

Present: President George; President Pro-Tem Hrydziuszko; Members: Abboud, Drummond, Kecskemeti, and Mooney

Absent: O’Gorman

Also Present: Village Manager, Campbell
Village Clerk/Assistant Manager, Rutkowski
Village Attorney, Ryan
Public Safety Director, Torongeau
Finance Director, McCarthy
Planning/Zoning Administrator, Stec

ROLL CALL/CALL TO ORDER/PLEDGE OF ALLEGIANCE

President George called the regular Village Council meeting to order at 7:30 p.m. in the Village Council Chambers located at 18500 W. Thirteen Mile Road, Beverly Hills, MI 48025. The Pledge of Allegiance was recited by those in attendance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

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

Motion passed.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

Tim Luke, Nixon, asked whether there were plans for planting trees and for Beverly Park. He said that Wendbrook has been on the Council’s agenda several times this year, but Beverly Park has not. He asked about the status of the infrastructure plans.

CONSENT AGENDA

Motion by Mooney, second by Hrydziuszko, be it resolved, the consent agenda is approved. Mooney noted that the October 17, 2023 minutes would be approved as amended per the Clerk’s note that there was a typo on page 4 of the draft minutes.

1. Review and consider approval of minutes of a regular Council meeting held October 17, 2023.
2. Review and file bills recapped as of Monday, October 23, and Monday, November 6, 2023.
3. Review and consider request from the Groves Orchestra to host the Forte 5K at Beverly Park and on Village Streets on May 5, 2024.

Roll Call Vote:

Motion passed (6-0)

BUSINESS AGENDA

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

There is a vacancy on the Planning Commission for a partial term ending June 30, 2024. The Village received four applications to fill the vacancy.

Drummond provided an overview. A subcommittee consisting of members Drummond, Abboud, and George met with applicants prior to the regular meeting and a recommendation was made to appoint Danielle Gutierrez to the Planning Commission. He thanked all of the applicants who were interested in the position.

Motion by Drummond, second by Hrydziuszko, be it resolved, the Beverly Hills Village Council appoints Danielle Gutierrez to the Planning Commission for a partial term ending June 30, 2024.

Roll Call Vote:
Motion passed (6-0)

George thanked everyone who applied.

REVIEW AND CONSIDER BEVERLY HILLS LIONS CLUB’S REQUEST TO HOST CANDY CANE COLLECTION FROM NOVEMBER 22 TO DECEMBER 23, 2023

Campbell gave an overview. Village Administration received a request from the Beverly Hills Lions Club asking to host their annual Candy Cane Collection from November 22 – December 24, 2023 in the Village of Beverly Hills. The Lions Club is a non-profit organization that has been soliciting donations to help organizations that support the hearing and vision impaired for numerous years. A request letter from the Lions Club was included in the meeting packet.

Dennis and Margaret Alberts, Candy Cane Collection Co-Chairs, Beverly Hills Lions Club, were in attendance via Zoom and provided more information about the request. They noted that they have already received permission from the property owners to collect donations during the daylight hours. They requested that the information about the collection be shared on the sign outside of the Village Offices. They thanked the Council for their support over the years.

Motion by Mooney, second by Abboud, be it resolved, the Beverly Hills Village Council approves the request from the Beverly Hills Lions Club to solicit donations for their annual Candy Cane Collection from November 22 to December 24, 2023 and the following notice will be placed on the display sign outside of the Village Offices, as long as there is no conflict: “Support Lions Candy Cane Collection November 22 to December 24” provided that a Certificate of Liability Insurance naming the Village of Beverly Hills as an additional insured is submitted to the Clerk’s Office prior to the collection.

Roll Call Vote:
Motion passed (6-0)

REVIEW AND FILE 2022-2023 AUDIT PRESENTATION FROM PLANTE MORAN

Campbell provided an overview of the annual audit.

Rumzei Abdallah and Allison Wilk, Plante Moran, were present and provided a report on their audit findings. Abdallah went over the Financial Statement and PowerPoint presentation, which were included in the meeting packet.

Abdallah thanked the Administration for their work during the audit. He said there were no issues with the audit and no corrections that needed to be made. He noted the Village’s OPEB account is

71% funded, which is much higher than many other communities. Overall, the Village is in good financial standing.

