

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
Public Safety Director, Torongeau

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 Abboud, second by Mooney, to amend the agenda moving item B3. Public hearing to receive comments on a proposed ordinance amending Chapter 22 Section 22.24 Area, Height, Bulk, and Placement Regulations and Section 22.24.010 Addendum to Section 22.24. to item B2.

Motion passed.

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

Motion passed.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

None.

CONSENT AGENDA

Motion by Mooney, second by Nunez, 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 November 20, 2018.
2. Review and file bills recapped as of Monday, November 26, 2018.
3. Set Public Hearing date of January 2, 2019 to receive comments on a proposed ordinance amending Chapter 22, Section 22.08.100 Accessory Buildings, Structures, and Uses.

Roll Call Vote:

Motion passed (7-0).

BUSINESS AGENDA

DOUG KOSCHIK, BALDWIN PUBLIC LIBRARY DIRECTOR – ANNUAL UPDATE

Doug Koschik, Baldwin Library Director, provided the Council with the Annual Library Update. He outlined the variety of services the library offers to residents including Check-out, Interlibrary loan, home delivery, programs for all ages (e.g., summer reading program), and electronic resources (idea lab, databases, e-books, e-audiobooks, e-music, e-videos, etc.). He reported 6,124 Beverly Hills residents are card holders, they checked out over 135,900 items in FY 2017-18, and 539 residents took part in 2018 summer reading program. Residents can help support the library by joining Friends of the Library, donating to a trust, including named endowment funds, or attend the Books & Bites fundraiser.

Koschik provided pictures of the recent renovation the library recently underwent. The project was completed on time and under budget. He explained the building is owned by the City of Birmingham, and funding came from the library's fund balance and a temporary increase in Birmingham's Library millage. The plan is to update the Youth Room in 2019-20.

Sharon Tischler, Virmar Court, thanked the Baldwin Library for their support of the Beverly Hills Lions Club.

Frank Pisano, President of the Library Board, thanked Council for their continued support and valuable partnership.

Council thanked Koschik for his vision, hard work, and dedication to the library.

PUBLIC HEARING TO RECEIVE COMMENTS ON A PROPOSED ORDINANCE AMENDING CHAPTER 22 SECTION 22.24 AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS AND SECTION 22.24.010 ADDENDUM TO SECTION 22.24.

At the direction of Council, the Planning Commission has drafted an amendment to Section 22.24 Schedule of Regulations to add maximum lot coverage percentages for all buildings in the Single Family Residential Zone Districts and to add item q to 22.24.010 Addendum to Section 22.24. A typographical error will be corrected also.

Planning Commission established a subcommittee who worked with Administration and Planning Consultant to evaluate existing conditions to ensure any proposed regulations did not create nonconformity given the developed nature of Beverly Hills. The percentages proposed were also based upon evaluation of existing setback requirements and typical development of a single family lot, i.e. construction of a house and garage. Additionally, language to modify the addendum to 22.24 allowing some flexibility in development without imposing the burden of a variance was included to offset potential limitations for existing property owners. A public hearing was held on Wednesday, October 24, 2018 and the Planning Commission made a recommendation for adoption of the proposed changes at that meeting.

A notice for public hearing notice on this language was published in the Birmingham Observer & Eccentric on Sunday, November 18, 2018. Procedurally, the Village Council must hold a public

hearing, and first and second readings prior to adoption. Upon adoption by Council, the language will take effect 20 days after publication.

Peddie opened the public hearing at 7:58 pm.

Kay Michael, Kirkshire, is pleased with the draft; particularly the inclusion of storm water drainage improvements.

Cynthia Nagle, Kirkshire, supports the suggested parameters set forth related to new construction.

No one else wished to be heard; the public hearing was closed at 8:01 pm.

Mueller thanked the Planning Commission, Council, and Administration for all of their hard work on this issue. He is concerned that there will be cases where the maximum coverage of lot will exceed the setbacks allowed currently in the ordinance. It needs to be made clear that both figures need to be met and the process when a percentage conflicts with the setback, or setbacks conflict with the percentages.

Mueller also expressed concern related to the exceptions. The Building Official can approve an increase of up to 5% if one of two requirements are met; a nearby building is similar, or they provide for more storm water runoff additions. In his opinion, both of these requirements should be met. Separations of buildings on abutting lots should be addressed in the near future.

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 22 SECTION 22.24 AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS AND SECTION 22.24.010 ADDENDUM TO SECTION 22.24.

Ryan explained that there has not previously been a maximum single family residential lot coverage component. This places a maximum number, and the zoning district will control the number. This ordinance will apply to all single family residential zones. There is an addendum which allows for up to 5% increase in lot coverage.

