- A tree protection or preservation plan as a part of the landscape plan.

Council members commented on the proposal. There were members who voiced their support with respect to moving forward with the cluster plan concept for this property. Member Kelly questioned whether the proposal qualifies for cluster development under the requirements of the ordinance and expressed concern with traffic and the proposed private road. There were no comments from the public.

Roll Call Vote:

Mueller - yes  
Oen - yes  
Abboud - yes  
Delaney - yes  
Kelly - no  
Mooney - yes

Motion passed (5 – 1).

**REVIEW AND CONSIDER PRIVATE ROAD APPLICATION AT 31805 EVERGREEN**

Motion by Oen, second by Delaney, to table consideration of private road application at 31805 Evergreen Road until the April 7, 2015 Council meeting.

Mrs. Willet, property owner at 31805 Evergreen Road, asked that Council place the private road application on the agenda of the March 17, 2015 meeting. She anticipated that the easement agreement for the property owners to the north and the revised plan for screening along the southern border of the site would be finalized before the March 17 Council meeting.

Motion passed (6 – 0).

**REVIEW AND CONSIDER AWARDING CONTRACT FOR REPLACING THE PUBLIC WORKS BUILDING ROOF**

Delaney related that the roof on the Department of Public Works building is leaking and needs to be repaired. Administration has gone out for bids on a thermoplastic metal retrofit roofing system for the DPW building. There were seven bids ranging from \$18,657.00 to \$30,760.00. Council has received a copy of bid documents, the bid tabulation, and the bid submission form from the low bidder. The low bid was submitted by Butcher & Butcher Construction Co. References have been checked; this vendor appears to be a competent contractor. They are a certified installer of Firestone roofing products. The Village will be receiving a 15 year warranty on the roof for materials and workmanship.

Wilson provided additional information and answered questions from Council on the bid specifications.

Motion by Delaney, second by Oen, that the Village Council award the bid for Thermoplastic Metal Retrofit Roofing System to Butcher & Butcher Construction Co. for \$18,657.00. Funding for this work is in account #101-900-982.

Roll Call Vote:

Motion passed (6 – 0).

**REVIEW AND CONSIDER COST SHARING AGREEMENT WITH ROAD COMMISSION FOR OAKLAND COUNTY FOR 14 MILE/SAXON INTERSECTION**

Before Council for consideration is a cost sharing agreement between the Village of Beverly Hills, the City of Birmingham, and the Road Commission for Oakland County. The Road Commission is proposing to improve the intersection of 14 Mile Road/Saxon and Southfield

Road with new signals, automated camera control, and ADA sidewalk ramps. This intersection has been experiencing high maintenance costs, and repair parts are becoming difficult to obtain because the signals are outdated.

The jurisdiction of this intersection is split as follows: 50% RCOC, 37½ % City of Birmingham, 12½ % Village of Beverly Hills. The total cost of this project is estimated to be \$165,000 of which \$20,625 will be the responsibility of the Village of Beverly Hills. The Village will not be billed for this work until Fall 2016.

Motion by Oen, second by Delaney, that the Village Council approve the cost sharing agreement with the Road Commission for Oakland County for the 14 Mile/Saxon and Southfield intersection and authorize the Village Manager to sign the agreement. This project will be included in the 2016/2017 road construction budget.

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

## **PUBLIC COMMENTS**

None

## **MANAGER'S REPORT**

**Accounting Software Conversion** – Village staff is moving forward with the conversion of the Village's accounting software. As of February 28, staff was running live with cash receipts, utility billing, accounts payable and the general ledger. Much of the next week will be spent on conversion and training for payroll. The transition has been going well. Finance Director Wiszowaty and his staff, Elizabeth Wren and Peggy Linkswiler have been doing a tremendous job during this transitional time.

**Siren Testing** – With spring approaching, it will be time for regular siren testing. The first test for the Outdoor Warning Siren System will be on Saturday, March 7 at 1:00 pm. Regular testing will occur throughout the year, usually on the first Saturday of the month at 1:00 pm.