Mooney commented on the pension funding decrease from 86% last year to 71% this year, noting that it is based on the market. He asked if the pension contribution should be increased. Abdallah stated that the Village should refer to the MERS actuarial valuation to determine that.

Mooney commented on the business-type activities debt, which is the Evergreen Farmington District debt. He clarified that the infrastructure charges are included in the sewage disposal charges on page 17 of the report. He noted that the General Fund and Public Safety Fund's fund balances are over the industry standard of 20%. He suggested paying off the fire truck with the fund balance. He commended Plante Moran for doing a nice job on the audit.

George asked if there were any areas of concern. Abdallah stated that there were no concerns.

George thanked Administration and the auditors for their hard work.

Motion by Mooney, second by Hrydziuszko, the Beverly Hills Village Council receives and files the audited financial statements from Plante Moran for Year Ending June 30, 2023.

Motion passed.

PUBLIC HEARING TO RECEIVE COMMENTS ON SPECIAL LAND USE REQUEST FOR 31535 SOUTHFIELD ROAD

Campbell provided an overview. At its September 27, 2023 meeting, after holding a public hearing on PC Case 23-08-10 Special Land Use, the Planning Commission passed a motion to recommend that Village Council approve a request to convert the former Bed Bath & Beyond building into an indoor commercial recreation facility. The proposal includes repurposing the building for thirteen indoor pickleball courts on the first floor with a mezzanine area including five golf simulator suites. The property is zoned B-1 Business. Indoor commercial recreation facilities are permitted in the B-1 district use after special approval.

The Planning Commission's September 27, 2023 recommendation included the following conditions:

1. A revised site plan addressing the following items is submitted for review by Council:
 - A dumpster enclosure is added to the plan
 - The lighting plan is revised to show the following:
 - o compliance with maximum footcandle levels at property lines abutting the R-M Multiple-Family district
 - o Any damaged light fixtures and support structures must be repaired or replaced (include specifications and details if any new fixtures are proposed)
2. All dead or dying landscape plantings are replaced per final approved plans.

The applicant has provided revised site plans dated 10/11/23 addressing the above conditions. The 10/27/23 Safebuilt Review Report, which was included in the meeting packet, provides a detailed zoning analysis including the review standards for special land use requests, and a review of the

revised site plans confirming that the conditions of the September 27, 2023, Planning Commission motion to recommend approval have been addressed.

The approximately 40,000 square foot building is situated on a 3.1-acre site that was previously used for a single retail use (Bed Bath & Beyond). Bed Bath & Beyond went out of business in early 2023 and the building was vacated. The property is zoned B-1, Business and is also within an area of the Village Center Overlay District (VCOD) designated as “Big Box”. The VCOD designates this site as having “Medium Potential” for redevelopment. The request is exempt from the application of the VCOD because it does not propose any expansion to the existing building or the construction of any new buildings.

Per Section 22.08.300 of the Zoning Ordinance, the Village Council has final approval authority over special land use requests and the associated site plans. A public hearing shall be held before a decision is made on a special land use request. The public hearing has been advertised in compliance with the Procedure of Notice required by Section 22.08.300 of Chapter 22 “Zoning”. Upon conclusion of the public hearing, the Village Council shall deny, approve, or approve with conditions requests for special land use approval. The decision on a special land use request shall be incorporated in a statement of conclusions relative to the proposed use under consideration. The decision shall specify the basis for the decision, and any conditions imposed. The approval standards for special land use requests are outlined in the 10/27/23 Safebuilt review report.

George opened the public hearing at 8:21 p.m.

No one wished to be heard, so the public hearing was closed at 8:22 p.m.

Stec noted that he had not received any comments that were against the subject proposal.

Kecskemeti asked if there will be any improvements to the curbside façade. Stec said that there will eventually be new signage.

Abboud said he thinks this project will be good for the community because they will be bringing pickleball and more to the Village.

Hrydziuszko said she has heard a lot of support from the community. She said she is looking forward to seeing the building put to good use.

George asked about the liquor license procedure. Ryan said that they would need to submit an application to the Village down the road and that is separate from the item in front of Council today.

