

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

Absent: None

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

President Peddie called the regular Council meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. The Pledge of Allegiance was recited by those in attendance.

#### **AMENDMENTS TO AGENDA/APPROVE AGENDA**

Motion by Mooney, second by Nunez, to amend the agenda moving Item B4. Review and consider resolution to implement a local pavement warranty program to Item B5.

Motion passed.

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

Motion passed.

#### **COMMUNITY ANNOUNCEMENTS**

None.

#### **PUBLIC COMMENTS**

None.

#### **CONSENT AGENDA**

Motion by Mooney, second by Hrydziuszko, be it resolved that the Council for the Village of Beverly Hills approve the consent agenda.

1. Review and consider approval of minutes of a regular Council meeting held December 18, 2018.
2. Review and file bills recapped as of Friday, December 21, 2018.

Roll Call Vote:

Motion passed (7-0).

#### **BUSINESS AGENDA**

##### **PUBLIC HEARING TO RECEIVE COMMENTS ON A PROPOSED ORDINANCE AMENDING CHAPTER 22, SECTION 22.08.100 ACCESSORY BUILDINGS, STRUCTURES, AND USES**

At the meeting held July 17, 2018, Council requested the Planning Commission review and make a recommendation of modifications to Section 22.08.100 Accessory Structures, Buildings and Uses; to establish regulations to permit mechanical units in side yards and to establish requirements

for a zoning permit for sheds/small buildings 120 square feet or larger that otherwise do not require a building permit. The subcommittee of Planning Commission and Administration reviewed existing conditions in the Village and impacts of proposed changes prior to drafting the proposed amendment to the ordinance.

On October 24, 2018 the Planning Commission held a public hearing and on November 28, 2018 Planning Commission made a recommendation to approve changes to Section 22.08.100 to add regulations for mechanical units in side yards and establish requirement for zoning permits for buildings 120 square feet or larger.

Procedurally, the Village Council must hold a public hearing, and first and second readings prior to adoption. Upon adoption by Council, the language will take effect 20 days after publication.

Peddie opened the public hearing at 7:36 p.m.

No one wished to be heard therefore Peddie closed the public hearing at 7:36 p.m.

**FIRST READING OF AN ORDINANCE AMENDING CHAPTER 22, SECTION 22.08.100  
ACCESSORY BUILDINGS, STRUCTURES, AND USES  
22.08.100 ACCESSORY BUILDINGS, STRUCTURES AND USES IN RESIDENTIAL ZONE  
DISTRICTS.**

b. No detached accessory buildings, structures, or uses shall be erected in the front or side open space or within permanent easements. Mechanical units (i.e. a/c condensers or generators) may be placed in the side open space provided the following conditions are met:

- i. shall be located at least five (5) feet from adjoining lot lines and not more than five (5) feet from the principal building;
- ii. shall be screened with dense shrubs maintained at a height not less than one (1) foot above the height of the unit; and
- iii. shall emit noise no greater than sixty-five (65) decibels (dB(A)) at the nearest property line.

g. Garage doors facing the street shall not exceed a total length of 24 feet in total and shall not exceed a height of 9 feet.

i. Accessory buildings shall be designed so that no exterior wall length is greater than two times the length of any other exterior wall of that accessory building, unless otherwise approved by the Planning Commission upon a finding of no adverse impact to the surrounding neighborhood.

j. Detached accessory buildings containing one hundred twenty (120) square feet of ground floor area or more shall be required to obtain a Zoning Compliance Permit prior to construction or installation. Such buildings shall provide a foundation or rat wall and must be compatible with the principal building in terms of style, design, material and/or color(s).

Hrydziuszko agreed with regulation related to side yard units, however, is unclear on the need for regulation on buildings over 120 square feet. Wilson explained that currently there is no regulation

on buildings or accessory structures this size or larger. These modifications would require compliance; anything larger than 120 square feet would go before the Zoning Board of Appeals for a variance. Any structure being proposed that does not meet the requirements would also require a variance.

Nunez inquired if a fence could be used to enclose a mechanical unit. Wilson explained that the green screen would offer better noise and sight barrier. A fence could be used if it meets the ordinance requirements for a fence or privacy screen.

Mueller expressed his concern for the large quantity of homes that are current non-conforming. There are many units in the Village that are closer than 5 ft. and moving a unit can be costly to the resident. He also expressed concern with attempting to regulate the type of unit a resident may purchase based on decibel output.

George raised his apprehension with requiring compatibility with the principal building in terms of style, design, material and/or color(s) as it is vague and leaves the approval open to the opinion of an individual.

**REVIEW AND CONSIDER APPROVING THE PUBLIC SAFETY EXPENDITURE FOR THE ALEXIS CHANGE ORDER A**

On January 16, 2018 Village Council approved the purchase of a fire truck manufactured by the Alexis Fire Equipment Company. Deputy Director Howard Shock and Sgt. Robert Ginther attended a preconstruction conference at Alexis Fire Equipment Company. The purpose of the conference was to review the plans initially developed during the proposal of job number 2352.

During review, adjustments needed to be made regarding the design of the compartments. The original plans did not include necessary EMS compartment, shelving, and additional plumbing. Items added for safety include a rear back up camera, DOT approved striping, and lights. The Village will be taking delivery of the truck on January 4, 2019.

Motion by Mooney, second by Mueller, be it resolved that the Beverly Hills Village Council authorize the expenditure for the Alexis Change Order A with invoices 2352CA1-IN (\$4,834.00), 2352CA2-IN (\$4,313.00) and 2352CA3-IN (\$3,009.00) for a total amount of \$12,156.00. Funding for the purchase may come from account 401-905-977.50.

Roll Call Vote:

Motion passed (7-0).

