

**Beverly Hills
Regular Village Council Meeting
Tuesday, June 18, 2019**

**Municipal Building
18500 W. 13 Mile Rd.
7:30 p.m.**

AGENDA

Roll Call/Call to order

Pledge of Allegiance

Amendments to Agenda/Approve Agenda

Community Announcements

Public Comments on items not on the published agenda

Consent Agenda

1. Review and consider approval of [minutes](#) of a regular Council meeting held June 4, 2019.
2. Review and file [bills](#) recapped as of Monday, June 10, 2019.

Business Agenda

1. Second Reading and consideration of proposed [ordinance](#) amending Chapter 22, Sections 22.08.090, 22.08.130, 22.08.300 of the Municipal Code of the Village of Beverly Hills.
2. Second Reading and consideration of proposed [ordinance](#) amending Chapter 22, Sections 22.04, 22.08.370, 22.14, and 22.16 of the Municipal Code of the Village of Beverly Hills.
3. Review and consider Fiscal Year 2018-2019 [Budget Amendment](#).
4. Review and consider [Resolution](#) for the Transfer of Act 51 Funds.
5. Review and consider [Traffic Control Order](#) #127-YS-19 for the southeast corner of Woodhaven and Vernon.
6. Review and consider various board/commission [appointments](#).

Public comments

Manager's [report](#)

Council comments

The Village of Beverly Hills will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities attending the meeting upon three working days' notice to the Village. Individuals with disabilities requiring auxiliary aids or services should contact the Village by writing or phone, 18500 W. Thirteen Mile Beverly Hills, MI 48025 (248) 646-6404.

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

Absent: None

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

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 amend the agenda; Business Items 2 and 3: change “Section 22.08.290” to “Section 22.08.090.

Motion passed.

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

Motion passed.

COMMUNITY ANNOUNCEMENTS

William Miller, County Commissioner, updated the Council on the work being done by his committees.

PUBLIC COMMENTS

Larry Nedum, Kirkshire, expressed his belief that there are errors in the Village code that need to be addressed.

Molly Borgon, Parks & Recreation Board Chairperson, reported on the Memorial Day Parade and Carnival. It was a success with great weather and a strong turnout. She thanked all of the sponsors and volunteers who worked together to produce the event.

CONSENT AGENDA

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

1. Review and consider approval of minutes of a regular Council meeting held May 21, 2019.
2. Review and file bills recapped as of Tuesday, May 28, 2019.
3. Set public hearing date to receive comments on Chapter 22, Section 22.08.280 of the Municipal Code of the Village of Beverly Hills for Tuesday, July 2, 2019.

Roll Call Vote:

Motion passed (7-0)

BUSINESS AGENDA

THESE MINUTES ARE NOT OFFICIAL. THEY HAVE NOT BEEN APPROVED BY THE VILLAGE COUNCIL.

REVIEW AND CONSIDER RESOLUTION CELEBRATING THE 100TH ANNIVERSARY OF MICHIGAN'S RATIFICATION OF THE 19TH AMENDMENT OF THE UNITED STATES CONSTITUTION, GIVING WOMEN THE RIGHT TO VOTE.

WHEREAS, women of every race, class, and ethnic background across America have made historic contributions to the growth and strength of the United States in countless recorded and unrecorded ways;

WHEREAS, the women of this nation initiated the most significant women's movement in history – the need for women's suffrage;

WHEREAS, despite the strong opposition, the inspiration and determination of women nationwide brought about the extraordinary accomplishment – the right for women to vote;

WHEREAS, on June 10, 1919, Michigan women cast their vote when Michigan voters ratified the 19th Amendment to the U.S. Constitution;

WHEREAS, the State of Michigan was the second state in the nation to ratify the 19th Amendment, giving women the right to vote;

WHEREAS, on August 26, 1920, voters across the nation secured the right for women to vote when the 19th Amendment to the Constitution of the United States was ratified, empowering American women and declaring for the first time that they, like men, deserve all the rights and responsibilities of citizenship stating, “. . . the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex”; and

WHEREAS, August 26, 2020 will mark the 100th anniversary of the passage of the National Suffrage Amendment, the 19th Amendment to the U.S. Constitution, guaranteeing women the right to vote.

NOW, THEREFORE, BE IT RESOLVED by Hrydziuszko, second by Mooney, that the Village of Beverly Hills remembers and celebrates the historic women who fought for the right to vote and recognizes the courage and inspiration of these bold women to change the course of history.

BE IT FURTHER RESOLVED that the Village of Beverly Hills will fly the 19th Amendment Victory Flag June 10, 2019 through June 14, 2019 to commemorate the State of Michigan ratifying the 19th Amendment and again on August 24, 2020 through August 28, 2020 to commemorate the ratification of the 19th Amendment to the Constitution of the United States.

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

PUBLIC HEARING ON PROPOSED ORDINANCES AMENDING CHAPTER 22, SECTIONS 22.08.090, 22.08.130, 22.08.300, 22.04, 22.08.370, 22.14, AND 22.16 OF THE MUNICIPAL CODE OF THE VILLAGE OF BEVERLY HILLS.

Peddie opened the Public Hearing at 7:58 p.m.,

Paula Roddy, Rutland Dr., stated she supported these amendments and commended Council for moving forward on them.

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No one else wished to be heard, Peddie closed the hearing at 7:59 p.m.

FIRST READING OF PROPOSED ORDINANCE AMENDING CHAPTER 22, SECTIONS 22.08.090, 22.08.130, 22.08.300 OF THE MUNICIPAL CODE OF THE VILLAGE OF BEVERLY HILLS.

The Village of Beverly Hills Ordains:

Section 1.01. That Section 22.08 of Chapter 22 is hereby amended to read as follows:

SECTION 22.08, GENERAL PROVISIONS

22.08.300 PROCEDURES AND STANDARDS FOR PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.

c. Procedure of Notice. Upon receipt of an application for a permitted principal use permitted subject to special approval, one notice of a public hearing shall be published in the newspaper of general circulation in the Village; said notice shall be sent by mail or personal delivery to the owners of the property for which approval is being considered, to all persons to whom real property is assessed, within three hundred feet (300') of the boundary of the property in question, and to the occupants of all structures within three hundred feet (300'), except that the notice shall be given not less than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:...

d. Planning Commission Hearing and Review: Special land use approval shall not be granted until a public hearing has also been held by the Planning Commission, in accordance with procedures described in Section 22.08.300 (b) and (c) above. The Planning Commission shall make a recommendation with comments on the special land use to Village Council.

j. Modification After Approval. After any special land use approval is granted, any subsequent modifications to the site not in accordance with the approved site plan, any change of use, any increase in the intensity of the use, or any change in any of the conditions of approval, including by way of example but not limitation, any additions to a principal building or any expansion of off-street parking, shall require a new special land use approval pursuant to the provisions set forth in 22.08.300. Notwithstanding the foregoing, the Village Council, after a favorable recommendation from the Planning Commission, may waive any of the requirements of Section 22.08.300 with respect to any modifications for which all of the following conditions apply:...

Section 2.01.

That Section 22.08.090 of Chapter 22 is hereby amended to read as follows:

SECTION 22.08.090 MINIMUM DISTANCE BETWEEN RESIDENTIAL BUILDINGS

22.08.090 MINIMUM DISTANCE BETWEEN RESIDENTIAL BUILDINGS. In Single Family Residential Zone Districts R-A, R-1, R-1A, R-2, and R-3 the minimum required distance between residential buildings on two (2) lots which abut each other along a common side lot line shall be not less than the sum of the two (2) required minimum side setbacks of either of the lots; provided, however, that when the lot to which the ordinance is being applied is less than sixty feet (60') in width, the minimum required distance between such residential buildings may be reduced by six

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inches (6") for every foot that the lot is less than sixty feet (60') in width. In Single Family Residential Zone Districts R-2A and R-2B the minimum required distance between residential buildings on two (2) lots which abut each other along a common side lot line shall not be less than fifteen (15) feet.

Section 3.01. SEVERABILITY. If any section, clause or provision of this Ordinance shall be declared to be inconsistent with the Constitution and laws of the State of Michigan and voided by any court of competent jurisdiction, said section, clause or provision declared to be unconstitutional and void shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force.

Section 4.01. SAVING CLAUSE. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 5.01. REPEALER. Any Ordinance conflicting with this Ordinance be and the same is hereby repealed.

Section 6.01. EFFECTIVE DATE. A public hearing having been held by the Planning Commission on April 24, 2019, and the Village Council on June 4, 2019, the provision of this Ordinance shall become effective 20 days following its publication in The Eccentric, a newspaper circulated within said Village.

FIRST READING OF PROPOSED ORDINANCE AMENDING CHAPTER 22, SECTIONS 22.04, 22.08.370, 22.14, AND 22.16 OF THE MUNICIPAL CODE OF THE VILLAGE OF BEVERLY HILLS.

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j. Modification After Approval. After any special land use approval is granted, any subsequent modifications to the site not in accordance with the approved site plan, any change of use, any increase in the intensity of the use, or any change in any of the conditions of approval, including by way of example but not limitation, any additions to a principal building or any expansion of off-street parking, shall require a new special land use approval pursuant to the provisions set forth in 22.08.300. Notwithstanding the foregoing, the Village Council, after a favorable recommendation from the Planning Commission, may waive any of the requirements of Section 22.08.300 with respect to any modifications for which all of the following conditions apply:...

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Section 5.01. REPEALER. Any Ordinance conflicting with this Ordinance be and the same is hereby repealed.

Section 6.01. EFFECTIVE DATE. A public hearing having been held by the Planning Commission on April 24, 2019, and the Village Council on June 4, 2019, the provision of this

Ordinance shall become effective 20 days following its publication in The Eccentric, a newspaper circulated within said Village.

REVIEW AND CONSIDER RESOLUTION APPROVING THE VILLAGE OF BEVERLY HILLS SEWER SYSTEM OPERATION AND MAINTENANCE AGREEMENT WITH OAKLAND COUNTY.

WHEREAS, the Village owns a sewer system that is further described in Exhibit A, which is known as the Village of Beverly Hills Sewer System, and as it may be expanded or altered from time to time (the “System”);

WHEREAS, the Village desires to engage the County to operate and maintain the System on behalf of the Village on a non-profit basis and in accordance with the terms and conditions set forth in this Agreement;

WHEREAS, the County, by and through the Office of the Oakland County Water Resources Commissioner (“WRC”), has qualified personnel capable of providing sewer operations and maintenance services;

WHEREAS, the Michigan Constitution of 1963, Article 7, § 28, and the Urban Cooperation Act of 1967, being MCL 124.501, et seq. (“Act 7”), authorizes a political subdivision to exercise jointly with any other political subdivision any power, privilege or authority which such political subdivisions share in common with which each might exercise separately; and

WHEREAS, pursuant to resolutions adopted by their respective legislative bodies, the Parties each have been authorized to execute this Agreement for the Services according to the terms and conditions of this Agreement.