**Lahser Road Clearance** – In preparation for the construction project on Lahser Road this summer, the Road Commission of Oakland County (RCOC) had to remove some trees and vegetation along Lahser Road. In some instances it was necessary to remove these items from the right-of-way because of the widening of the road or inclusion of passing lands. In other instances it was necessary because the existing vegetation interfered with necessary site lines for adjacent driveways or residential streets. The RCOC notified all property owners adjacent to the clearance in advance of any work.

**Sign Replacements** – The Planning Commission reviewed applications for two sign replacements at its regular February meeting. Both applications, one for the Market Fresh property and one for the 31333 Southfield Road property were tabled to allow the applicants to work with Village Administration and modify their applications to comply with the sign ordinance. Wilson anticipates receiving sign applications for both properties that are compliant with the sign ordinance and a significant improvement along the Southfield Road corridor.

## **COUNCIL COMMENTS**

Mueller reviewed that he volunteered to look into a logo redesign for the Village at the Council strategy session in January. He proposed that a new logo should be consistent with the vision for Village of Beverly Hills. Mueller asked for Council approval to coordinate this project with the development of the Master Plan update. It was the unanimous consent of Council to allow Mueller to investigate the logo redesign in conjunction with the Planning Commission.

As liaison to the Planning Commission and Zoning Board, Abboud reported that the Planning Commission is working on sign permit requests. The February Zoning Board meeting was cancelled. Abboud reported on his attendance at the recent Michigan Municipal League's Elected Officials Academy Core Weekender program. Abboud will attend the Southeast Michigan Council of Governments (SEMCOG) General Assembly on March 26 at the Detroit Institute of Arts. The keynote speaker will be Warren C. Evans, Wayne County Executive.

Kelly reported that Council members Mueller, Peddie, and herself along with Manager Wilson, Finance Director Wiszowaty, and Public Works Director Meszler met with Jeff McKeen, Executive Director for SOCWA to discuss water and sewer rates. It was a lengthy and productive meeting. These individuals will regroup after Administration works on financial implications and alternate scenarios.

Mooney proposed that Council be updated after the next meeting in preparation for further discussion on alternative scenarios related to the rate structure for water and sewer rates in the Village.

Mooney has been asked by representatives of the Birmingham Area Seniors Coordinating Council that Council select a liaison who could attend monthly BASCC meetings. These meetings are on Wednesday at 1:30 pm. Mooney will coordinate schedules with members Delaney and Oen and make this appointment at an upcoming meeting.

With the unanimous consent of Council, Mooney appointed a subcommittee of Rock Abboud and Jon Oen to assist Administration with plans to rehabilitate the municipal building. The subcommittee was asked to report to the Council as a whole on a regular basis.

Mooney recognized the outstanding schools in the Birmingham School District, noting that Groves High School is a remarkable institution. Mooney announced that the Groves student news magazine, *Scriptor*, advised by Laura Redman, won a National First Place and The Most Outstanding High School General Magazine for 2014 in this year's American Scholastic Press Association national contest.

## **REVIEW AND CONSIDER RESOLUTION TO ENTER CLOSED SESSION TO DISCUSS ATTORNEY-CLIENT CONFIDENTIAL COMMUNICATION**

Motion by Oen, second by Abboud, that Council go into closed session at 8:24 pm to discuss attorney-client confidential communication.

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

**RESOLUTION TO RETURN TO OPEN SESSION**

Motion by Oen, second by Delaney, to return to open session at 9:30 pm.

Motion passed (6 – 0).

Motion by Oen, second by Delaney, to adjourn the meeting at 9:31 pm.

Motion passed (6 – 0).

**John Mooney**  
**Council President**

**Ellen E. Marshall**  
**Village Clerk**

**Susan Bernard**  
**Recording Secretary**