

Present: President George; President Pro-Tem Hrydziuszko; Members: Abboud, Kecskemeti, Mooney, O’Gorman, and White

Absent: None

Also Present: Village Manager, Campbell
Village Clerk/Assistant Manager, Rutkowski
Village Attorney, Ryan
Public Safety Director, Torongeau
Public Services Director, Johnston

ROLL CALL/CALL TO ORDER/PLEDGE OF ALLEGIANCE

President George called the regular Village Council meeting to order at 7:31 p.m. in the Village Council Chambers located at 18500 W. Thirteen Mile Road, Beverly Hills, MI 48025. The Pledge of Allegiance was recited by those in attendance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

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

Motion passed.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

None.

CONSENT AGENDA

Motion by Mooney, second by Hrydziuszko, be it resolved, the consent agenda is approved.

1. Review and consider approval of minutes of a regular Council meeting held December 20, 2022.
2. Review and file bills recapped as of Tuesday, January 3, 2023.

Roll Call Vote:

Motion passed (7-0)

BUSINESS AGENDA

REVIEW AND CONSIDER SUBCOMMITTEE’S RECOMMENDATION FOR AN APPOINTMENT TO THE PLANNING COMMISSION

O’Gorman provided an overview. There is a vacancy on the Planning Commission for a partial term ending June 30, 2025. The Village received two applications to fill the vacancy from residents Neil Hitz and Clifford Raynor. The Village thanks the applicants for their interest in serving on the Commission.

A subcommittee was formed to meet with the applicants and offer a recommendation to Council. The subcommittee meeting was held on Tuesday, January 3, 2022 at 7:15 p.m. The subcommittee consisted of Councilmember O’Gorman (chair), Councilmember Abboud, and President George, who recommended appointing Neil Hitz to the Planning Commission. O’Gorman noted that Hitz has a great deal of experience in the community.

Motion by O’Gorman, second by Mooney, be it resolved, the Beverly Hills Village Council appoints Neil Hitz to the Planning Commission for a partial term ending June 30, 2025.

Roll Call Vote:
Motion passed (7-0)

FIRST READING OF ORDINANCE 383, AMENDING CHAPTER 22, SECTION 22.08.290 OF THE MUNICIPAL CODE

Campbell provided an overview of the proposed Ordinance amendments for Chapter 22 and Chapter 30 and EGLE standards. Administration is requesting Village Council consider amendments to several Village of Beverly Hills Ordinances to address post-construction storm water runoff requirements. More specifically, we are requesting amendments to the Zoning Ordinance, Sections 22.08 (General Provisions), 22.09 (Site Plan Development), and Chapter 30 (Surface Water Drainage). On November 1, 2022, the Administration presented amendments to the above noted sections of the Zoning Ordinance and Chapter 30. The Village Council tabled the first reading, asking the Administration to present a more comprehensive and understandable ordinance to the Council and residents. On December 6, 2022, the Council set the public hearing for these ordinances for January 3, 2023.

The Village is required to comply with federal requirements for storm water management. The Michigan Department of Environment, Great Lakes, and Energy (EGLE) issues the permits that contain these requirements. One of the requirements is to manage storm water running off newly developed or redeveloped sites to reduce the discharge of pollutants into the Rouge River and to control the flow of water to reduce flooding and protect streambanks. EGLE and Oakland County have recently reached an agreement on the engineering standards to be used to meet these requirements. The Village can adopt these standards to comply with our permit requirements.

EGLE requires that a local government’s post-construction storm water runoff program be implemented through an ordinance or other regulatory mechanism.

The proposed post-construction storm water runoff program includes all the following components:

- Water Quality Treatment Performance Standard
- Channel Protection Performance Standard
- Site-Specific Requirements for Contaminated Sites and Potential Hot Spots
- Site Plan Review
- Operation and Maintenance (O&M) Requirements for Best Management Practices
- Enforcement Response Procedure (including Tracking)

Chapter 30, along with the proposed amendments, in their entirety, were provided to Council. These proposed changes were co-authored by our engineering firm, HRC, and reviewed and approved by EGLE and the Village Attorney. All proposed changes to the Ordinances are in red font. Further, Oakland County’s MS4 permit is attached that includes Oakland County’s Post-Construction Water Runoff standards. Pages 8 – 9 of the permit addresses the County’s Post-Construction Water Runoff standards.

Please note that the amended applicability section of Chapter 30, states that the Ordinance will apply to all potential MS4 discharges and that post construction water runoff standards shall apply to all non-residential development and redevelopment projects or residential development and redevelopment projects that are part of a common plan of development. These proposed amendments meet EGLE’s requirements and Oakland County’s standards for construction runoff. On September 28, 2022, the Planning Commission conducted a public hearing on proposed amendments to Sections 22.08 and 22.09 of the Zoning Ordinance. The Planning Commission recommended that the Village Council approve the amendments to Section 22.08 and 22.09.

Campbell noted that in “Section 30.15 Appeal,” reference to “Article 15” should be changed to “Article 16.”

Ryan gave the first reading of Ordinance 383, amending Chapter 22, Section 22.08.290 of the Municipal Code.

Kecskemeti recommended changing the wording of the highlighted line in 22.08.290(e)(9) to read “All erosion control plans shall meet the requirements of the Oakland County Soil Erosion and Sedimentation Control Program. All stormwater management shall be addressed in accordance with requirements adopted in Chapter 30 – Surface Water Drainage and Illicit Discharge Control.”

FIRST READING OF ORDINANCE 384, AMENDING CHAPTER 22, SECTION 22.09 OF THE MUNICIPAL CODE

Ryan gave the first reading of Ordinance 384, amending Chapter 22, Section 22.09 of the Municipal Code.