NOW, THEREFORE, BE IT RESOLVED, by Abboud, second by Hrydziuszko in consideration of these premises and the mutual promises, representations, and agreements set forth in this Agreement, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the County and the Village mutually agree on the attached Operation and Maintenance agreement.

Roll call vote:

Motion passed (7-0)

REVIEW AND CONSIDER RESOLUTION AUTHORIZING OAKLAND COUNTY TO SHARE BEVERLY HILLS’ GIS DATA WITH OTHER GOVERNMENTAL AGENCIES.

The following resolution was offered by Mueller and seconded by Mooney:

WHEREAS, sharing data with other regional and governmental agencies improves the ability to coordinate with such agencies during emergency situations, understand the criticality of a municipality’s assets, coordinate construction and other maintenance activities, as well as participate in comprehensive approaches to utility asset management;

WHEREAS, the County of Oakland has participated, and continues to participate, in numerous data-sharing agreements with state and federal agencies, including the Michigan Department of Environmental Quality and the United States Environmental Protection Agency;

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WHEREAS, the Village of Beverly Hills believes it would benefit from such data sharing through financial savings, improved asset management procedures and improved levels of service; and

WHEREAS, the Village of Beverly Hills, in the interest of convenience and efficiency, desires the County to include Beverly Hills' infrastructure assets in the County's data-sharing program by granting data-sharing authorization to the County.

NOW, THEREFORE, BE IT RESOLVED that the Village of Beverly Hills authorizes the County, by this resolution, upon notice to the Village by Oakland County, to enter into agreements with other governmental agencies on behalf of the municipality and share such infrastructure data with regional, state and/or federal agencies that incorporates the Village's GIS data.

BE IT FURTHER RESOLVED that an executed copy of said resolution by the Clerk shall be forwarded to the Oakland County Water Resources Commissioner, located at One Public Works Drive, Waterford, Michigan 48328 to the attention of the Senior Attorney.

Roll call vote:

Motion passed (7-0)

REVIEW AND CONSIDER FISCAL YEAR 2018-2019 BUDGET AMENDMENT.

The proposed FY 2018-2019 Village of Beverly Hills Budget Amendments were provided to Council and are available for review at the Village office and online.

There are General Fund amendments relating to adjusting revenue and expenses to more accurately reflect projected actuals for FY19. Total adjustments are approximately an increase in net revenue of \$19k. In Major Roads there are amendments for increased monies received from the State of Michigan, and expense adjustments decreasing street construction, repair and maintenance sealing joints and crack, salt and sand, and winter labor. In Local Roads there are amendments for increased monies received from the State of Michigan, and expense adjustments for gravel sand and slag, sealing road joints and crack and winter labor and equipment. In Public Safety there are amendments to adjust various revenue line items as well as align various expenditures such as salaries and benefits, repairs and maintenance, vehicle expense and other to more accurately reflect projected actuals for FY19. In the Capital Fund there is an amendment to adjust engineering and repair cost which will not occur until FY20.

These proposed FY 2018-2019 Budget Amendments have been reviewed by Village Administration and are recommended for approval.

Motion by George, second by Mooney, be it resolved that the Village of Beverly Hills Council authorizes Village Administration to transfer or adjust monies reserved in the General, Major Roads, Local Roads, Public Safety and Capital funds as reflected in the May 30, 2019 memorandum from Finance Director, Sheila McCarthy.

Roll call vote:

Motion passes (7-0)

REVIEW AND CONSIDER MERS APPLICATION FOR ADDITIONAL SERVICE CREDIT PURCHASE.

WHEREAS, Village of Beverly Hills employees are participants of the Municipal Employees' Retirement System (MERS);

WHEREAS, with the approval of the employer and the local government body, participants of MERS can purchase additional service credit to help meet an early retirement eligibility provision or to increase their pension benefit; and

WHEREAS, Public Safety Sergeant Kevin Kowalik has requested and is eligible to purchase additional service credit relative to his defined benefit program in the amount of \$94,097.00 at no cost to the Village.

NOW, THEREFORE, BE IT RESOLVED by Mooney, second by Muller, that the Village Council of Beverly Hills, Oakland County, Michigan, hereby authorize Sergeant Kowalik to make a service credit purchase from MERS in the amount of \$94,097.00.

Roll call vote:

Motion passed (7-0)

SECOND ANNOUNCEMENT OF VARIOUS BOARD/COMMISSION VACANCIES

The following is a list of board members whose terms expire on June 30, 2019. All the members have been notified of their term expiration and those listed below wish to be considered for reappointment. It was noted that Council agreed in November of 2008 to make these vacancies open to the public as well as the currently seated member.

Parks & Recreation Board

Irene Davis

Planning Commission

Benjamin Wilensky

Robert Stempien

Patrick Westerlund

Zoning Board

Reanen Maxwell

Vacancy (William Donnelly)

Vacancy (Ashley Lepidi)

All terms are for three years beginning July 1, 2019 and expiring June 30, 2022. All interested and eligible residents of Beverly Hills are encouraged to apply. The deadline for applications is Friday, June 7, 2019. Applications are available on the Village's website or at the Village office.

This constitutes the second announcement of the vacancies with appointments scheduled to take place at the June 18th regular Village Council meeting.

PUBLIC COMMENTS

Roddy inquired when the second readings of the resolutions would be conducted.

MANAGER'S REPORT

14 Mile Paving Project – The paving portion of the 14 Mile Rd. project west of Lahser has been completed. The contracting is only needing to finish the striping and pavement markings to be able to reopen this route to normal traffic. Unfortunately, rain has prevented this work from being completed to date. Once the striping and some shoulder work is completed traffic control will be removed and the road returned to regular traffic. The Village has examined the pavement work and we are satisfied with the quality of the paving.

Drainage District Petition – The Village has received a petition from a group of residents in the neighborhoods around 14 Mile, Birwood and Kirkshire between Greenfield and Madison. There are 83 homes in this district. Village Administration is in the process of confirming the addresses and signatures in this area. The petition is for the Village to investigate a solution to storm water drainage primarily along the side and rear yards of homes in this area. Village Administration will work with our engineers to develop a solution to this issue and develop a cost estimate that would be used for a Special Assessment District to assess the costs for this to the residents in the area. Once those costs are known the petitioners can determine if it is in their best interest to go forward with such a project. If so, they will need to submit another petition to establish a Special Assessment District for the project for Council's review and consideration.

Annual Water Testing – The Village will be performing annual water testing this year in compliance with regulation from the Department of Environment, Great Lakes and Energy (EGLE). EGLE is the new name for the former Michigan Department of Environmental Quality (MDEQ). The annual testing requirements have changed for all communities. As a result of these changes, the Village will be required to take a minimum of thirty (30) samples from residential homes this year. In addition, many of the sampling protocols have changed from prior years, particularly for sites identified as Tier I sites. Further, the criteria for classification as a Tier I site has also changed, resulting in far fewer Tier I sites in the Village. Village Administration will be in direct contact with all of our Tier I sites to include them in our test results. Anyone interested in being included in the sampling pool for this year's tests can contact the Village and they will be tested at no charge.

Riverside Dr. Petition – Village Administration is in receipt of a petition from residents along Riverside Drive to perform a traffic study to analyze traffic and speed conditions on Riverside and also to examine the treatment of removal of the yellow center lines that were placed on Riverside when the road was last repaved. Village Administration will be working with the Traffic Improvement Authority (TIA) on a traffic study for this area. We are also procuring costs for the removal of the striping along Riverside.

Parking Issues – The Village was made aware of a number of students from Groves that were parking along Elwood Street and crossing 13 Mile in the morning and afternoon to attend school. The number of cars parking in this area had become excessive and the Village had concerns about the number of pedestrians crossing 13 Mile. Village Administration has issued a temporary Traffic Control Order (TCO) and erected no parking signs along Elwood. These signs can be removed at the end of the school year. The Public Safety Department worked with Groves officials to get the word out to students regarding the parking regulation changes. This has been an issue in past years around this time. School policy does not provide parking passes to Sophomores. As these students become of driving age, they begin driving themselves to school without a proper place to park. We will continue to work with the school and monitor the situation.

Music in the Park – On Friday, June 7th at 7:00 PM there will be a free concert in Beverly Park. Bob Mervak will be performing jazz and easy listening music. This free and family friendly event is being sponsored by the Parks and Recreation Board.

COUNCIL COMMENTS

Council thanked all of the sponsors and volunteers for their hard work on the Memorial Day Parade and Carnival.

George thanked Administration for their work on areas that needed commercial clean up. He stated that there is a need for a crosswalk at Berkshire.

Hrydziusko updated the Council on the Planning Commissions subcommittee work. She encouraged residents to attend the Concert in the Park on June 7th.

Mueller reminded everyone the deer are out, and to be aware of the fawns and babies.

Mooney apologized for not proclaiming June Gun Violence Awareness month in 2018.

Abboud was able to present the Don and Patricia Greening Scholarship to high school graduates Luke Mercer and Rachel Kos, at their recent awards ceremonies.

Motion by Abboud, second by Nunez, to adjourn the meeting at 8:51 pm.

Motion passed.

Lee Peddie
Council President

Kristin Rutkowski
Village Clerk

Elizabeth M. Lyons
Recording Secretary

TO PRESIDENT PEDDIE & MEMBERS OF THE VILLAGE COUNCIL. THE FOLLOWING IS A LIST OF
EXPENDITURES FOR APPROVAL. ACCOUNTS PAYABLE RUN FROM 5/28/2019 THROUGH 6/10/2019.