REVIEW AND FILE 2019 COUNCIL LIAISON ASSIGNMENTS

Peddie thanked Council for electing her President of the Village Council. As has been the practice in the past, the Liaison and the Alternate will work as a team to ensure Council receives monthly reports on all assigned positions.

Next: Lee Peddie (L), Dan Nunez (A)

Birmingham School District: John George (L), Rock Abboud (A)

Birmingham Youth Assistance: Racheal Hrydziuszko (L), Lee Peddie (A)

Baldwin Library: Dan Nunez (L), Racheal Hrydziuszko (A)

Cable Board: Lee Peddie (L), John Mooney (A)

Finance: Rock Abboud (L), John George (A)

Public Services: Dan Nunez (M), Lee Peddie (M), Phil Mueller (M)

Parks and Recreation: Phil Mueller (L), Lee Peddie (A)

Planning Commission: Racheal Hrydziuszko (L), Rock Abboud (A)

Public Safety: Rock Abboud (L), Phil Mueller (A)

Zoning Board of Appeals: John George (L), Lee Peddie (A)
Personnel: Lee Peddie (M), Rock Abboud (M), John Mooney (M)

Motion by Mooney, second by Mueller, to receive and file the 2019 Council Liaison assignments.

Motion passed.

REVIEW AND CONSIDER APPOINTING JAMES DELANEY TO SERVE AS A REPRESENTATIVE OF THE VILLAGE OF BEVERLY HILLS ON THE JOINT SENIOR CITIZENS COMMITTEE.

Former Councilmember James Delaney has been serving as a representative of the Village on the Joint Senior Services Committee. This body is an ad-hoc committee comprised of the communities of Birmingham, Beverly Hills, Franklin and Bingham Farms, as well as Birmingham Public Schools to study the provision of services to seniors in our area. The question arose as to whether Delaney could continue to serve on this committee. Ryan confirmed that it was allowable and that if Council wished to do so Delaney should be appointed by a vote of the Council. Delaney has indicated a willingness to continue to serve at the pleasure of the Council.

Motion by Mueller, second by Mooney, be it resolved that the Beverly Hills Village Council appoint James Delaney to serve as a representative of the Village on the Ad-Hoc Joint Senior Services Committee.

Motion passed.

AMEND RESOLUTION FOR PROGRAM YEAR 2019 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION.

On November 20, 2018 Village Council held a public hearing and passed a resolution allocating estimated funding for the Program Year 2019 Community Development Block Grant application. The allocation was modified as detailed below to include funding for a third project, Public Services – Yard Services.

Minor Home Repair (NEXT)	\$7419
Yard Services (NEXT)	\$3179
Public Services (HAVEN)	\$4541

However, the resolution must be modified to comply with the federal rules regulating how the money can be allocated. The Village's estimated allocation for Program Year 2019 is \$15,139. Our allocation for all public service activities cannot exceed a maximum of 30% of the total 2019 allocation and we are required to allocate a minimum of \$3,500 for each project.

Administration received requests from HAVEN and from NEXT for consideration for CDBG funding for PY19. HAVEN provides shelter, counseling, advocacy and educational programming to nearly 30,000 people each year who are victims of domestic violence and sexual assault. As a public service project, the requirements for low-moderate income qualification are considered met by the federal government. Additionally, administration of the project is performed by Oakland

County which reduces the burden on Village staff. NEXT has partnered with the Village in administering minor home repair program and yard services program for seniors in Beverly Hills via reimbursement. Currently, NEXT is utilizing PY16 funding for eligible expenses in the minor home repair program and PY17 funding for eligible expenses in the yard services program. The Village is working with NEXT to market both programs to ensure PY16 funding is not recaptured by the federal government. Additionally, Beverly Hills has historically contributed general revenue funds to NEXT for their ongoing operations. In considering this information and the limits on funding allocation, Administration recommended funding HAVEN for the public service allocation in PY19.

Council is being asked to consider allocating funds for minor home repair services for low to moderate income citizens and public services (HAVEN). While we recommend allocating \$10,598 for minor home repair and \$4,541 for HAVEN through the CDBG program, we recognize the desire to maintain funding for the yard services program and recommend Council appropriate funding that will be earmarked for that program from the 19-20FY budget.

The following is a breakdown of the proposed allocation:

Minor Home Repair (NEXT)	\$10,598
Public Services (HAVEN)	<u>\$4,541</u>
TOTAL	\$15,139

Motion by Mooney, second by Hrydziusko, be it resolved that the Village of Beverly Hills Council, in regard to the Community Development Block Grant, rescind the resolution passed at the November 20, 2018 Council meeting.

