

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

Absent: None

Also Present: Village Manager and Clerk, Wilson
Village Attorney, Ryan
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 led by Josh Ziegele from Boy Scout Troop 1024, and recited by those in attendance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Oen, second by Peddie to approve the agenda.

Motion passed.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

Lisa Napolitan, Kirkshire, is pleased that the public hearing for amendments to Chapter 22, Section 22.24 was being set for December.

Jon Everly, Lincolnshire and John Fafth, Lincolnshire, each spoke about the frustration with the current proposal before the Planning Commission regarding the playground and sports court built at Detroit Country Day School (DCD). These items have already been constructed, and this construction was not approved with the middle school site plan submission, or permitted with the approvals provided by the Planning Commission and Village Council in 2016. They contend that DCD was not working with the neighbors, and had no intention of doing so. Each cited the high levels of noise multiple times a day, the height and expanse of the equipment, the lack of green screen as previously promised, the violation of the DEQ flood plain requirements, lights in the evenings on the property, and the continued events creating traffic and noise in the evenings.

CONSENT AGENDA

Motion by Oen, second by Peddie, 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 October 16, 2018.
2. Review and file bills recapped as of Monday, October 29, 2018.
3. Approval of payment to Johnson Thermal Temp for Public Safety hot water tank installation.
4. Set Public Hearing date of December 4, 2018 for amendments to Chapter 22, Section 22.24.

Roll Call Vote:
Motion passed (7-0)

BUSINESS AGENDA

REVIEW AND CONSIDER REQUEST FOR FUNDING FOR EAGLE SCOUT PROJECT BY JOSH ZIEGELE

Boy Scout, Josh Ziegele presented his idea for an Eagle Scout project at Beverly Park. His plan is to create a Butterfly Garden, the garden would be approximately 15x15 feet. He would have planting assistance from fellow Troop members, and hopes to secure donations from nearby nurseries. The Parks & Recreation Board unanimously recommended Council's approval of the proposed project.

Motion by Muller, second by Abboud, be it resolved that the Village of Beverly Hills Council authorizes Josh Ziegele to create and plant a butterfly garden in Beverly Park for his Eagle Scout project. Also that the Village provide the necessary financial contributions not to exceed \$525.

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

REVIEW AND CONSIDER AWARDING BID FOR 2018-19 BUCKTHORN ERADICATION PROJECT

The Village received bids on Sept. 19, 2018 at 2:00PM for Invasive Species Eradication. The Village received four bids for this project ranging from a high bid of \$70,925.00 to a low bid of \$34,999.00 submitted by Natural Community Services (NCS). Village Administration and Public Services Director, Tom Meszler, have reviewed this proposal and it is in compliance with all the requirements for the project as set forth by the Village in the bid proposal. NCS submitted references, which have been checked and good recommendations were received from other municipalities they have completed work for. This bid was reviewed by the Parks and Recreation Board and they agreed with the recommendation, with the request that Triclopyr be used as the treatment chemical. Administration recommends that the Village of Beverly Hills award this project to the low bidder, NCS, for the 2019 Invasive Species Eradication.

Motion by Mueller, second by Nunez, be it resolved that the Beverly Hills Village Council award the 2019 Invasive Species Eradication to NCS for the amount of \$34,999.00. The Village will be named as an additional party insured on the liability certificate.

Roll Call Vote:
Motion passed (7-0)

PUBLIC HEARING TO RECEIVE COMMENTS ON SPECIAL LAND USE REQUEST BY WOODSIDE ATHLETIC CLUB, 22440 W THIRTEEN MILE ROAD

Woodside Athletic Club, 22440 W Thirteen Mile Road, has submitted a proposal for site plan review and special land use approval. The proposed changes include a new play structure north of the existing pool, relocating the existing kiddie pool, improvements to the patio and outside grill area including landscaping and ADA upgrades, and a new court on the east side of the property.

The property is zoned R-1, Single Family Residential and as a private club the use is permitted by special land use approval. Per Section 22.08.300 j, any modifications to a site plan after approval requires a new special land use approval.