ACCOUNT TOTALS:

101	GENERAL FUND	\$58,692.22
202	MAJOR ROAD FUND	\$38,640.25
203	LOCAL STREET FUND	\$17,312.02
205	PUBLIC SAFETY DEPARTMENT FUND	\$29,571.59
592	WATER/SEWER OPERATION FUND	\$376,390.40
701	TRUST & AGENCY FUND	\$2,975.03
	TOTAL	<u>\$523,581.51</u>
	MANUAL CHECKS- COMERICA	\$0.00
	MANUAL CHECKS- INDEPENDENT	\$722.04
	ACCOUNTS PAYABLE	<u>\$523,581.51</u>
	GRAND TOTAL	<u>\$524,303.55</u>

Check Date	Bank	Check	Vendor	Vendor Name	Invoice Vendor	Amount
Bank COM COMERICA						
06/10/2019	COM	80312	58787	ABEL ELECTRONICS	ABEL ELECTRONICS	85.00
06/10/2019	COM	80313	58731	ADVANCED SECURITY & FIRE	ADVANCED SECURITY & FIRE	96.00
06/10/2019	COM	80314	51160	ALLIANCE MOBILE HEALTH	ALLIANCE MOBILE HEALTH	290.00
06/10/2019	COM	80315	60046	AMANDA JOHNSON	AMANDA JOHNSON	100.00
06/10/2019	COM	80316	59378	AMERICAN STANDARD ROOFIN	AMERICAN STANDARD ROOFIN	948.00
06/10/2019	COM	80317	59651	ANDREW NELSON	ANDREW NELSON	1,250.00
06/10/2019	COM	80318	31164	APOLLO FIRE APPARATUS	APOLLO FIRE APPARATUS	907.08
06/10/2019	COM	80319	01100	APOLLO FIRE EQUIPMENT	APOLLO FIRE EQUIPMENT	61.57
06/10/2019	COM	80320	53284	APPLIED IMAGING	APPLIED IMAGING	336.85
06/10/2019	COM	80321	51802	ARROW OFFICE SUPPLY CO.	ARROW OFFICE SUPPLY CO.	58.39
06/10/2019	COM	80322	30474	B-DRY SYSTEMS	B-DRY SYSTEMS	200.00
06/10/2019	COM	80323	60044	BETHANY PURDY	BETHANY PURDY	100.00
06/10/2019	COM	80324	51409	BEVERLY HILLS ACE	BEVERLY HILLS ACE	137.21
06/10/2019	COM	80325	60050	BIRMINGHAM SEALCOAT	BIRMINGHAM SEALCOAT	200.00
06/10/2019	COM	80326	53417	BLUELINE IRRIGATION	BLUELINE IRRIGATION	740.00
06/10/2019	COM	80327	01000	BP	BP	34.85
06/10/2019	COM	80328	59757	BRIAN TULLEY	BRIAN TULLEY	100.00
06/10/2019	COM	80329	58959	CADILLAC ASPHALT, LLC	CADILLAC ASPHALT, LLC	409.11
06/10/2019	COM	80330	60045	CHRISTINA KARAI SZ	CHRISTINA KARAI SZ	145.00
06/10/2019	COM	80331	59347	CINTAS CORPORATION #31	CINTAS CORPORATION #31	31.01
06/10/2019	COM	80332	59323	CLEANNET	CLEANNET	858.00
06/10/2019	COM	80333	51439	COMCAST	COMCAST	193.90
06/10/2019	COM	80334	04500	COMEAU EQUIPMENT CO INC.	COMEAU EQUIPMENT CO INC.	26,704.10
06/10/2019	COM	80335	50826	CONSUMERS ENERGY	CONSUMERS ENERGY	680.57
06/10/2019	COM	80336	59589	CORE & MAIN	CORE & MAIN	1,120.87
06/10/2019	COM	80337	51840	CYNTHIA MOORE	CYNTHIA MOORE	100.00
06/10/2019	COM	80338	51052	DELL MARKETING L.P.	DELL MARKETING L.P.	5,613.76
06/10/2019	COM	80339	59697	DETROIT ELEVATOR COMPANY	DETROIT ELEVATOR COMPANY	1,300.00
06/10/2019	COM	80340	60053	DINGES FIRE COMPANY	DINGES FIRE COMPANY	4,849.00
06/10/2019	COM	80341	51385	DTE ENERGY	DTE ENERGY	2,476.31
06/10/2019	COM	80342	53456	EJ USA, INC.	EJ USA, INC.	400.19
06/10/2019	COM	80343	59721	FEDEX OFFICE	FEDEX OFFICE	16.21
06/10/2019	COM	80344	59721	FEDEX OFFICE	FEDEX OFFICE	4.23
06/10/2019	COM	80345	51568	FOUNDATION SYSTEMS OF MI	FOUNDATION SYSTEMS OF MI	500.00
06/10/2019	COM	80346	58795	G&M ENTERPRISES, LTD.	G&M ENTERPRISES, LTD.	2,978.00
06/10/2019	COM	80347	31202	HOME DEPOT CREDIT SERVIC	HOME DEPOT CREDIT SERVIC	749.22
06/10/2019	COM	80348	08500	HUBBELL ROTH & CLARK INC	HUBBELL ROTH & CLARK INC	33,371.85
06/10/2019	COM	80349	59319	HUNT CONSTRUCTION	HUNT CONSTRUCTION	300.00
06/10/2019	COM	80350	58950	HYDROCORP	HYDROCORP	284.00
06/10/2019	COM	80351	39070	J.H. HART URBAN FORESTRY	J.H. HART URBAN FORESTRY	738.00
06/10/2019	COM	80352	30698	JACK DOHENY SUPPLIES INC	JACK DOHENY SUPPLIES INC	1,718.86
06/10/2019	COM	80353	59423	JAMES HEALY	JAMES HEALY	640.00
06/10/2019	COM	80354	59158	JASON'S OUTDOOR SERVICES	JASON'S OUTDOOR SERVICES	353.00
06/10/2019	COM	80355	60054	JENNIFER IRISH-MINEWISER	JENNIFER IRISH-MINEWISER	300.00
06/10/2019	COM	80356	60047	KAREN SCHMEECKLE	KAREN SCHMEECKLE	200.00
06/10/2019	COM	80357	60043	KATHLEEN WILLIAMS	KATHLEEN WILLIAMS	300.00
06/10/2019	COM	80358	58974	KERRY CALLAGHAN	KERRY CALLAGHAN	200.00
06/10/2019	COM	80359	49751	KEVIN CONWAY	KEVIN CONWAY	300.00
06/10/2019	COM	80360	60057	KRISTEN FARRAR	KRISTEN FARRAR	200.00
06/10/2019	COM	80361	60055	MARAL MAMASSIAN	MARAL MAMASSIAN	100.00
06/10/2019	COM	80362	60056	MARY JACOBS	MARY JACOBS	100.00
06/10/2019	COM	80363	32166	MICHIGAN INDEPENDENT DOC	MICHIGAN INDEPENDENT DOC	695.00
06/10/2019	COM	80364	59329	MICHIGAN INDEPENDENT DOC	MICHIGAN INDEPENDENT DOC	210.00
06/10/2019	COM	80365	59999	NATURAL COMMUNITY SERVIC	NATURAL COMMUNITY SERVIC	4,650.00
06/10/2019	COM	80366	51799	NYE UNIFORM EAST	NYE UNIFORM EAST	1,635.85
06/10/2019	COM	80367	51540	O'REILLY AUTO PARTS	O'REILLY AUTO PARTS	91.98
06/10/2019	COM	80368	51831	OAKLAND COUNTY MEDICAL C	OAKLAND COUNTY MEDICAL C	75.00
06/10/2019	COM	80369	50830	OAKLAND COUNTY TREASUREF	OAKLAND COUNTY TREASUREF	314,099.51
06/10/2019	COM	80370	58927	OAKLAND COUNTY TREASUREF	OAKLAND COUNTY TREASUREF	30.00
06/10/2019	COM	80371	49769	OFFICE EXPRESS	OFFICE EXPRESS	2,156.61
06/10/2019	COM	80372	53279	PACIFIC TELEMAGEMENT	PACIFIC TELEMAGEMENT	78.00
06/10/2019	COM	80373	60028	PHOENIX SAFETY OUTFITTER	PHOENIX SAFETY OUTFITTER	2,535.00
06/10/2019	COM	80374	60028	PHOENIX SAFETY OUTFITTER	PHOENIX SAFETY OUTFITTER	351.52
06/10/2019	COM	80375	60028	PHOENIX SAFETY OUTFITTER	PHOENIX SAFETY OUTFITTER	96.99
06/10/2019	COM	80376	60028	PHOENIX SAFETY OUTFITTER	PHOENIX SAFETY OUTFITTER	145.00
06/10/2019	COM	80377	59785	RACHEL PENA	RACHEL PENA	100.00
06/10/2019	COM	80378	59122	RAPID RESPONSE	RAPID RESPONSE	144.98
06/10/2019	COM	80379	59422	RENEWAL BY ANDERSON	RENEWAL BY ANDERSON	200.00
06/10/2019	COM	80380	49784	ROMA CEMENT	ROMA CEMENT	200.00
06/10/2019	COM	80381	16500	S.O.C.R.R.A.	S.O.C.R.R.A.	32,802.00
06/10/2019	COM	80382	16600	S.O.C.W.A.	S.O.C.W.A.	54,519.00
06/10/2019	COM	80383	59750	SMOLYANOV HOME IMPROVEME	SMOLYANOV HOME IMPROVEME	300.00
06/10/2019	COM	80384	51356	SOUTHFIELD MUFFLER & BR	SOUTHFIELD MUFFLER & BR	68.00
06/10/2019	COM	80385	38145	SOUTHFIELD POSTAL SERVIC	SOUTHFIELD POSTAL SERVIC	402.36
06/10/2019	COM	80386	58642	ST. JAMES EPISCOPAL CHUR	ST. JAMES EPISCOPAL CHUR	200.00
06/10/2019	COM	80387	60049	THERMAL SHIELD WINDOW &	THERMAL SHIELD WINDOW &	400.00
06/10/2019	COM	80388	31043	THOMAS J RYAN PC.	THOMAS J RYAN PC.	9,000.00
06/10/2019	COM	80389	59996	TIMLIN CONSTRUCTION	TIMLIN CONSTRUCTION	400.00

06/07/2019 11:17 AM
User: KARRIE
DB: Beverly Hills

CHECK REGISTER FOR VILLAGE OF BEVERLY HILLS

Page: 2/2

CHECK DATE FROM 06/10/2019 - 06/10/2019

Check Date	Bank	Check	Vendor	Vendor Name	Invoice Vendor	Amount
06/10/2019	COM	80390	60048	TIMOTHY LUKE	TIMOTHY LUKE	200.00
06/10/2019	COM	80391	59540	TOWN SQUARE PUBLICATION	TOWN SQUARE PUBLICATION	425.00
06/10/2019	COM	80392	38205	VERIZON WIRELESS MESSAGI	VERIZON WIRELESS MESSAGI	780.86
06/10/2019	COM	80393	60052	WA WHALEN CONSTRUCTION	WA WHALEN CONSTRUCTION	200.00
06/10/2019	COM	80394	58716	WEATHERGUARD	WEATHERGUARD	300.00
06/10/2019	COM	80395	60051	WORLDWIDE CABINETS	WORLDWIDE CABINETS	800.00
06/10/2019	COM	80396	53572	WOW! BUSINESS	WOW! BUSINESS	1,208.71
06/10/2019	COM	80397	59417	YAIR SILVERSTEIN	YAIR SILVERSTEIN	200.00

COM TOTALS:

Total of 86 Checks:	523,581.51
Less 0 Void Checks:	0.00
Total of 86 Disbursements:	523,581.51

06/07/2019 11:16 AM
User: KARRIE
DB: Beverly Hills

CHECK REGISTER FOR VILLAGE OF BEVERLY HILLS
CHECK DATE FROM 05/28/2019 - 06/07/2019

Page: 1/1

Check Date	Bank	Check	Vendor	Vendor Name	Invoice Vendor	Amount
Bank IND INDEPENDENT BANK						
05/31/2019	IND	1095	59763	SIGNS & MORE		162.00
05/31/2019	IND	1096	53316	LANG'S ON-SITE SERVICES		345.00
05/31/2019	IND	1097	59703	MATTHEW GOODRICH		148.82
06/07/2019	IND	1098	51101	JANICE HAUSMAN		66.22

IND TOTALS:

Total of 4 Checks:	722.04
Less 0 Void Checks:	0.00
Total of 4 Disbursements:	722.04



To: Honorable President Peddie;
Village Council Members;
Village Manager, Wilson

From: Planning & Zoning Administrator, LaPere

Re: Proposed language amending Chapter 22, Sections 22.08.090 and 22.08.130, and Section 22.08.300

Date: May 30, 2019

Section 22.08.090 Minimum Distance Between Residential Buildings and Section 22.08.130 Minimum Separation

Administration is aware of two sections with conflicting requirements for the minimum distance between buildings on adjacent properties, Sections 22.08.090 and 22.08.130. Upon reviewing the file of the various amendments to the Zoning Ordinance, Section 22.08.090 is the original language in place dictating spacing between residences tied to the minimum setback requirements of the Zone District. Section 22.08.130 was drafted and adopted by Council in response to concerns about spacing between homes during Zoning Ordinance updates that occurred in 2007. There was no reference to the existing language in the discussion recorded in the meeting minutes, therefore Administration is assuming that it was an oversight to create additional language in a separate section.