Linden Nelson, applicant, Southfield Road, said he contacted an attorney familiar with the Liquor Control Commission processes. He said there are two licenses available in the Village and he is interested in obtaining one. He introduced the soon-to-be operator of the recreation establishment, Neal Check, who is local. Nelson said he thinks this project will be an overwhelming success and said it has been a pleasure working with Village Administration.

Neal Check, operator, Southfield Road, said they are working on a name for the business right now. He said he has been wanting to open an indoor golf simulator for a while. He said the

pickleball facility will bring people to Beverly Hills and will be very special. He talked about the operations, noting that the facility will have both open and reserve courts and deluxe indoor golf suites. He said there will be membership and open play options and a variety of programming.

Drummond said he was glad to hear that it would be open to the entire community and not solely members.

George asked about operating hours and liquor license.

Check said they plan to be open Sunday to Thursday, 7:00 am to 10:00 pm and Friday to Saturday, 7:00 am to midnight. Check said they are looking for a full liquor license and a simple food menu. He noted that it will be a health club focused on pickleball and golf with an option for refreshments and food.

REVIEW AND CONSIDER SPECIAL LAND USE REQUEST FOR 31535 SOUTHFIELD ROAD

An overview was provided and a public hearing was conducted for the Special Land Use Request for 31535 Southfield Road earlier in the meeting.

Motion by Drummond, second by Abboud, be it resolved that the Village Council approves Special Land Use Request 23-08-10 to establish an indoor commercial recreation facility at 31535 Southfield Road. The proposal has been found to be in conformance with the review standards for special land use requests contained in Section 22.18.300(h) of Chapter 22 “Zoning” of the Village Code of Ordinances.

Roll Call Vote:

Motion passed (6-0)

PUBLIC HEARING TO RECEICE COMMENTS ON THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR PROGRAM YEAR 2024

Campbell provided an overview. The Village of Beverly Hills has participated in the federally funded Community Development Block Grant (CDBG) program for more than 25 years. We are currently in a three-year subrecipient agreement with Oakland County to participate in this program. The Village’s estimated allocation for Program Year 2024 is \$12,521.00. The annual CDBG allocation is based on a formula that uses several objective measures of community needs. The U.S. Department of Housing and Urban Development (HUD) has established three national objectives, at least one of which must be met, to determine eligibility for a community to engage in any specific program. Additionally, the Village must comply with several rules, including a limit on our allocation for public service projects to a maximum of 15% of the total 2024 allocation and/or a minimum allocation of \$3,500 for each project.

This year Council is again being asked to consider allocating funds for Minor Home Repair services and Public Services - Yard Services for low-income and low-moderate-income level residents. A description of each service was provided in the meeting packet. We are recommending allocating \$9,021 for Minor Home Repair and \$3,500 for yard services through the CDBG program. The Village outsources the administration of these programs and Next has been the service provider for many years. Next continues to be a valued partner and ensures the program is administered per the extensive CDBG requirements.

The Village received a request from HAVEN seeking a contribution for their program that provides various services for victims of domestic violence and sexual assault. Due to CDBG requirements and limitations for project funding, we cannot allocate funds to both the Yard Services program and to HAVEN. Therefore, without Council objection, administration is recommending the Village make a General Fund contribution for the same amount, \$3,500.00, to HAVEN, as it has done in the past to support their program.

George opened the public hearing at 8:52 p.m.

Cris Braun, Executive Director of Next, Birmingham, thanked the Council for their support through the CDBG program over the last several years. She described the Yard Services and Minor Home Repair programs that help residents get the support they need.

No one else wished to be heard, so the public hearing was closed at 8:54 p.m.

Mooney suggested that the Village provide HAVEN with its requested contribution amount of \$5,000 through General Fund monies.

Ryan stated that the Village would need to then have a contract with HAVEN to provide these support services.

It was the consensus of Council that Administration present an agreement with HAVEN at the next meeting.

REVIEW AND CONSIDER RESOLUTION AUTHORIZING THE VILLAGE OF BEVERLY HILLS' CDBG APPLICATION FOR PROGRAM YEAR 2024

The following resolution was offered in a motion by Mooney, with support from Hrydziusko:

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

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

Whereas, the Village of Beverly Hills has duly advertised and conducted a public hearing as follows:

President George opened the Public Hearing at 8:52 p.m.