Kecskemeti recommended changing the wording of the highlighted text in Section 22.09(h) to read “The control and treatment of stormwater runoff shall follow the requirements as adopted in Chapter 30 – Surface Water Drainage and Illicit Discharge Control.”

FIRST READING OF ORDINANCE 385, AMENDING CHAPTER 30 OF THE MUNICIPAL CODE

Ryan gave the first reading of Ordinance 385, amending Chapter 30 of the Municipal Code.

Mooney stated that the Council is changing the Ordinances to help prevent bad things from going into the sewer system, essentially. Ryan concurred and added that they impact surface water and the river, too.

White asked that the word “System” be added in the 5th paragraph for consistency.

Kecskemeti commented on some of the changes made to this draft of the Ordinances that deviated from Oakland County’s minimum requirements regarding applicability. Specifically, she commented on the County’s 1 acre exemption since most parcels in the Village are less than 1 acre. The Village’s standards would apply to all non-residential properties.

Brad Shepler, Hubbell, Roth, & Clark, concurred with Kecskemeti’s summary.

Abboud asked about current developments and how they are dealt with. Campbell noted that right now they have to follow Oakland County standards. Shepler noted the current development project has detention on the site.

Kecskemeti offered the following change to the proposed Ordinance: Section 30.01, change “Health Department” to “Water Resources Commission.”

Kecskemeti stated that Section 30.03 does not mention “waters of the state” and was concerned about contaminants that could be discharged from a property into the river. Ryan referred her to section 30.07. Kecskemeti stated that those two sections should match.

White asked how runoff from schools is managed. Shepler and Ryan noted that school districts are under the state’s authority.

PUBLIC HEARING TO RECEIVE COMMENTS ON PROPOSED ORDINANCE 383, AMENDING CHAPTER 22, SECTION 22.08.290; ORDINANCE 384, AMENDING CHAPTER 22, SECTION 22.09; AND ORDINANCE 385, AMENDING CHAPTER 30 OF THE MUNICIPAL CODE

President George opened the public hearing at 8:22 p.m.

No one wished to be heard, so the public hearing was closed at 8:23 p.m.

PUBLIC COMMENTS

None.

MANAGER’S REPORT

Christmas Tree Chipping - Comeau will be chipping Christmas trees the weeks of January 2 and January 9, 2023. Please remove all decorations and plastic bags and place trees at the curb to be chipped.

Upcoming Strategy Session- The annual Council Strategy Session will be held on Saturday, January 7, 2023 at 9:00 a.m. in the Village Council Chambers.

Joint Council/Parks & Recreation Board Meeting - The joint Council/Parks & Recreation Board meeting will be held on Thursday, January 19, 2023 at 7:30 p.m. in the Village Council Chambers.

Offices Closed – Village Offices will be closed on Monday, January 16th in observance of Martin Luther King, Jr. Day. Trash collection will not be interrupted.

CDBG Minor Home Repair – Clerk Rutkowski confirmed with the County that the Village can use CDBG funding to send out notices about the availability of Minor Home Repair funding.

Mooney stated that residents have informed him that the new 14 Mile Road pavement appears to be washboarded.

COUNCIL COMMENTS

White commented on a recent water main repair in his neighborhood. He stated that the pipes were old. He complimented the Public Safety Department on their response to the break.

Keckskemeti stated the Village is in phase one of the conversation about storm water management. She said that the combined and separate sewer systems have their own unique issues. She said if the Village does nothing, then things will get worse. She said actions like passing the updated Ordinances will make things less worse. She said that they are chipping away at the problems.

O’Gorman wished everyone a Happy New Year.

Abboud stated that Oakland County is providing virtual training on local government law on January 12th and 26th. He discussed Short Term Rentals and said the legislature may allow for local control. He said SEMCOG put out a call for projects for their Carbon Reduction Program. He gave examples of carbon reduction methods. He commented on the Senior Advisory Council and said there will be reappointments on the board due to redistricting. He wished everyone a Happy New Year.

Mooney, with his deepest sadness, announced that Phil Schmitt passed away on New Year's Eve. He said there was no finer public official or public servant than Phil Schmitt. Schmitt served on the Parks & Recreation Board, was a Trustee and Supervisor for Southfield Township, was a member of Friends of Beverly Park, and served on Village Council. Mooney stated Schmitt walked door to door to gain support for Beverly Park’s development. He was instrumental in the play structure at Beverly Park, the paved parking lot, buckthorn removal, BHLL storage shed, ping pong tables, and fencing. He participated in the Memorial Day Parade and Carnival for thirty years. He also helped gut pumpkins at the Halloween Hoot for years. He was part of bringing Movie in the Park and Concert in the Park to Beverly Park. He helped draft the DNR grant for the pavilion twenty years ago. As a Council member, he supported sidewalks throughout the Village. As Southfield Township Trustee, he helped lower taxes. Mooney stated Schmitt did an outstanding job serving the community. He said Phil Schmitt was married to Loma and was the most dedicated spouse. He said they did everything they could to allow children to enjoy Beverly Park. On behalf of the Village, Mooney extended condolences to the Schmitt family.

Hrydziuszko echoed Mooney’s comments about Phil Schmitt. She said he was wonderful to be around. She remembered his help with the Memorial Day Parade and Carnival and the Halloween Hoot. She said it was a pleasure to work with him.

George said Mooney’s comments about Schmitt were well said. He sent his condolences to the family. He said the Council is lucky to stand on the shoulders of those before them. He stated he will bring breakfast for Saturday’s Strategy Session.

ADJOURNMENT

Motion by Mooney, second by Abboud, to adjourn the meeting at 8:45 p.m.

Motion passed.

John George
Council President

Kristin Rutkowski
Village Clerk