

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

Absent: None

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

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 Mooney, second by Mueller, to approve the agenda.

Motion passed.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

Bill Wigert, Westlady, offered up his suggestions related to improvements to the construction fence ordinance.

CONSENT AGENDA

Motion by Mooney, second by Abboud, 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 February 19, 2019.
2. Review and consider approval of minutes of a joint Planning Commission and Council meeting held February 13, 2019.
3. Review and file bills recapped as of Monday, March 4, 2019.
4. Review and consider approval of landscaping contract with Jason's Outdoor Services for 2019.
5. Review and consider approval of pavement marking contract extension with R.S. Contracting for 2019.

Roll Call Vote:

Motion passed (7-0).

BUSINESS AGENDA

REVIEW AND CONSIDER REQUEST FROM KENSINGTON COMMUNITY CHURCH TO HOLD EASTER EGG HUNT AT BEVERLY PARK ON SATURDAY, APRIL 13, 2019.

On February 19, 2019, Claire South of Kensington Community Church emailed the Village Office and requested to host an Easter Egg Hunt in Beverly Park on Saturday, April 13, 2019. They are

requesting use of the park from 9:00 am until 5:00 pm. The event is open to all members of the community.

This will be the 12th year that Kensington has sponsored the Easter Egg Hunt. Kensington has a presence in the Beverly Hills area where they rent space at Groves High School. There will be activities planned for the whole family. A banner publicizing the Easter Egg Hunt will be hung on the park fence, starting Saturday, April 6, 2019. Kensington has asked that the Village provide three portable restrooms for the event.

Motion by Mueller, second by Mooney, be it resolved that the Beverly Hills Village Council approves the request from Kensington Community Church to utilize Beverly Park for the purposes of conducting an Easter Egg Hunt in Beverly Park on Saturday, April 13, 2019 between 9:00 a.m. and 5:00 p.m. Further it is recommended that the pavilion rental fees be waived and that the Village 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 (7-0)

SECOND ANNOUNCEMENT OF VACANCY ON THE BIRMINGHAM AREA CABLE BOARD

Tonight is the second announcement of a vacancy on the Cable Board; the term has an expiration date of June 30, 2020. The Cable Board meets on the third Wednesday of the month, at 7:45 a.m. in the Village Council chamber.

Application deadline:	Friday, March 29, 2019 at 4:30 p.m.
Term expires:	June 30, 2020
Cable Board Subcommittee:	Chairperson: Peddie
Members:	Abboud and George

Applications of interested persons will be delivered to subcommittee members with the April 9, 2019 packet.

PUBLIC HEARING TO RECEIVE COMMENTS ON REQUEST FROM DETROIT COUNTRY DAY SCHOOL, 22305 W. 13 MILE ROAD, FOR SPECIAL LAND USE APPROVAL AND SITE PLAN APPROVAL TO RETAIN A PLAYGROUND AND SPORTS COURT AND ADD A GUARD HOUSE AT THE MIDDLE SCHOOL GROUNDS

The Village has received revised plans, dated December 13, 2018, from Detroit Country Day School (DCDS) for approval to keep a playground and basketball court on the Middle School grounds, and add a guard house in the Middle School parking lot. Village Ordinance, Section 22.14.030 requires special land use approval for accessory structures at a private school in a Single Family Residential Zone District. Additionally, Section 22.08.300 (j) requires any modifications to the site after approval that are not in accordance with the approved site plan to obtain special land use approval.

The Planning Commission held a public hearing on October 24, 2018 for plans submitted by DCDS to retain the playground and basketball court previously installed on the Middle School grounds. A recommendation on the request was postponed due to the incomplete submittal. In the interim, the school has revised their request and is also seeking approval to add an additional accessory structure, a guard house, in the Middle School parking lot area concurrent with the request to retain the recreational structures already installed.

Due to the addition of a new structure, the Village held a public hearing on the revised submittal before the Planning Commission at the meeting held January 23, 2019. Upon receiving public comments and reviewing the submittal, the Planning Commission made a recommendation that the Village Council deny the site plan and the special land use requests due to failure to demonstrate compliance with the Village Ordinance, Chapter 22, Section 22.08.300 Procedures and Standards for Principal Uses Permitted Subject to Special Conditions. Procedurally, a public hearing on the special land use request must be held by the Council prior to issuing a decision on the requests for special land use and site plan approval.