Cris Braun, Executive Director of Next, Birmingham, thanked the Council for their support through the CDBG program over the last several years. She described the Yard Services and Minor Home Repair programs that help residents get the support they need.

President George closed the Public Hearing at 8:54 p.m. on November 7, 2023 for the purpose of receiving public comments regarding the proposed use of PY 2024 Community Development Block Grant (CDBG) funds in the approximate amount of \$12,521.00; and

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

Account	Project Name	Amount
172170-731227	Minor Home Repair	\$9,021
172160-732170	Public Services – Yard Services	\$3,500

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

Roll Call Vote:
Motion passed (6-0)

REVIEW AND CONSIDER AUTHORIZING INTERLOCAL AGREEMENT WITH OAKLAND COUNTY’S INCIDENT MANAGEMENT TEAM

Campbell provided an overview. Pursuant to the Urban Cooperation Act of 1967, 1967 Public Act 7, MCL 124.501 *et seq.*, the County wishes to enter into an Agreement with the Village for the purpose of delineating the Parties’ roles and responsibilities for their participation in the Oakland County Incident Management Team (“OCIMT”) under the direction and supervision of the Oakland County Emergency Management Division (“Emergency Management Division”). The Village of Beverly Hills is a member of OCIMT.

The OCIMT will provide support to an Incident Commander by performing ICS functions as required by the incident kind, type, and complexity. The goal is to work together to implement and achieve the NIMS Implementation Objectives of Command and Management at the scene of an incident/emergency, disaster, or catastrophe. This is an Agreement that Oakland County requires of all members. OCIMT members have responded and supported first responders on incidents that overwhelm local communities such as tornadoes and other natural disasters.

Oakland County requires that all members of the OCIMT sign this Incident Management Interlocal Agreement and that it must be signed by the Village Manager.

Motion by Abboud, second by Mooney, be it resolved that the Village of Beverly Hills Council authorize the Village Manager to enter into this Agreement between the Oakland County Incident Management Team and the Village of Beverly Hills.

Roll Call Vote:
Motion passed (6-0)

REVIEW AND CONSIDER 2023 COMMUNITY PARK AND TRAIL CAPITAL GRANT PROGRAM AGREEMENT WITH OAKLAND COUNTY

Campbell gave an overview. Provided for the Council’s review and consideration was an agreement with Oakland County Parks for the 2023 Community Park and Trail Capital Grant Program. The agreement has been reviewed by the Village Attorney who found it to be in order.

The Village applied for the Community Park and Trail Capital Grant in April 2023 and received notice of the award in August. The grant award of \$100,000 will go toward the renovation of the Beverly Park Playground. The Village’s match amount of \$500,000 can come from a variety of sources including the General Fund, Park Fund, and Federal/State grant funding.

The Village thanks the Oakland County Board of Commissioners and the Community Park and Trail Capital Grant Program for providing funding to help construct a modern, accessible play structure and surface at Beverly Park. The Village also thanks the community groups who submitted letters of support for this application.

Mooney asked how this grant will interact with the Spark Grant. He said he was happy that the Village has received these grants. Campbell said he will keep the Council informed once discussions are had with the DNR.

Motion by Hrydziuszko, second by Kecskemeti, be it resolved, the Beverly Hills Village Council authorizes the Village Manager to execute the Community Park and Trail Capital Grant Program Agreement with Oakland County Parks as submitted.

Roll Call Vote:
Motion passed (6-0)

PUBLIC COMMENTS

None.

MANAGER’S REPORT

Halloween Hoot - The Administrative Staff would like to thank the members of the Parks & Recreation Board, Jason’s Outdoor Services, and all the other participants for putting on an amazing Halloween Hoot this year. The list of participants includes:

Baldwin Public Library, Berkshire Middle School, Beverly Hills Club, Beverly Hills Grill, Beverly Hills Lions Club, Beverly Hills Little League, Beverly Hills Public Safety, Beverly Hills Veterinary Associates, Beverly Woods Homeowners Association, BPS Early Learning, Charlie Copeland, Corwin Family, Devonshire Pirates, Dream Arts, East Beverly Association, Goddard School Beverly Hills, Greenfield Beverly Association, HealthQuest Physical Therapy, Huntley Subdivision, Jason's Outdoor Services, Jody Messinger & Friends, Kakos Dental, Max Broock Birmingham - Dowler Duo, Max Broock Royal Oak - Lindsay King, MKA Salon, Next, Pacific Prep, Premier Pets, Racheal Hrydziuszko, The Hills Eye Care, Tracy Kecskemeti, Triton Plumbing Village of Beverly Hills, Village Pediatrics, and Westwood Estates

Campbell thanked all the sponsors as well. A list of sponsors was included in the meeting packet. The Village received about \$8,500 in donations and spent \$7,200. It was an incredible turnout and a great event.