In addition, the language in Section 22.08.130 conflicts with setback requirements and effectively imposes greater setback standards than the adopted minimums of 22.24. Furthermore, strict interpretation of the language "...within 15 feet of any structure..." could result in significant nonconformity throughout the Zone Districts identified in that section as our ordinance definition of structures includes items such as play equipment or fencing. Based on discussion at the meeting when the language was drafted, it does not appear the intent was to prohibit a residence where the abutting property may have a swing set or fence less than 15 feet away. Given those concerns, Administration is proposing to eliminate Section 22.08.130 and update Section 22.08.090.

Per the discussion at the Planning Commission meeting held March 27, 2019, minutes attached, Administration has drafted modifications to the existing language of 22.08.090 to maintain the 15 foot separation between residential buildings in R-2A and R-2B Zone Districts and retain the separation linked to the minimum setbacks for all other single family residential districts. A review of Zoning Board of Appeals cases since adoption of Section 22.08.130 revealed over 60% of the requests for a variance from that section were in Zone District R-3. The changes proposed will eliminate a significant amount of nonconformity in that Zone District. Additionally,

providing all the regulations for minimum separation in one section provides ease for reader and the proposed language clarifies separation is between residential buildings.

Section 22.08.300 Procedures and Standards for Principal Uses Permitted Subject to Special Conditions

Section 22.08.300 Procedures and Standards for Principal Uses Permitted Subject to Special Conditions of Chapter 22 describes the procedure for notification, including the applicable deadlines, for Special Land Use requests. Statutory language of this section of the Michigan Zoning Enabling Act (MZEA) was last updated in 2008 and the notification deadlines in our ordinance no longer match those requirements. The notifications are being sent in accordance with state regulations, however it is important that our ordinance language is correct to ensure clarity and consistency. Additionally, the text should be updated to reflect “Planning Commission”. Administration drafted updates to that language to the applicable subsections.

Planning Commission Public Hearing and Recommendation

The Planning Commission held a public hearing and made a recommendation that Village Council adopt all the proposed amendments at their meeting held April 24, 2019 (minutes attached). Procedurally, the Village Council must also 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.

eel

attachments

VILLAGE OF BEVERLY HILLS
ORDINANCE NO. 366

AN ORDINANCE TO AMEND THE VILLAGE MUNICIPAL CODE,
CHAPTER 22, ZONING ORDINANCE, FOR THE VILLAGE OF BEVERLY HILLS.

The Village of Beverly Hills Ordains:

Section 1.01. That Section 22.08.090 of Chapter 22 is hereby amended to read as follows:

SECTION 22.08.090 MINIMUM DISTANCE BETWEEN RESIDENTIAL BUILDINGS

22.08.090 MINIMUM DISTANCE BETWEEN RESIDENTIAL BUILDINGS. In Single Family Residential Zone Districts R-A, R-1, R-1A, R-2, and R-3 the minimum required distance between residential buildings on two (2) lots which abut each other along a common side lot line shall be not less than the sum of the two (2) required minimum side setbacks of either of the lots; provided, however, that when the lot to which the ordinance is being applied is less than sixty feet (60') in width, the minimum required distance between such residential buildings may be reduced by six inches (6") for every foot that the lot is less than sixty feet (60') in width. In Single Family Residential Zone Districts R-2A and R-2B the minimum required distance between residential buildings on two (2) lots which abut each other along a common side lot line shall not be less than fifteen (15) feet.

Section 2.01. That Section 22.08 of Chapter 22 is hereby amended to read as follows:

SECTION 22.08, GENERAL PROVISIONS

22.08.300 PROCEDURES AND STANDARDS FOR PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.

c. Procedure of Notice. Upon receipt of an application for a permitted principal use permitted subject to special approval, one notice of a public hearing shall be published in the newspaper of general circulation in the Village; said notice shall be sent by mail or personal delivery to the owners of the property for which approval is being considered, to all persons to whom real property is assessed, within three hundred feet (300') of the boundary of the property in question, and to the occupants of all structures within three hundred feet (300'), except that the notice shall be given not less than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:...

d. Planning Commission Hearing and Review: Special land use approval shall not be granted until a public hearing has also been held by the Planning Commission, in accordance with

procedures described in Section 22.08.300 (b) and (c) above. The Planning Commission shall make a recommendation with comments on the special land use to Village Council.

j. **Modification After Approval.** After any special land use approval is granted, any subsequent modifications to the site not in accordance with the approved site plan, any change of use, any increase in the intensity of the use, or any change in any of the conditions of approval, including by way of example but not limitation, any additions to a principal building or any expansion of off-street parking, shall require a new special land use approval pursuant to the provisions set forth in 22.08.300. Notwithstanding the foregoing, the Village Council, after a favorable recommendation from the Planning Commission, may waive any of the requirements of Section 22.08.300 with respect to any modifications for which all of the following conditions apply:...

Section 3.01. **SEVERABILITY.** If any section, clause or provision of this Ordinance shall be declared to be inconsistent with the Constitution and laws of the State of Michigan and voided by any court of competent jurisdiction, said section, clause or provision declared to be unconstitutional and void shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force.

Section 4.01. **SAVING CLAUSE.** All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 5.01. **REPEALER.** Ordinance 22.08.130 is hereby repealed and any other Ordinance in conflict with this Ordinance be and the same is hereby repealed.

Section 6.01. **EFFECTIVE DATE.** A public hearing having been held by the Planning Commission on April 24, 2019, and the Village Council on June 18, 2019, the provision of this Ordinance shall become effective 20 days following its publication in The Eccentric, a newspaper circulated within said Village.

Made and passed by the Village Council of the Village of Beverly Hills this _____ day of _____, 2019.

LEE PEDDIE, Village President

KRISTIN RUTKOWSKI, Village Clerk

I, Kristin Rutkowski, being the duly appointed and qualified Clerk of the Village of Beverly Hills, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of an Ordinance adopted by the Village Council of the Village of Beverly Hills at a regular meeting thereof held on the _____ day of _____, 2019.

KRISTIN RUTKOWSKI, Village Clerk

**EXCERPT OF REGULAR PLANNING COMMISSION MEETING MINUTES – MARCH 27, 2019 –
PAGE 1**

Present: Chairperson Ostrowski; Vice-Chairperson Westerlund; Members: Borowski, Copeland, Grinnan, Stempien and Wilensky

Absent: Members: Drummond and Ruprich

Also Present: Village Manager, Wilson
Planning Consultant, Borden
Council Liaison, Hrydziusko

Chairperson Ostrowski called the regular Planning Commission meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

REVIEW AND DISCUSS DRAFT LANGUAGE TO ELIMINATE SECTION 22.08.130 WHICH CONFLICTS WITH SECTION 22.08.090

Administration is aware of two sections with conflicting requirements for the minimum distance between buildings on adjacent properties, Sections 22.08.090 and 22.08.130. Upon reviewing the file of the various amendments to the Zoning Ordinance, Section 22.08.090 is the original language in place dictating spacing between residences tied to the minimum setback requirements of the Zone District. Section 22.08.130 was drafted and adopted by Council in response to concerns about spacing between homes during Zoning Ordinance updates that occurred in 2007. There was no reference to the existing language in the discussion recorded in the meeting minutes, therefore Administration is assuming that it was an oversight to create additional language.

In addition, the language in Section 22.08.130 conflicts with setback requirements and effectively imposes greater setback standards than the adopted minimums of 22.24. Furthermore, strict interpretation of the language "...within 15 feet of any structure..." could result in significant nonconformity throughout the Zone Districts identified in that section as our ordinance defines a structure as "Anything constructed or erected, the use of which requires location on the ground or attachments to something having location on the ground." Section 22.04 Definitions further defines accessory structures and gives examples as children's playhouse or play equipment. Based on discussion at the meeting when the language was drafted, it does not appear the intent was to prohibit a residence where the abutting property may have a swing set less than 15 feet away, therefore Administration is proposing to eliminate Section 22.08.130 and keep the existing language of 22.08.090 as it meets the needs of protecting public safety and welfare.

The Commission discussed the spacing requirements of R-2B, R-2A and R-3 Zone Districts and whether maintaining the 15 foot spacing between residential buildings was appropriate in the R-2B and R-2A districts. Administration was instructed to draft language per discussion and to schedule a public hearing for the meeting to be held April 24, 2019.

Procedurally, the Planning Commission must hold a public hearing prior to making a recommendation to Village Council. The Village Council must also 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.

A copy of the draft is available for review in the Village office.

REVIEW AND DISCUSS DRAFT LANGUAGE TO MODIFY SECTION 22.08.300 TO REFLECT STATUTORY REQUIREMENTS FOR NOTIFICATION OF PUBLIC HEARINGS AND UPDATE REFERENCES OF “PLANNING BOARD” TO “PLANNING COMMISSION”

Section 22.08.300 Procedures and Standards for Principal Uses Permitted Subject to Special Conditions of Chapter 22 describes the procedure for notification, including the applicable deadlines, for Special Land Use requests. This section of the MZEA was last updated in 2008 and notification deadlines in our ordinance do not match statutory requirements. Administration noted that notifications are being sent in accordance with state regulations, however it is important that ordinance language is correct to ensure clarity and consistency. Additionally, the text should be updated to reflect “Planning Commission”.

The Commission agreed to the proposed changes and instructed Administration to schedule a public hearing for the meeting to be held April 24, 2019.

Procedurally, the Planning Commission must hold a public hearing prior to making a recommendation to Village Council. The Village Council must also 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.

A copy of the draft is available for review in the Village office.

PUBLIC COMMENTS

Cynthia Nagel, Kirkshire, supports the proposed ordinance updates.

Present: Chairperson Ostrowski; Vice-Chairperson Westerlund; Members: Borowski, Copeland, Drummond, Ruprich, Stempien and Wilensky

Absent: Member: Grinnan

Also Present: Planning and Zoning Administrator, LaPere
Planning Consultant, Borden
Council Liaison, Hrydziusko

Chairperson Ostrowski called the regular Planning Commission meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

PUBLIC HEARING FOR DRAFT LANGUAGE AMENDING CHAPTER 22, SECTIONS 22.08.130, 22.08.090, 22.08.300, 22.04, 22.08.370, 22.14, AND 22.16 OF THE VILLAGE MUNICIPAL CODE

Ostrowski opened the public hearing at 7:40 p.m.