The Planning Commission held a public hearing on Wednesday, September 26, 2018 regarding the special land use in accordance with Section 22.08.300. At that meeting they recommended approval of the special land use contingent upon approval of the site plan. The Planning Commission also recommended approval of the site plan with the following conditions:

- Temporary dumpster be emptied no earlier than 8:00 am,
- Fence south of walkway on sheet C-105 be modified to a compliant fence, and
- Sidewalk be installed along 13 Mile frontage per Section 22.08.410.

The applicant has submitted revised plans which show they met the requirement for dumpster maintenance. Regarding the fencing standard, the applicant contends the fencing should be considered “athletic field” fencing which is permitted to be as high as seven (7) feet. The proposed fence will be six (6) feet in height and enclose the interior walkway that connects the tennis courts and proposed sports court. This is in addition to the approved ten (10) foot fencing around the existing tennis courts. Village Council will need to determine whether this fencing should be regulated as athletic field fencing, in which case the proposed fencing is compliant. Otherwise, the applicant will need a variance as the property is zoned Single Family Residential which limits front yard fencing to three (3) feet in height.

For all projects that require site plan approval, Village Ordinance, Section 22.08.140 Sidewalks or Bikeways, requires a sidewalk to be installed along the perimeter of the lot that abuts a major, intermediate, or collector street. Administration met with the applicant to discuss this requirement and potential options to assist in the efforts to connect the sidewalks in this area. The applicant is proposing to install a partial sidewalk to connect pedestrians from the western subdivision and to connect across 13 Mile Road for members who utilize the parking lot at Detroit Country Day School (the two organizations have a shared parking agreement). The applicant has proactively petitioned the Zoning Board of Appeals for a variance from full compliance to request approval of the proposed partial sidewalk as they believe there are practical difficulties unique to their site that would limit their ability to fully comply with that standard. That case will be heard on Tuesday, November 13th at 7:30 pm in the Southfield Township Office.

Mooney opened the public hearing at 7:59 p.m.

A letter from Shannon Niedzinski, Riverbank, was submitted. She was in support of the project at the Woodside Swim Club, and believes there is a high need for sidewalk installation on 13 Mile east of Lasher.

Toni Grinnan, Riverbank and Holly Hudson-Hott, Riverbank, spoke in support of the project, but expressed their concern for the safety of pedestrians where there is no available sidewalk on 13 Mile Rd.

Rick Hightine, Old Stage Road, would be opposed to a full traffic light at the crossing from Detroit Country Day, believing it would impede traffic.

Steve Paul, Old Stage Road, believes that sidewalks connecting from Lasher east on 13 Mile should be a Village priority.

No one else wished to be heard therefore Mooney closed the public hearing at 8:09 p.m.

REVIEW AND CONSIDER APPROVAL OF SPECIAL LAND USE REQUEST BY WOODSIDE ATHLETIC CLUB, 22440 W THIRTEEN MILE ROAD

All of Council agreed that installing safe sidewalks along 13 Mile is important, however, there were limits on what could be done by Woodside within reasonable cost parameters.

Motion by Nunez, second by Oen, be it resolved that the Village Council approves the special land use subject to site plan approval.

Roll Call Vote:

Motion passed (7-0).

REVIEW AND CONSIDER TRAFFIC CONTROL ORDERS #042-SS-18 AND #258-NP-18

Administration provided copies of two Traffic Control Orders which have been in effect for 90 days. It is recommended that they now be made permanent.

Traffic Control Order 042-SS-18 calls for the placement of a stop sign on northbound Madison at Birwood making this a three-way stop intersection. There existed a stop sign for eastbound and westbound Birwood. Several residents reported issues at this intersection because Madison traffic did not stop for traffic leaving the stop on eastbound and westbound Birwood. This Traffic Control Order resolves this issue by making the intersection a three-way stop.

Traffic Control Order 285-NP-18 places no parking signs on Sheridan between Madoline and Elizabeth in the curve. Vehicles parked along this curve of Sheridan created sight distance issues for both northbound and southbound traffic. Posting no parking signs has resolved this issue.

Motion by Nunez, second by Oen, be it resolved that the Village Council approves both Traffic Control Orders #042-SS-18 and #258-NP-18. Be it resolved that the Beverly Hills Village Council approves Traffic Control Order #042-SS-18 to install a stop sign on northbound Madison at Birwood and #258-NP-18 to install a no parking sign on Sheridan between Madoline and Elizabeth in the curve.

Roll Call Vote:

Motion passed (7-0).