**REVIEW AND CONSIDER RESOLUTION TO ADOPT A LOCAL PAVEMENT WARRANTY PROGRAM**

With passage of the Transportation Funding Package of 2015, the Michigan Legislature created a requirement (MCL 247.662, 247.663) that each local road agency in Michigan adopt a Local Pavement Warranty program acceptable to the Michigan Department of Transportation. The Michigan Municipal League participated in a Local Agency Pavement Warranty Task Force to develop a standardized warranty and corresponding policies for all local road agencies throughout Michigan. Participants in this task force included the Michigan Department of Transportation

(MDOT), the County Road Association, The Federal Highway Administration, various local road agencies, the Local Technical Assistance Program (LTAP) and legal counsels and industry representatives.

The Transportation Funding Package of 2015 requires that each local road agency adopt a Warranty Program by no later than September 18, 2019. All local road agencies must consider a warranty on each project utilizing state or federal funding that includes \$2 million or more in paving related components. Communities must annually report on projects with \$2 million or more in paving related items, regardless of whether they implemented a warranty or not.

Approval of the resolutions to adopt and implement the Warranty Program will ensure that the Village's Warranty Program is compliant with state regulations and bring our warranty regulations in line with widely used state standards that are quantifiable, consistent and can be implemented by pavement contractors. Also included with the resolution to implement are the implementation provisions for concrete, hot mix asphalt (HMA), and bonds. Village Administration has reviewed both resolutions and recommends approval of both at this time.

Motion by Mooney, second by Hrydziusko,

WHEREAS, the Michigan Legislature (MCL 247.663) requires each city or village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Local Agency Pavement Warranty Program was developed by the Local Agency Pavement Warranty Task Force for use by all 533 cities and villages in the format approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Department of Transportation has reviewed and approved the Michigan Local Agency Pavement Warranty Program consisting of Special Provisions (Boilerplate, Concrete, HMA, Location, Pass-Through Warranty Bond); a Warranty Bond Form and Contract Form; and Guidelines for Local Agency Pavement Warranty Programs;

NOW THEREFORE BE IT RESOLVED, the Beverly Hills Village Council hereby adopts the Michigan Local Agency Pavement Warranty Program and accompanying documents in accordance to the requirements of MCL 247.663;

BE IT FURTHER RESOLVED, this resolution is made a part of the minutes of the Village of Beverly Hills Council meeting on January 2, 2019.

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

**REVIEW AND CONSIDER RESOLUTION TO IMPLEMENT A LOCAL PAVEMENT WARRANTY PROGRAM**

Motion by Mooney, second by Mueller,

WHEREAS, The Michigan Legislature created a requirement (MCL 247.663) as part of the Transportation Funding Package of 2015 that requires each city and village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Village of Beverly Hills adopted the Michigan Local Agency Pavement Warranty Program on January 2, 2019;

WHEREAS, the Village of Beverly Hills agrees to consider a local pavement warranty on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds;

WHEREAS, the Local Agency Pavement Warranty Program law requires each city and village to report annually on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds, whether or not a warranty was utilized in the project;

WHEREAS, the Village of Beverly Hills agrees to implement the Michigan Local Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was approved by the Michigan Department of Transportation in 2018; and which the Village of Beverly Hills adopted Implementation Policy defines the Village of Beverly Hills intent of its pavement warranty program;

NOW THEREFORE BE IT RESOLVED, the Beverly Hills Village Council hereby agrees to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

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

## **PUBLIC COMMENTS**

None.

## **MANAGER'S REPORT**

**Annual Strategy Meeting** – Village Council and Administration will have the annual strategy session on Saturday, January 5 at 9:00 AM in the Village Offices. President Peddie is working with Administration to compile the agenda based upon input from Council members. An agenda and supporting documents will be provided before the meeting. Any member of Council with additional items to be discussed please get them to President Peddie as soon as possible.

**Christmas Tree Chipping** – The Village will begin collecting Christmas trees left at the curb for chipping. Curbside collection will continue through the week of January 14. Please make sure all ornaments and decorations are removed and that trees are not in a plastic bag.

**Water Testing Final Update** – The Village has completed the second and final round of water testing as required by the Michigan Department of Environmental Quality. The Village conducted

tests on 170 residences in the second round of testing. This was up from 148 tested in June. Of the original 148, 130 were retests from the first round. 141 results have been mailed to residents and we are awaiting the final test results of the remaining 29. All homes that participated will be receiving result forms as required by the MDEQ. All final reports are due to the MDEQ by January 10.

**Upcoming Joint Meetings** – There will be a joint meeting of the Parks and Recreation Board and Village Council on Thursday, January 17 at 7:30 PM in the Council Chambers. There will also be a joint meeting of the Village Council and Planning Commission on Wednesday, February 13 at 7:30 PM in the Council Chambers.

### **COUNCIL COMMENTS**

All of Council wished residents a Happy New Year's.

George would like the Council to consider how they can encourage more community engagement.

Hrydziuszko thanked residents who reached out to her related to the Michigan Regulation and Taxation of Marihuana Act (MRTMA). She looks forward to working with the Planning Commission and Council to explore all available options.

Mooney expressed his sympathies to the family of former Village Manager George L. Majoros. Majoros served the Village from 1986 until 1996 and passed away December 17, 2018.

Abboud reported the Personnel, Finance, and Public Safety Committees have planned meetings. He will represent the Village at upcoming SEMCOG and MML meetings.

Motion by Mooney, second by Mueller, to adjourn the meeting at 8:15 p.m.

Motion passed.

**Lee Peddie**  
**Council President**

**Chris Wilson**  
**Village Clerk**

**Elizabeth M. Lyons**  
**Recording Secretary**