No one wished to be heard, therefore Ostrowski closed the public hearing at 7:40 p.m.

REVIEW AND CONSIDER RECOMMENDATION ON LANGUAGE AMENDING CHAPTER 22, TO ELIMINATE SECTION 22.08.130 AND TO MODIFY SECTION 22.08.090

Administration is aware of two sections with conflicting requirements for the minimum distance between buildings on adjacent properties, Sections 22.08.090 and 22.08.130. Upon reviewing the file of the various amendments to the Zoning Ordinance, Section 22.08.090 is the original language in place dictating spacing between residences tied to the minimum setback requirements of the Zone District. Section 22.08.130 was drafted and adopted by Council in response to concerns about spacing between homes during Zoning Ordinance updates that occurred in 2007. There was no reference to the existing language in the discussion recorded in the meeting minutes, therefore Administration is assuming that it was an oversight to create additional language.

In addition, the language in Section 22.08.130 conflicts with setback requirements and effectively imposes greater setback standards than the adopted minimums of 22.24. Furthermore, strict interpretation of the language "...within 15 feet of any structure..." could result in significant nonconformity throughout the Zone Districts identified in that section as our ordinance defines a structure as "Anything constructed or erected, the use of which requires location on the ground or attachments to something having location on the ground." Section 22.04 Definitions further defines accessory structures and gives examples as children's playhouse or play equipment. Based on discussion at the meeting when the language was drafted, it does not appear the intent was to prohibit a residence where the abutting property may have a swing set or fence less than 15 feet away, therefore Administration is proposing to eliminate Section 22.08.130.

Per the discussion at the Planning Commission meeting held March 27, 2019, administration has drafted modifications to the existing language of 22.08.090 to maintain the 15 foot separation between residential buildings in R-2A and R-2B Zone Districts and kept the separation linked to the minimum setbacks for all other single family residential districts. A review of Zoning Board

of Appeals cases since adoption of Section 22.08.130 revealed over 60% of the requests for a variance from that section were in Zone District R-3. The changes proposed will eliminate a significant amount of nonconformity in that Zone District and including all the regulations for minimum separation in one section provides ease for reader. Additionally, the proposed language clarifies separation is between residential buildings.

Westerlund expressed concern relative to language that reduces the separation on smaller lots and how those requirements might impact setbacks in the R-3 Zone District. Borden explained that the allowance for the reduction potentially occurs in a non-conforming lot in larger lot districts, but the setback requirements would still apply. Westerlund requested the Schedule Regulation Chart be updated to reflect changes.

Motion by Westerlund, second by Drummond, that the Planning Commission recommends Village Council adopt an ordinance to amend language of Chapter 22, Section 22.08.090 Minimum Distance Between Residential Buildings to update the language for clarity and reduce existing nonconformity and to eliminate Section 22.08.130 Minimum Separation, with changes to the schedule of regulations.

Roll Call Vote:
Motion passed (8-0)

REVIEW AND CONSIDER RECOMMENDATION ON LANGUAGE AMENDING CHAPTER 22, SECTION 22.08.300 TO REFLECT STATUTORY REQUIREMENTS FOR NOTIFICATION OF PUBLIC HEARINGS AND UPDATE REFERENCES OF “PLANNING BOARD” TO “PLANNING COMMISSION”

Section 22.08.300 Procedures and Standards for Principal Uses Permitted Subject to Special Conditions of Chapter 22 describes the procedure for notification, including the applicable deadlines, for Special Land Use requests. This section of the MZEA was last updated in 2008 and notification deadlines in our ordinance do not match statutory requirements. While the notifications are being sent in accordance with state regulations, it is important that our ordinance language is correct to ensure clarity and consistency. Additionally, the text should be updated to reflect “Planning Commission”.

Upon discussion by the Commission, Borden clarified the state regulations for the notification area.

Motion by Borowski, second by Ruprich, that the Planning Commission recommends Village Council adopt an ordinance to amend language of Chapter 22, Section 22.08.300 Procedures and Standards for Principal Uses Permitted Subject to Special Conditions to update the notification deadlines pursuant to the statutory requirements outlined in the Michigan Zoning Enabling Act and modify references of Planning Board to Planning Commission within that section.

Roll call vote:
Motion passed (8-0)



To: Honorable President Peddie;
Village Council Members;
Village Manager, Wilson

From: Planning & Zoning Administrator, LaPere

Re: Proposed updates to Chapter 22, Sections 22.04, 22.08.370, 22.14, and 22.16

Date: May 30, 2019

Section 22.04 Definitions, Section 22.08.370 Group Daycare Homes and Child Care Centers, Section 22.14.030 Permitted Uses After Special Approval, and Section 22.16.030 Permitted Uses After Special Approval

Administration has identified the sections of the Zoning Ordinance that regulate in-home adult foster care and in-home childcare facilities were last updated in 1991. The Michigan Zoning Enabling Act (MZEA) section regulating adult foster care and in-home child care facilities has been updated multiple times since 1991 and we need to ensure our language matches state regulations. Pursuant to the discussion at the joint Council and Planning Commission meeting in February and the motion made at the subsequent Council meeting, Administration has drafted updates to those sections.

The MZEA Section 125.3206 Residential use of property; adult foster care facilities; family or group child care homes specifically states that "...a state licensed residential facility shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones..." and the exclusion of the adult group home and group child care homes in Single Family Residential Zone Districts is contrary to that provision and must be corrected. The MZEA does allow for group child care homes to be issued a special use permit in a city or village which allows for protections to ensure the operation of such use will not negatively impact character of the surrounding neighborhood.

The MZEA and the Village's Zoning Ordinance combine regulatory language regarding adult foster care facilities and child care homes. There is a need to update various sections of the Zoning Ordinance to properly address the changes to the MZEA. Specifically, Section 22.04, Section 22.08.370, Section 22.14, and Section 22.16 all require amendments and attached is draft ordinance language detailing the proposed updates.

Planning Commission Public Hearing and Recommendation

The Planning Commission had discussion on these proposed amendments at their meeting held March 27th and held a public hearing and made a recommendation to adopt the amendments at

their April 24th meeting, minutes attached.

Procedurally, the Village Council must also 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. A public hearing was scheduled and noticed for the June 4th Council meeting.

eel

attachments

VILLAGE OF BEVERLY HILLS
ORDINANCE NO. 367

AN ORDINANCE TO AMEND THE VILLAGE MUNICIPAL CODE,
CHAPTER 22, ZONING ORDINANCE, FOR THE VILLAGE OF BEVERLY HILLS.

The Village of Beverly Hills Ordains:

Section 1.01. That Section 22.04 of Chapter 22 is hereby amended to read as follows:

SECTION 22.04 DEFINITIONS

Adult Foster Care Facility: A facility for the care of adults, eighteen (18) years of age and older, as licensed and regulated by the State under Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Social Services. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility. Such organizations shall be defined as follows:

- a. Adult Foster Care Family Home: a private home with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- b. Adult Foster Care Small Group Home: a private home with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.
- c. Adult Foster Care Large Group Home: a private home with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.
- d. No Change

Child Care Facility: A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- a. Child Care Center: A facility, other than a private residence, receiving more than six pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a

facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

- b. Foster Family Home: A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.
- c. Foster Family Group Home: A private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian
- d. Family Day Care Home: A private home in which up to six (6) minor children are received for care and supervision for periods of less than 24 hours a day, except children related to the caregiver by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- e. Group Day Care Home: A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to the caregiver. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

Section 2.01.

That Section 22.08.370 of Chapter 22 is hereby amended to read as follows:

SECTION 22.08.370 GROUP DAY CARE HOMES AND CHILD CARE CENTERS

- a. Licensing: In accordance with applicable state laws, facilities shall be registered with or licensed by the appropriate state government departments and shall be required to be in continuing compliance with the standards outlined for such facilities.
- b. Outdoor Play Area: For each person cared for in a facility there shall be provided and maintained a minimum of one hundred fifty (150) square feet of usable outdoor recreational area. The outdoor recreational play area shall be suitably fenced and screened from abutting residentially zoned or used land in accordance with SECTION 22.08.150. Outdoor recreational areas shall not be located in the front yard.
- c. Location: No state licensed facility shall be located within fifteen hundred (1500) feet of another State licensed care facility regardless of community boundaries. Child care centers shall have at least one property line abutting a major thoroughfare, intermediate thoroughfare or collector street.

d. Off-Street Parking: Off-street parking shall be provided for any employees who are not residents of the home. Whenever off-street parking areas are adjacent to land used or zoned for residential purposes, a wall or landscaped screen shall be provided along the sides of the parking area adjacent to such residential land or use in accordance with SECTION 22.08.160. An on-site drive shall be provided for drop offs/loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the street.

e. Compliance with Zoning Ordinance: The proposed site and building shall be in full compliance with all yard and bulk regulations (including setback, lot size, and lot width regulations) for the district in which it is located. Child care centers shall have a minimum side yard setback of at least twenty-five (25) feet.

Section 3.01.

That Section 22.14.030 of Chapter 22 is hereby amended to read as follows:

SECTION 22.14.030 PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses may be permitted in RA, R-1, R-1A, R-2, R-2A, R-2B and R-3 zoning districts, subject to the conditions imposed in SECTION 22.08.300 and subject further to the approval of the Village Council: {Ord. 326, 10-27-07}

a. No Change

b. No Change

c. No Change

d. No Change

e. Private schools operated on a non-profit basis.

f. Non-profit private school related accessory uses and accessory structures, such as: auditoriums, athletic and recreational facilities, and similar uses. Each use or structure shall be subject to a separate special approval.

g. Group day care homes.

h. Public off-street parking in connection with item (a) through (g) above and provided said parking area is improved and maintained in accordance with SECTION 22.28. {Ord. 252, 5-12-91}

Section 4.01.

That Section 22.16 of Chapter 22 is hereby amended to add:

22.16.020 PERMITTED PRINCIPAL USES

In the R-M district, no uses shall be permitted unless otherwise provided in this section, except the following:

- a. No Change
- b. Family Day Care Homes.
- c. Accessory Uses including:
 - 1. Private parking.
 - 2. Private swimming pool and private recreational facilities.
 - 3. Greenbelt - See Section 22.24.
 - 4. Home occupations.

Section 5.01.

That Section 22.16.030 of Chapter 22 is hereby amended to read as follows:

SECTION 22.16.030 PERMITTED USES AFTER SPECIAL APPROVAL

The following uses may be permitted in the R-M zoning district subject to the conditions imposed in Section 22.08.300 and subject further to the approval of the Village Council:

- a. No Change
- b. No Change
- c. No Change
- d. Group day care homes.
- e. Child care centers, pre-schools, and nursery schools.
- f. Nursing homes and convalescent centers.
- g. Use of a six (6) foot high obscuring masonry wall in lieu of a greenbelt. See SECTION 22.24., footnote (h).