REVIEW AND CONSIDER RESOLUTION TO ADOPT THE OAKLAND COUNTY HAZARD MITIGATION

Motion by Oen, second by Abboud,

WHEREAS, the mission of the Village of Beverly Hills includes the charge to protect the health, safety, and general welfare of the people of the Village of Beverly Hills; and

WHEREAS, the Village of Beverly Hills, Michigan is subject to flooding, tornadoes, winter storms, and other natural, technological, and human hazards; and

WHEREAS, the Oakland County Homeland Security Division and the Oakland County Local Emergency Planning Committee, comprised of representatives from the County, municipalities, and stakeholder organizations, have prepared a recommended Hazard Mitigation Plan that reviews the options to protect people and reduce damage from these hazards; and

WHEREAS, the Village of Beverly Hills has participated in the planning process for development of this Plan, providing information specific to local hazard priorities, encouraging public participation, identifying desired hazard mitigation strategies, and reviewing the draft Plan; and

WHEREAS, the Oakland County Homeland Security Division (HSD), with the Oakland County Local Emergency Planning Committee (LEPC), has developed the OAKLAND COUNTY HAZARD MITIGATION PLAN (the “Plan”) as an official document of the County and establishing a County Hazard Mitigation Coordinating Committee, pursuant to the Disaster Mitigation Act of 2000 (PL-106- 390) and associated regulations (44 CFR 210.6); and

WHEREAS, the Plan has been widely circulated for review by the County’s residents, municipal officials, and state, federal, and local review agencies and has been revised to reflect their concerns; and

NOW THEREFORE BE IT RESOLVED by the Beverly Hills Village Council that:

1. The Oakland County Hazard Mitigation Plan is hereby adopted as an official plan of the Village of Beverly Hills.
2. The Director of Public Safety is charged with supervising the implementation of the Plan’s recommendations, as they pertain to the Village of Beverly Hills and within the funding limitations as provided by the Beverly Hills Village Council or other sources.

Roll Call Vote:

Motion passed (7-0)

PUBLIC COMMENTS

None.

MANAGER’S REPORT

Organizational Meeting – The Village Council will have a tentatively scheduled special meeting on Tuesday, November 13th at 7:30 p.m. for the purpose of swearing in the four (4) members elected on November 6th to their terms. In addition, the new Council will select a President and President Pro-Tem for the upcoming two-year term.

Village Water Testing -- Water testing was first conducted in June of 2018, all of the homes tested then will be tested again in December. In addition to the 148 homes tested, anyone who has called

since then to have their water tested will also be added to the list. At this time, the Village will test the water at a total of 166 homes in December. Calls will be made by staff the last two weeks in November to schedule dates to drop off and pick up sample containers in December. The schedule will be as follows:

Drop off Date	Pick up Date
Wed., Dec. 5 th	Thurs., Dec. 6 th
Wed., Dec. 12 th	Thurs., Dec. 13 th
Wed., Dec. 19 th	Thurs., Dec. 20 th

Samples are taken to Paragon Laboratories on the Friday following each pick-up date. Results are typically emailed to the Director of Public Services within 10 days. Results are then mailed to the resident within the week.

14 Mile and Evergreen Gas Line Replacement – Consumers Energy will begin working on a gas line replacement project at the intersection of 14 Mile and Evergreen on Wednesday, November 7th. The Village was able to work with Consumers to modify the lane closures so that traffic will be maintained northbound on Evergreen to westbound 14 Mile throughout the duration of the project. Eastbound 14 Mile and southbound Evergreen/Cranbrook traffic will be detoured before the intersection. The Village has reached out the neighboring HOA's and Birmingham Public Schools to coordinate this disruption to traffic.

COUNCIL COMMENTS

Aboud thanked everyone who supported him during his Council re-election campaign.

Delaney thanked Council members for their commitment to the Village and the time spent working together.

Oen reported the Halloween Hoot was a success.

Peddie expressed a pleasure at serving with the Council and their commitment to the community.

Mooney thanked all the candidates for their desire to serve the community and work for the common good. He has been honored to serve as the Council president.

Motion by Oen, second by Delaney, to adjourn the meeting at 8:38 p.m.

Motion passed.

John Mooney
Council President

Chris Wilson
Village Clerk

Elizabeth M. Lyons
Recording Secretary