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

Motion by Nunez, second by Mooney, that the Village of Beverly Hills Council adopt the following Resolution:

Whereas, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs, and;

Whereas, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan, and

Whereas, the Village of Beverly Hills has duly advertised and conducted a public hearing on November 20, 2018, for the purpose of receiving public comments regarding the proposed use of PY 2019 Community Development Block Grant (CDBG) funds in the approximate amount of \$15,139, and

Whereas, the Village of Beverly Hills found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need.

Account	Project Name	Amount
172160-731227	Minor Home Repair	\$10,598.00
172160-730137	Public Services – HAVEN	\$4,541.00

Therefore Be It Resolved, that the Village of Beverly Hills’ CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County’s Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Council President is hereby authorized to execute all documents, agreements, or contracts which result from this application to Oakland County.

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

PUBLIC COMMENTS

Sharon Tischler, Virmar Court, asked that the Council liaison assignments be made public record.

MANAGER’S REPORT

Water Testing – Phone calls and scheduling are underway, and the first round of water sample bottles will be going out the first week of December. We are currently scheduled to test 173 homes in this round of testing. Administration anticipates having most of the samples collected and submitted for testing during the first two weeks with one more week available to finish the sampling and testing. This is the second round of DEQ mandated follow up testing due to one abnormal test the Village collected last year. The DEQ required collection of sixty (60) samples in two different six-month periods. In the first round of testing 148 separate samples were collected and received negative tests at all tested locations. The current action level limit for lead is 15 parts per billion (ppb). Every site tested in the last round of testing tested lower than the current level of 15 ppb as well as the proposed new standard of 12 ppb. A significant majority of the tests were below 2 ppb. The Village is confident this upcoming round of sampling will produce results similar to the first round. Village Administration would like to thank all of the residents who have participated in both rounds of testing.

Recreational Marijuana – With the passage of Proposal 1 in November, recreational marijuana will be legal for persons over the age of 21. The issue facing communities is whether to allow and if so how to regulate commercial facilities. Ryan has investigated this issue and his memo was provided for review. While recreational marijuana will be legal as of Dec. 6th, the licensing and certification of commercial business by the state will not be possible for at least 9-12 months. As opposed to medicinal marijuana, Proposal 1 does require an active opt-out if communities do not wish to allow these facilities to operate within their jurisdiction. Some communities have already begun to pass opt out resolutions, even though the state is likely a year away from commercial operations being permitted. These opt-out resolutions *do not* impact the legality of recreational use marijuana in a community, only the location of commercial operations.

14 Mile Closure – Consumers Energy has completed their work in the intersection of 14 Mile and Evergreen but has needed to maintain the closure of westbound 14 Mile for additional repairs. The

Village anticipates that this work will be completed and all lanes open by no later than Friday, December 7.

Holiday Schedule – Village offices will be closed on Monday, December 24th and Tuesday, December 25th for Christmas. Trash pickup for Monday the 24th will proceed as scheduled. Trash pickup for Tuesday, Christmas Day, will occur on Wednesday, December 26th.

Tree Legislation – There is legislation before the State that would limit the options for local municipalities to regulate plants and tree coverage. The Village does not currently have a tree ordinance.

Ryan explained that there continue to be regulations related to ticketing, possession under 15g is now considered a civil infraction. He and the Public Safety department continue to work on the necessary protocol, and can provide that to Council as it is developed.

COUNCIL COMMENTS

George believes the recreational marijuana should be explored and its fit for the community. He would like to see the entire ordinance updated. He would like consideration given to how the ordinances are enforced consistently.

Hrydziuszko invited members of the community to participate in the resident drive Village Holiday lights tour.

Mueller reported there would be no Parks & Recreation meeting in December.

Nunez believes that Code Enforcement in the Village needs to be further discussed in the upcoming study session.

Mooney thanked Administration for their work on the MDEQ water testing. He asked Administration to follow up with the personnel committee related to the hiring of the new Assistant Manager/Clerk position. He expressed concerns related to the site plan non-compliance at Detroit Country Day.

Abboud updated the Council on funding available for local road rating funding. He also recommended the MML training for newly elected officials.

Peddie thanked Delaney for his continued representation of the Village at the Joint Senior Services meetings.

Motion by Mooney, second by Abboud, to adjourn the meeting at 8:49 p.m.

Motion passed.

Lee Peddie
Council President

Chris Wilson
Village Clerk

Elizabeth M. Lyons
Recording Secretary