Section 6.01. SEVERABILITY. If any section, clause or provision of this Ordinance shall be declared to be inconsistent with the Constitution and laws of the State of Michigan and voided by any court of competent jurisdiction, said section, clause or provision declared to be unconstitutional and void shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force.

Section 7.01. SAVING CLAUSE. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 8.01. REPEALER. Any Ordinance conflicting with this Ordinance be and the same is hereby repealed.

Section 9.01. EFFECTIVE DATE. A public hearing having been held by the Planning Commission on April 24, 2019, and the Village Council on June 4, 2019, the provision of this

Ordinance shall become effective 20 days following its publication in The Eccentric, a newspaper circulated within said Village.

Made and passed by the Village Council of the Village of Beverly Hills this ____ day of _____, 2019.

LEE PEDDIE, Village President

KRISTIN RUTKOWSKI, Village Clerk

I, Kristin Rutkowski, being the duly appointed and qualified Clerk of the Village of Beverly Hills, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of an Ordinance adopted by the Village Council of the Village of Beverly Hills at a regular meeting thereof held on the ____ day of _____, 2019.

KRISTIN RUTKOWSKI, Village Clerk

**EXCERPT OF REGULAR PLANNING COMMISSION MEETING MINUTES – MARCH 27, 2019 –
PAGE 1**

Present: Chairperson Ostrowski; Vice-Chairperson Westerlund; Members: Borowski, Copeland, Grinnan, Stempien and Wilensky

Absent: Members: Drummond and Ruprich

Also Present: Village Manager, Wilson
Planning Consultant, Borden
Council Liaison, Hrydziusko

Chairperson Ostrowski called the regular Planning Commission meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

REVIEW AND DISCUSS DRAFT LANGUAGE TO MODIFY SECTIONS 22.04, 22.08.370, 22.14, AND 22.16 TO REFLECT STATUTORY LANGUAGE REGULATING ADULT FOSTER CARE AND CHILDCARE FACILITIES

The sections of the Zoning Ordinance that regulate in-home adult foster care and in-home childcare facilities were last updated in 1991. The Michigan Zoning Enabling Act (MZEa) section regulating adult foster care and in-home child care facilities have been updated multiple times since 1991 and Administration has prepared modifications to the language that matches state regulations.

The MZEa Section 125.3206 Residential use of property; adult foster care facilities; family or group child care homes specifically states that "...a state licensed residential facility shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones..." and the exclusion of the adult group home and group child care homes in Single Family Residential Zone Districts is contrary to that provision and must be corrected. The MZEa does allow for group child care homes to be issued a special use permit in a city or village which allows for protections to ensure the operation of such use will not negatively impact character of the surrounding neighborhood.

The MZEa, and subsequently the Village's Zoning Ordinance, combines regulatory language regarding adult foster care facilities and child care homes. There is a need to update various sections of the Zoning Ordinance to properly address the changes to the MZEa. Specifically, Section 22.04, Section 22.08.370, Section 22.14, and Section 22.16 all require updates.

The Commission agreed to the proposed changes and instructed Administration to schedule a public hearing for the meeting to be held April 24, 2019.

Procedurally, the Planning Commission must hold a public hearing prior to making a recommendation to Village Council. The Village Council must also 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.

A copy of the draft is available for review in the Village office.

PUBLIC COMMENTS

**EXCERPT OF REGULAR PLANNING COMMISSION MEETING MINUTES – MARCH 27, 2019 –
PAGE 2**

Cynthia Nagel, Kirkshire, supports the proposed ordinance updates.

Present: Chairperson Ostrowski; Vice-Chairperson Westerlund; Members: Borowski, Copeland, Drummond, Ruprich, Stempien and Wilensky

Absent: Member: Grinnan

Also Present: Planning and Zoning Administrator, LaPere
Planning Consultant, Borden
Council Liaison, Hrydziusko

Chairperson Ostrowski called the regular Planning Commission meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

PUBLIC HEARING FOR DRAFT LANGUAGE AMENDING CHAPTER 22, SECTIONS 22.08.130, 22.08.090, 22.08.300, 22.04, 22.08.370, 22.14, AND 22.16 OF THE VILLAGE MUNICIPAL CODE

Ostrowski opened the public hearing at 7:40 p.m.

No one wished to be heard, therefore Ostrowski closed the public hearing at 7:40 p.m.

REVIEW AND CONSIDER RECOMMENDATION ON LANGUAGE AMENDING CHAPTER 22, SECTIONS 22.04, 22.08.370, 22.14, AND 22.16 TO REFLECT STATUTORY LANGUAGE REGULATING ADULT FOSTER CARE AND CHILDCARE FACILITIES

Administration noted the sections of the Zoning Ordinance that regulate in-home adult foster care and in-home childcare facilities were last updated in 1991. The Michigan Zoning Enabling Act (MZEA) section regulating adult foster care and in-home child care facilities have been updated multiple times since 1991 and the MZEA Section 125.3206 Residential use of property; adult foster care facilities; family or group child care homes specifically states that "...a state licensed residential facility shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones..." and the exclusion of the adult group home and group child care homes in Single Family Residential Zone Districts is contrary to that provision and must be corrected. The MZEA does allow for group child care homes to be issued a special use permit in a city or village which allows for protections to ensure the operation of such use will not negatively impact character of the surrounding neighborhood.

The MZEA, and subsequently the Village's Zoning Ordinance, combines regulatory language regarding adult foster care facilities and child care homes. There is a need to update various sections of the Zoning Ordinance to properly address the changes to the MZEA. Specifically, Section 22.04, Section 22.08.370, Section 22.14, and Section 22.16 all require amendments.

Motion by Borowski, second by Westerlund, that the Planning Commission recommends Village Council adopt an ordinance to amend language of Chapter 22, Section 22.04 Definitions, Section 22.08.370 Foster Family Group Home and Child Care Centers, Section 22.14 R-A, R-1, R-1A, R-2, R-2A, R-2B, and R-3 Single Family Residential Districts, and Section 22.16 Multiple Family Residential District to update the language

pursuant to the statutory requirements outlined in the Michigan Zoning Enabling Act for adult foster care and child care facilities.

Roll call vote:

Motion passed (8-0)

Memorandum

To: Honorable President Peddie; Village Council
CC: Chris D. Wilson, Village Manager; Tom Ryan, Village Attorney; Peggy Linkswiler, Treasurer
From: Sheila McCarthy, Finance Director
Date: 6/14/2019
Re: FY 2018-2019 Budget Amendments

Attached are proposed FY 2018-2019 Village of Beverly Hills Budget Amendments.

There are General Fund amendments relating to adjusting revenue and expenses to more accurately reflect projected actuals for FY19 including amendments for increased State of Michigan revenue and various adjustments to expense accounts to more approximate expected year end levels.

In Major Roads there are amendments for increased monies received from the State of Michigan and expense adjustments increasing the budget for additional drainage improvements along with other adjustments to more approximate expected year end levels.

In Local Roads there are amendments for increased monies received from the State of Michigan and expense adjustments for traffic signs and traffic equipment.

In Public Safety there are amendments to adjust tax revenue along with expenditure adjustments for dispatch and health insurance to more accurately reflect projected actuals for FY19.

These proposed FY 2018-2019 Budget Amendments have been reviewed by Village Administration and are recommended for approval.

Recommended Resolution

Be it resolved that the Village of Beverly Hills Council authorizes Village Administration to transfer or adjust monies reserved in the General, Major Roads, Local Roads and Public Safety funds as reflected in the June 14, 2019 memorandum from Finance Director, Sheila McCarthy.

Village of Beverly Hills
 Budget Amendments Recommended for Approval at the June 18th, 2019 Council Meeting
 FY 2019

a/c	Fund	Account Description	Budget before Amendments	Amendment	Revised Budget	Budget Justification
					-	
101-000-671.01	General	Local Community Stabilization	16,732	34,645	51,377	Addl money received from the State of Michigan
101-248-831.00	General	Miscellaneous Professional Services	60,000	7,000	67,000	Increase to expected level at year end
101-248-932.50	General	Storage	-	4,000	4,000	Storage unit maintained for the Village
101-265-934.00	General	R&M Building & Grounds	14,000	6,000	20,000	Increase to expected level at year end
101-371-806.00	General	Building Inspector Fees - SafeBuilt	250,000	25,000	275,000	Increase to expected level at year end
101-371-810.00	General	Planning & Engineering Consultant	20,000	10,000	30,000	Increase to expected level at year end
101-440-933.00	General	Contract R&M Park - Comeau	75,000	(7,000)	68,000	Decrease to expected level at year end
101-440-936.00	General	Island Landscaping	25,000	10,000	35,000	Increase to expected level at year end
101-900-976.01	General	Capital Outlay - Capital Furniture	5,000	(5,000)	-	No purchases to be made in FY19
					-	
202-000-546.00	Major	State Gas & Weight Tax	632,091	15,000	647,091	Increase to expected level at year end
202-451-810.02	Major	Resurface Asphalt	300,000	40,000	340,000	Additional for drainage improvements: 2018 road improvement
202-451-810.10	Major	Street Construction	40,000	6,000	46,000	Increase to expected level at year end
202-463-941.00	Major	Equipment Rental	56,100	(5,000)	51,100	Decrease to expected level at year end
202-478-776.03	Major	Salt & Sand	30,000	(5,000)	25,000	Decrease to expected level at year end
202-905-977.60	Major	Capital Outlay - Major Road	155,000	(10,000)	145,000	Decrease to expected level at year end
					-	
203-000-546.00	Local	State Gas & Weight Tax	307,836	10,000	317,836	Increase to expected level at year end
203-474-776.02	Local	Traffic Signs and Posts	17,000	(10,000)	7,000	Reclass to Dept 900 for new traffic signs
203-900-977.04	Local	Capital Equipment - new traffic signs	-	10,000	10,000	Reclass to Dept 900 for new traffic signs
					-	
205-000-403.00	Public Safety	Current Property Taxes	5,280,607	(8,000)	5,272,607	Decrease to expected level at year end
205-345-850.00	Public Safety	Dispatch Contract	322,670	12,000	334,670	Increase to expected level at year end
205-345-716.00	Public Safety	Health Insurance - Active	279,585	(19,000)	260,585	Decrease to expected level at year end
					-	



**RESOLUTION
FOR THE TRANSFER OF ACT 51 FUNDS
FOR THE VILLAGE OF BEVERLY HILLS**

At a regular meeting of the Beverly Hills Village Council, Oakland County, Michigan, held on the 18th day of June, 2019 at the Village Municipal Building, 18500 W. Thirteen Mile Road, Beverly Hills, Michigan 48025, the following resolution was offered by Council Member _____ and supported by Council Member _____.