Detroit Country Day School has submitted plans for Council's review that also include an optional Landscape Plan that notes the addition of seven (7) Norway Spruce to be installed along the western border near the playground and sports court. Additionally, in the cover letter from Cunningham-Limp, they have requested the Village Council postpone decision to allow time for the school and property owners to come to a mutually agreeable resolution.

Provided for review are the cover letter, specifications for guard house and site plan submitted by Detroit Country Day School, the review letters from SAFEBuilt Studio dated October 15, 2018 and January 17, 2019, excerpts of the minutes of the October 24, 2018 and January 23, 2019 Planning Commission meetings, and the letter received in January 2019 from 63 residents in opposition to the project. Also included are correspondence sent to the Village upon request from the Michigan DEQ regarding work conducted on site, a copy of the approved site plan dated August 12, 2016, and excerpts of the minutes of the Zoning Board of Appeals, Planning Commission, and Council meetings held in 2016 relative to the approval of the variance, special land use, and site plan for the addition to the Middle School.

Peddie opened the public hearing at 7:44 p.m.

Sam Ashley, Cunningham-Limp, requested that the Council postpone their decision to allow for continued positive progressive discussion between DCD and the homeowners towards a resolution.

Natalia Petrazczuk, Lincolnshire, spoke on behalf of the Georgetown neighbors, expressing their support of the request for a postponement while conversation towards an agreement between them and DCD continues.

A letter from Jon and Amy Everly, Lincolnshire, in favor of the postponement was also submitted.

No one else wished to be heard, therefore Peddie closed the public hearing at 7:50 p.m.

REVIEW AND CONSIDER REQUEST FROM DETROIT COUNTRY DAY SCHOOL, 22305 W. 13 MILE ROAD, FOR SPECIAL LAND USE APPROVAL AND SITE PLAN APPROVAL TO RETAIN A PLAYGROUND AND SPORTS COURT AND ADD A GUARD HOUSE AT THE MIDDLE SCHOOL GROUNDS.

Mooney questioned Ashley, confirming that DCD did not provide the items on their original site plan, and made a decision to construct the sports court and playground structure anyway.

Nunez voiced his dismay that DCD chose to circumvent input by the Planning Commission by not submitting the sports court and play structure with the original plans.

Abboud expressed his disappointment in the decisions by DCD, and his hope that a consensus with the neighbors could be reached.

Hrydziuszkowski reported that in their meeting the Planning Commission was adamant that they would not have approved the sports court or playground in their current location.

Mueller stated that regardless of the consensus reached between the neighbors and DCD, it would not supersede any decision made by the Planning Commission, and therefore would have to go back to the Planning Commission for review.

George questioned Ashley on the decision-making process that allowed this situation to happen, as well as expressed his desire to see the security report, contingent on a non-disclosure. Ashley explained that there were some minor changes made to the site plan that were approved by Village Administration related to the removal of a home, and addition of some brick. Based on that, the DCD team did not believe permission was needed for the playground and sports court, as they are not physical buildings.

Peddie expressed her frustration on behalf of the residents who are involved in this; had DCD gone through the proper procedure this would be a non-issue for them.

Motion by Peddie, second by Nunez, be it resolved that the Beverly Hills Village Council postpone decision on request from Detroit Country Day School, 22305 W. 13 Mile Road, for special land use approval and site plan approval to retain a playground and sports court and add a guard house at the middle school grounds, until April 16, 2019, to allow time for the school and property owners to come to a mutually agreeable resolution.

Roll call vote:

George	no
Hrydziuszkowski	no
Mooney	no
Mueller	no
Nunez	yes
Peddie	yes
Abboud	yes

Motion failed (3-4).

Tyler Tennant, legal counsel for DCD, submitted a letter related to the decisions made by DCD, and the continued discussions taking place between them and the residents on Lincolnshire. He further argued that DCD has taken responsibility for their violation of Village ordinances in Civil Court and therefore it has been resolved.

Ryan explained that the Council can vote to rescind their decision and conduct a new vote. The changed plans will be required to be submitted and reviewed in compliance with the Village ordinance site plan review requirements.

Motion by Mooney, second by Abboud, be it resolved that the Beverly Hills Village Council rescind the decision on request from Detroit Country Day School, 22305 W. 13 Mile Road, for special land use approval and site plan approval to retain a playground and sports court and add a guard house at the middle school grounds, until April 16, 2019, to allow time for the school and property owners to come to a mutually agreeable resolution.