Bathrooms at Beverly Park – The HVAC unit installation at the Beverly Park bathrooms has been completed. The bathrooms are now heated and will be open during the winter months.

Coats for the Cold Coat Drive - The Village will be participating in Oakland County Sheriff, Mike Bouchard's, Coats for the Cold Coat Drive from November 1 to November 30, 2023. There is a collection box set up at Village Hall, 18500 W. 13 Mile Road, to receive the donated coats.

Community Tree Planting - Thanks to a DTE Energy Foundation grant that was recently awarded, the Parks & Recreation Board will be hosting a community tree planting event on Saturday, November 11th from 9:00 a.m. to 12:00 p.m. at Beverly Park. Experts from ReLeaf Michigan will be on site to show volunteers how to properly plant trees. There will also be a buckthorn removal demonstration at this event. This is a great opportunity for high schoolers to earn community service credits. Please sign up to volunteer using this link:

<https://www.signupgenius.com/go/9040F44A4AF2FA46-45561439-community#/>

Infrastructure Update – The Administration will provide updates on various infrastructure projects, including sidewalks and the Riverside Bridge at the November 21, 2023 Council meeting.

Veterans Day – Village and Township offices will be closed Friday, November 10th in observance of Veterans Day. We would like to thank all veterans for their service.

Mooney asked about the Beverly Hills Little League and status of the baseball diamonds. He also asked about Riverside Pond and Beverly Green.

COUNCIL COMMENTS

Drummond thanked the Public Safety Department for hosting the Cub Scouts on October 24th. He said the kids really appreciated their visit.

Keckskemeti said great job to McCarthy for her efforts on another outstanding audit outcome. She said the Halloween Hoot was a fun event and there was an overwhelming turnout. She thanked the Quinn family for helping her decorate and pass out candy at her treat station.

Abboud congratulated Gutierrez on her appointment to the Planning Commission. He gave an update on SEMCOG activities. He suggested entering the new playground in a statewide showcase. He said he attended the MML Convention in October and is working on the next level of the Elected Officials Academy. He said the Senior Advisory Council is working on establishing goals for 2024. He said he is grateful for the Village's CDBG contribution to Next. He wished his favorite teacher a happy birthday.

Hrydziuszko thanked everyone who worked on the Hoot. She said it was a wonderful opportunity to showcase the Village. She said there will be a tree planting on Saturday, November 11th at Beverly Park. She said the Village has new tools to use during the buckthorn removal demonstration on Saturday as well. She said a lot of parks related items end up on the consent agenda because the Parks & Recreation Board has done the research and recommends approval. She listed a number of things that have been accomplished at Beverly Park, such as a new pavilion roof, heated bathrooms, new drinking fountain, trees, and the playground project. She

recommended having AEDs at Beverly Park. She said the Joint Fence Subcommittee recently met and the Planning Commission will discuss fences at their next meeting.

George thanked Administration for their hard work on the audit. He said the Halloween Hoot was outstanding and the line went all the way down to Mayfair and Nixon. He said Jason Gross' display along Beverly Road was great as well as the 35 treat stations. He thanked Rutkowski, the Parks & Recreation Board, and volunteers who helped with organizing and cleaning up the event. He said there had been some improvements made to the ball diamonds and he is in support of partnering with BHELL to develop a plan. He noted that just because Council's conversation on a topic fizzles out, does not mean that Administration is not working on it. He noted that he would like to see more detail about a forest plan in the 5-Year Community Recreation Plan. He also noted that several projects have been completed at Beverly Park this year.

ADJOURNMENT

Motion by Mooney, second by Abboud, to adjourn the meeting at 9:34 p.m.

Motion passed.

John George
Council President

Kristin Rutkowski
Village Clerk