WHEREAS, the Village Council has adopted an Asset Management Plan which has been approved by the Michigan Department of Transportation and the Transportation Asset Management Council for which the Village will follow the asset management process detailed within this plan for its major and local street systems; and

WHEREAS, the Village is adequately maintaining its major streets which are: 13 Mile Road, 14 Mile Road (West Village Limits to Evergreen Road), Saxon Road (Norchester Road to Southfield Road), Evergreen Road, Pierce Road, Beverly Road, Riverside Drive, Norchester Road, W. Bellvine Trail, Hampstead Street, and S. Hampton Street.

NOW, THEREFORE, BE IT RESOLVED that the Beverly Hills Village Council does intend to transfer \$150,000.00 of Act 51 Major Streets monies to the local roads to fund the rehabilitation, reconstruction, and replacement of various local roads in FY 2020. Additional transfers will be addressed within the annual budgeting processes.

Ayes:

Nays:

Absent:

Abstentions:

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)


I, Kristin Rutkowski Clerk for the Village of Beverly Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Resolution adopted by the Village Council of the Village of Beverly Hills at a duly called meeting held on _____, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this ____ day of _____, 2019.

Kristin Rutkowski, Village Clerk

Memo

To: Chris Wilson, Village Manager

From: Thomas Meszler, Director of Public Services 

Date: June 18, 2019

Re: Attached Traffic Control Order #127-YS-19

The attached Traffic Control Order was a temporary TCO for a traffic control yield sign placed on Woodhaven at the southeast corner of Woodhaven and Vernon. This traffic control order needs now to be approved by the Council to make it a permanent order.

Recommended Motion

That the Village Council approves this Traffic Control Order #127-YS-19 to control traffic on Woodhaven at the southeast corner of Woodhaven and Vernon.

THM/klm

attachments

**VILLAGE OF BEVERLY HILLS
18500 WEST THIRTEEN MILE ROAD
BEVERLY HILLS, MI 48025**

TRAFFIC CONTROL ORDER

Order No: 127-YS-19

Date of Filing: 6/18/2019

In accordance with Ordinance 41.01 as amended, we have made an investigation of traffic conditions at the following intersection and as a result of said investigation, do hereby direct: The presently uncontrolled intersection requires the permanent establishment of traffic control yield sign placed at the following location: on Woodhaven at the southeast corner of Woodhaven and Vernon.

The following Traffic Control Order(s) is/are hereby rescinded _____

_____.

This order shall expire 90 days from the date of filing except that upon its approval by the _____
Village Council, it shall not so expire.
(Legislative Body)

Traffic Engineer

Thomas Meszler

Date of Filing with Village Clerk

Received for Filing (Date) _____

Village Clerk _____

Kristin Rutkowski

Approved by: _____
(Legislative Body)

Date: _____



To: Honorable President Peddie; Village Council Members
Chris Wilson, Village Manager

From: Kristin Rutkowski, Village Clerk/Assistant Village Manager

Subject: Board/Commission Appointments

Date: June 12, 2019

Several Board and Commission members' terms expire on June 30, 2019. Announcements of these vacancies were made at the May 21st and June 4th Council meetings as well as published on the Village website. Applications were due Friday, June 7, 2019.

Pursuant to Council policy, a subcommittee has been formed for each Board/Commission to review the new applicants and those members who wish to be considered for reappointment. Each subcommittee will meet on Tuesday night prior to the regular Council meeting.

The following summarizes the vacancies and applicants for each. Next to the current member's name I have indicated their attendance record. As a reminder, the policy for determining eligibility for reappointment is:

- a) A 70% attendance requirement for scheduled meetings over the previous term
- b) Length of service
- c) Special expertise required by this Board, which can either come from outside experience in the field or from years of experience actually working on the Board
- d) Recommendations from other Board members and Council members
- e) Opening up opportunities for new people to serve

Parks & Recreation Board

Council Subcommittee Meeting **7:00 pm** in the Council Chamber

Chair – **Mueller**

Members – **Nunez and Peddie**

One vacancy

- Irene Davis is seeking reappointment. Davis was appointed August 1992. Attendance is 61%.
- One new applicant: Sara Bresnahan

Planning Commission

Council Subcommittee Meeting **7:15 pm** in the Conference Room

Chair – **Hrydziuszko**

Members – **Abboud and Nunez**

Three vacancies

- Robert Stempien is seeking reappointment. Stempien was appointed July 2007. Attendance is 76%.
- Patrick Westerlund is seeking reappointment. Westerlund was appointed July 2007. Attendance is 85%.
- Benjamin Wilensky is seeking reappointment. Wilensky was appointed July 2016. Attendance is 88%.
- Zero new applicants.

Zoning Board

Council Subcommittee Meeting **7:15 pm** in the Council Chamber

Chair – **George**

Members – **Mooney and Mueller**

Three full member vacancies

- Reanen Maxwell is seeking reappointment. Maxwell was appointed January 2015. Attendance is 63%.
- Ahmad Jawad is currently an alternate member seeking a full member appointment. Jawad was appointed February 2018. Attendance as alternate is 78%.
- One new applicant: Jon Oen

VILLAGE MANAGER'S REPORT
CHRIS D. WILSON
JUNE 14, 2019

BP Renovations – Village Administration has met with the ownership of the BP station on the corner of 13 Mile and Southfield. A site plan for the rehabilitation of this site was approved by the Village last summer. There have been some delays with the design and permitting from the State for the removal of the existing gas tanks. Those permits are now in place. Work is scheduled to begin on this property during the last week in June. The store will remain closed during this renovation. The project is anticipated to last around 60 days, reopening around Labor Day.

New Pumper Delivery – The Village has taken preliminary delivery of our new Pumper Truck. It was available for duty during the Memorial Day Parade and Carnival. At this time the truck is undergoing some final equipment installation. It will be available for full time use by no later than the end of this month. Once it is fully equipped and on site the Public Safety Department will begin taking steps to dispose of the existing pumper.

Offices Closed – Village Offices will be closed on Thursday, July 4th in observance of Independence Day. Village Offices will be opened on Friday, July 5th. Trash service will not be interrupted this week.

Beverly Hills Public Safety Activity Report

May 30th – June 13th, 2019

- The Public Safety Department is currently looking for applicants for Public Safety Officer. Please visit our website, www.beverlyhillspolice.com to see if you qualify.
- Warm weather brings out motorcycles and bicyclist. Look twice and save a life.
- Remember to lock your car and house doors.
- Do not leave valuables inside your car. Do not leave your keys in your car.
- **Michigan expands young drivers' notification program** AP 6.2.19
- An electronic program that notifies Michigan parents when their young drivers are pulled over is expanding across the state.
- Livingston and Mason counties were chosen to try the program for drivers 21 and under, called Sheriffs Telling Our Parents and Promoting Educated Drivers, or STOPPED, more than a year ago, the Livingston Daily Press & Argus reported. Other Michigan sheriffs will be able to sign up this month.
- Parents can register any vehicle that will be operated by their child on the Michigan Sheriffs' Association website. They'll receive a sticker to place on the vehicle's back windshield that has an identification number, which deputies will input into an online system to notify parents in the event of a traffic stop.
- The driver's parents will be notified immediately by text message or email.
- Livingston County Sheriff Mike Murphy told WHMI-FM that the program aims to build accountability between young drivers and their parents.
- He said the program isn't about parents spying on children, but rather about conversations that can promote safe driving.
- The program has been around for nearly a decade. But parents were previously notified through mailed letters that could arrive weeks after a traffic stop, said Deputy Brad Neff.
- "This gives immediate consequence," Neff said.
- State Rep. Hank Vaupel praised the program for helping police and parents teach children that they're accountable for their actions.
- Insurance company State Farm donated more than \$25,000 to bring the program online, and contributed another \$15,000 this year.
- <https://www.detroitnews.com/story/news/local/michigan/2019/06/02/michigan-expands-young-driver-notification-program/39537915/>

Michigan State Police Emergency Management & Homeland Security have a Pet preparedness website, https://www.michigan.gov/msp/0,4643,7-123-72297_60152_68558---,00.html, as pets are forgotten during an emergency.

CALLS FOR SERVICE

- 271 Calls for Service.
- 12 Arrests.
- 137 Tickets issued.
- 10 Walk in PBT's.
- 5 Prescription pill drop offs.
- Vacation checks.
- 4 Prisoner transports to and from the Birmingham Police Department.
- Walk in Gun Permits issued.
- 4 Traffic Accidents on 13 Mile Rd.
- 8 Medicals on 13 Mile Rd.
- 2 Alarms on 13 Mile Rd.
- 3 Motorist Assists on 13 Mile Rd.
- Traffic Investigation on 13 Mile Rd.
- 2 Road Hazards on 13 Mile Rd.
- Suspicious Persons on 13 Mile Rd.
- Suspicious Vehicle on 13 Mile Rd.
- Motorist Assist on 13 Mile Rd.
- Down Wires on 13 Mile Rd.
- 2 Welfare Checks on 13 Mile Rd.
- Vehicle Lockout on 13 Mile Rd.
- Assault on 13 Mile Rd.
- Reckless Driving complaint on 13 Mile Rd.
- Found Property on 13 Mile Rd.
- 2 Alarms on Evergreen.
- Traffic Accident on Greenfield.
- Motorist Assist on Greenfield.
- Suspicious Persons on Greenfield.
- Medical on Lahser.
- 3 Traffic Accidents on Lahser.
- Traffic Investigation on Lahser.
- Suspicious Vehicle on Lahser.
- Found Property on Lahser.
- Assist Birmingham Police with a traffic accident on 14 Mile Rd.
- Juvenile complaint on 14 Mile Rd.
- 2 Traffic complaints on 14 Mile Rd.
- Traffic complaint on Southfield.
- Alarm on Southfield.
- 2 Traffic Accidents on Southfield.
- Citizen Assist on Southfield.
- Traffic Investigation on Southfield.
- Fire Alarm on Southfield.
- Suspicious Vehicle on Southfield.

- Citizen Assist on Gates.
- Suspicious Person on Fairfax.
- Found Property on Old Cannon.
- 2 Alarms on Beverly.
- Citizen Assist on Beverly.
- Motorist Assist on Beverly.
- Medical on Beverly.
- Parking complaint on Beverly.
- Fraud on Beverly.
- Medical on Pines.
- Welfare Check on Plantation.
- Officers stopped a vehicle for a traffic violation on Saxon. The driver was operating on a suspended license. The driver was arrested without incident.
- Hang Up 911 on Huntley Sq. W.
- Medical on Beechwood.
- Assault on Kirkshire.
- Alarm on Kirkshire.
- Alarm on Kinross.
- Family Trouble on Riverside.
- Animal complaint on Riverside.
- Noise complaint on Kirkshire.
- Traffic Accident on Waltham.
- Traffic Accident on Huntley Sq. E.
- Solicitor complaint on Lauderdale.
- Assist Lathrup Village Police attempting to locate a wanted person.
- Alarm on Plumwood.
- Noise complaint on Eastlady.
- Officers stopped a vehicle on Southfield for a traffic violation. The driver was operating on a suspended license. The driver was arrested without incident.
- Trespass complaint on Huntley Sq. W.
- Traffic Accident on Kirkshire.
- Traffic complaint on E. Lincolnshire.
- Officers stopped a vehicle on Lahser for a traffic violation. The driver was operating on a suspended license. The driver was arrested without incident.
- Alarm on Valley Oaks.
- Traffic Accident on Norchester.
- Suspicious Vehicle on Buckingham.
- Officers stopped a vehicle on Southfield for a traffic violation. The driver was operating without a license. The driver was arrested without incident.
- Medical on E. Bellvine Trail.
- Suspicious Person on Pierce.
- Suspicious Persons on Kirkshire.
- Suspicious Circumstance on Huntley Sq. E.
- Larceny on Old Stage.