Roll call vote:
Motion passed (7-0)

Motion by Mooney, second by Nunez, be it resolved that the Beverly Hills Village Council postpone decision on request from Detroit Country Day School, 22305 W. 13 Mile Road, for special land use approval and site plan approval to retain a playground and sports court and add a guard house at the middle school grounds, until April 16, 2019, to allow time for the school and property owners to come to a mutually agreeable resolution.

Roll call vote:
Mooney yes
Mueller yes
Nunez yes
Peddie yes
Abboud yes
George no
Hrydziusko yes

Motion passed (6-1)

PUBLIC COMMENTS

Don Smith, Highbank, has concerns that if DCD is allowed to continue it could affect the property values in the neighborhood.

MANAGER’S REPORT

Beverly Park Buckthorn Project – The contractors for the buckthorn removal project at Beverly Park have made significant progress in the last two weeks. Village Administration was on site with the contractor for a walk through on Tuesday the 26th. There are areas of the project that are very sparsely populated with standing vegetation at this time. This is due to the predominance of buckthorn in these areas. According to the contractor, some of the areas had likely been growing

unchecked for 40+ years. It was also reported that the contractor encountered some of the largest buckthorn they had ever treated during this project.

The contractor is completing the mowing process this week and will begin treating the remaining stumps. The existing pathways are being cleared of debris and the shredded material is being cleaned and piled as space allows. I am hopeful that some of the larger debris can be chipped and used as material for the walking paths this season. The smaller debris that cannot be chipped will biodegrade.

With the area exposed there will likely be a lot of germination of existing seed bed this spring. This will result in some rapid regrowth of some areas of buckthorn. Accordingly, there will be another cutting in the spring followed by a broadcast treatment to eliminate this round of buckthorn. Once that is completed, the Village can begin with the planned replanting and reforestation project.

Per the recommendation of the contractor, a buffer area along residential areas on Mayfair have been spot treated but not cut and removed at this time. The contractor suggested, and Village Administration agreed that it was best to treat these areas to kill the buckthorn, but leave the plants standing as they are to create a bit of a buffer from the sparser areas. As this buckthorn has been treated it will not spread to the areas that were totally removed. The treated plants in the buffer area will either eventually fall or if needed can be cut down and/or removed later; hopefully after some successful regrowth has taken place to lessen the transition to residential yards.

Another issue that has been brought up by Comeau is that some of the areas that have been cut have exposed some old dead ash trees. These trees are now exposed to more wind than before and are at greater risk of failure. Village Administration plans to work with Comeau to identify these trees and have them felled for safety.

Overall, the project will be successful in removing the expansive overgrowth of buckthorn and eventually providing a situation that can be adequately addressed by the Village. In the interim there will be a period of a drastic reduction in overall vegetation. The buckthorn growth was at a stage in some areas that removal of all the buckthorn left very little behind. This can and will be remedied over time, but it will require some patience.

Old McDonald's Site – Late this week the Village received a site plan from Robertson Brothers Builders for a residential development on the site of the old McDonald's property. Village Administration and SAFEbuilt are in the preliminary stages of reviewing the proposed development.

SOCWA and SOCRRA Quarterly Reports – Attached please find the most recent quarterly reports for the Southeastern Oakland County Water Authority (SOCWA) and SOCRRA.

COUNCIL COMMENTS

George reported the Zoning Board of Appeals meeting was canceled, but will be held in March. He reported excessive buckthorn in the wooded area south of Beverly Elementary.

Hrydziusko reported the February Planning Commission meeting was canceled.

Mueller reported the February Parks & Recreation Board meeting was canceled, but they will be discussing reforestation at their March meeting.

Mooney stated that allowing a postponement of decision for DCD was difficult for him. He shared on the sad passing of John Delaney, brother to former Council member Jim Delaney.

Abboud reported the Finance Committees met and the Village is in sound financial shape. He will be unable to attend the March 19 Council meeting.

Motion by Mooney, second by Mueller, to adjourn the meeting at 8:53 p.m.

Motion passed.

Lee Peddie
Council President

Kristin Rutkowski
Village Clerk

Elizabeth M. Lyons
Recording Secretary