- Alarm on Marlin.
- 2 Alarms on N. Nottingham.
- Officers stopped a vehicle on 14 Mile for a traffic violation. The driver had a warrant for her arrest. The driver was arrested without incident.
- Medical on W. Lincolnshire.
- Medical on Rosevear.
- Officers responded to 13 Mile for a shoplifting complaint. Subsequent investigation confirmed the allegation. The individual was arrested without incident.
- Fraud on Orchard PI
- Medical on Walmer
- Suspicious Circumstance on W. Chelton.
- Suspicious Circumstance on E. Bellvine Trail.
- Medical on Highbank.
- Traffic complaint on Bates.
- Traffic complaint on Lahser.
- Animal complaint on Bellvine Trail.
- Medical on Plumwood.
- Alarm on Reedmere.
- Family Trouble on Dunblaine.
- Officers responded to a suspicious vehicle on Wendbrook. The vehicle was stopped leaving the area. The driver was operating on a suspended license. The driver was arrested without incident.
- Animal complaint on Devonshire.
- Animal complaint on Corsaut.
- Alarm on Marimoor
- Welfare Check on Madison.
- Animal complaint on Crossbow Ct.
- Suspicious Persons on Orchard Way.
- Larceny on Huntley Sq. E.
- Solicitor complaint Eastlady.
- Noise complaint on Devonshire.
- Suspicious Circumstance on Kirkshire.
- Medical on Huntley Sq. N.
- Natural Gas Leak on E. Lincolnshire.
- Officers stopped a vehicle for a traffic violation on Lahser. The driver was suspected of operating while intoxicated. The driver was arrested without incident.
- Traffic complaint on Hampstead.
- Alarm on Robinhood.
- Peace Officer on Downing PI.
- Lift Assist on Saxon.
- Alarm on Woodhaven.
- Alarm on Huntley Sq. N.
- Citizen Assist on Embassy.
- Medical on Sheridan.

- Fire Alarm on Nottingham.
- Vehicle Lockout on Warwick.
- Suspicious Circumstance on Old Coach.
- Suspicious Persons on Sunnyslope.
- Alarm on Camelot.
- Road Hazard on Reedmere.
- Down Wires on Auburn.
- Property Damage on Birwood.
- Medical on Charrington.
- Officers stopped a vehicle for a traffic violation. The driver was operating on a suspended license. The driver was arrested without incident.
- Solicitor complaint on Waltham.
- Officers stopped a vehicle for a traffic violation on 13 Mile Rd. The driver was operating on a suspended license and had a warrant for his arrest. The driver was arrested without incident.
- Medical on Breezewood.
- Ordinance complaint on Chelton.
- Suspicious Persons on Auburn.
- Officers stopped a vehicle for a traffic violation on Lahser. The driver was operating on a suspended license. The driver was arrested without incident.
- Officers attempted to stop a vehicle for a traffic violation on 13 Mile. The driver fled a short distance then ran from the vehicle. Officers ran after the driver and after a brief struggle the suspect was arrested. The driver was suspected of operating while intoxicated.

INVESTIGATIONS

- CFS Closed and Reviewed 253.
- Reviewed 36 case reports for a disposition.
- Followed up and reviewed cases, of which 12 were closed.
- 17 Cases were assigned.
- 11 Reports written on current cases.
- 27 Current active investigations.
- 6 Current pending investigations.
- 5 Interviews for LIB/jewelry stolen.
- Swear to for OWI (drunk driving) High BAC and OWI II.
- Walked CSC case to APA for review/furthered to interview suspect.
- Sent Threats case to OC Juvenile Division.
- BYA Referral for juvenile.
- SLO attended Groves Senior Parade and Senior All Night Party.
- Assisted Patrol on medical and simple assault from paintball gun.
- Issued two Patrol Alerts for Domestic situations.
- SLO talked to Ascension Lutheran Church pre-school/safety talk

- Attended FBI LEED Identity Training 2 days.
- 46th District Court Traffic Conference.
- Assisted Patrol with transporting scout cars for repair.
- Supplement patrol supervision.
- Completed pediatric chest pain online training.

FIRE PREVENTION

- Attend Fire Staff and Command.
- 2 Fire Inspections on 13 Mile Rd.
- 3 Fire Inspections on Lahser.
- 4 Fire Inspections on Greenfield.
- Fire Inspection on Beverly.
- Road Patrol Coverage.
- Record Fire and EMS training.
- Attend Sutphen Final Inspection.
- Finalize Equipment for new engine.
- Conduct EMS Continuing Education.
- Conduct two EMS C/E credit reviews for licensure renewal.
- Process Fire FOIA Request.
- Upload monthly NFIRS data.

PROTEC

The Michigan Coalition to Protect Public Rights-of-Way

www.protec-mi.org

June 2019

Mr. Chris D. Wilson
Village Manager, Beverly Hills
18500 W. Thirteen Mile Rd.
Beverly Hills, MI 48025-5267

Dear Municipal Official:

PROTEC CELEBRATES OUR 23rd ANNIVERSARY!

For 23 years, PROTEC has worked on behalf of local governments across Michigan to address a variety of rights-of-way issues facing our state, as detailed in PROTEC's most recent **Annual Report**, available online at **www.protec-mi.org**. Our efforts have included:

- **PROTEC STALLS SMALL CELL BILLS SB 637 & 894 FOR A YEAR**
- **PULLS 35 HOUSE VOTES AT THE END**
- **35 MORE THAN SOME EXPECTED**

With the explosion of smart phone and device usage, the Wireless DAS/Small Cell industry is trying to install **millions of new antennas** in American community rights-of-way ASAP in large part, to save the industry money. In October 2017, state legislators introduced SB 637, which sought unfettered access to public rights-of-way for essentially free, and trampled our Constitutional Home Rule rights and our obligations to our residents. PROTEC opposed that bill from the beginning and was the only vocal municipal organization in opposition to it. **PROTEC stalled the Bill for a year but in the lame duck session in December, 2018, industry pulled enough House votes to send SB 637 and SB 894 to Governor Snyder, who signed both.**

- **Since passage a few months ago, PROTEC has been the principal source of informed assistance to members and supporters across Michigan by creating and sharing draft DAS franchise agreements, policies, Ordinances and soon, an application and permit.**
- **PROTEC has also joined with Smart communities in appealing three FCC Orders affecting public rights-of-way regarding Small Cells and Cable Franchise Fee reductions.**

- PROTEC has kept tabs on ITC, one of the nation's largest **electric transmission companies**, and its plans for massive build outs of 100-150 foot transmission towers in Michigan communities and across the Midwest.
- PROTEC **meets monthly** and provides timely and informal assistance to communities facing immediate rights-of-way issues.
- PROTEC advances the cause of growing **municipal broadband** provisioning for the economic benefit of our region including serving as an advisor to the Governor's broadband commission.
- PROTEC is **addressing aging and hazardous gas and liquid pipelines** by filing and monitoring comments at the US Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA). PROTEC is also monitoring the State of Michigan's review of the two 20-inch Enbridge petroleum pipelines crossing the Straits of Mackinac just west of the Mackinac Bridge. PROTEC's General Counsel just returned from Pipeline Safety Training in Houston, Texas and underwritten by the Federal Pipeline and Hazardous Materials Safety Administration.
- PROTEC is also actively involved in monitoring, coalition building and promoting positive Rights of Way outcomes in the Courts, the FCC and Congress as well as the Michigan Legislature.

These are just a sampling of issues and efforts that PROTEC has taken on. Our mission throughout Michigan is to coordinate actions that protect local community interests and inform municipal officials of significant developments in public rights-of-way management including on utility poles, in the ground and via the airwaves. PROTEC has taken a proactive approach to the many challenges faced by communities across the state. Now, more than ever, local governments must be diligent in protecting their interests in all rights-of-way issues.

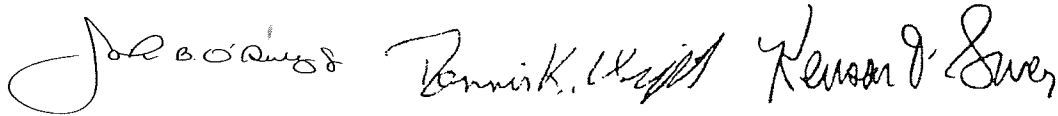
Though we have made great strides in protecting our shared interests, it is crucial to remain committed to these efforts, to protect the gains that have been made, and to continue being a formidable voice in guarding our economic wellbeing.

PROTEC relies solely on its members and contributing communities as its sole support. Your contributions allow PROTEC to participate in judicial, legislative and administrative activities, both on the state and federal levels, to protect local governments' rights concerning the use of public rights-of-way by cable, telecommunications, electric, pipeline and other utility industries.

PROTEC has no paid staff. Administrative support for its operations is generously donated by member communities and the Michigan Municipal League. Please consider supporting the work of PROTEC by becoming a member or renewing your community's annual membership. Your dues and contributions will help ensure

PROTEC has the resources necessary to continue its strong advocacy on behalf of *all* Michigan municipalities.

Respectfully,

Three handwritten signatures in black ink are arranged horizontally. The first signature on the left is 'John B. O'Reilly, Jr.', the middle one is 'Dennis K. Wright', and the one on the right is 'Kenson J. Siver'.

Mayor John B. O'Reilly, Jr.
City of Dearborn

Mayor Dennis K. Wright
City of Livonia

Mayor Kenson J. Siver
City of Southfield

PROTEC

The Michigan Coalition to Protect Public Rights-of-Way

26000 Evergreen Road
Southfield, MI 48076
TEL: 248-796-4503
FAX: 248-796-4505

Attention Mr. Chris D. Wilson

Application for PROTEC Annual Membership: Fiscal year beginning July 1, 2019.

Membership dues are based on population figures as reported in the 2010 Census (\$.125 per resident, capped at \$12,500).

Dues for the community of
Beverly Hills

would be
\$1,283.38

MEMBERSHIP INFORMATION:

Please complete membership information and return with your payment.

Contact Person _____
Title _____
City/Village _____
Address _____

Zip Code _____
10 Digit Phone _____
10 Digit Fax _____
Email Address _____

Checks should be made payable to PROTEC and mailed to:
Michigan Municipal League
P.O. Box 7409
Ann Arbor, MI 48107-7409

Board of Directors: City of Dearborn, City of Livonia, City of Southfield
Fiscal Agent: Michigan Municipal League

* A copy of this statement has also been sent to your municipality's Mayor/President/Administrator (as appropriate).