

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

Absent: None

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

President George called the regular Village Council meeting to order at 7:37 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

Bill Wegert, Westlady, commented via Zoom about his safety concerns regarding a property on Plumwood that is under construction.

CONSENT AGENDA

Motion by Mooney, second by Abboud, be it resolved, the consent agenda is approved as published.

1. Review and consider approval of minutes of a regular Council meeting held July 6, 2021.
2. Review and file bills recapped as of Monday, July 19, 2021.

Roll Call Vote:

Motion passed (7-0)

BUSINESS AGENDA

REVIEW AND CONSIDER PARKS & RECREATION BOARD’S REQUEST TO HOST CONCERT IN THE PARK IN AUGUST 2021

The Parks & Recreation Board is requesting Council’s approval to host a third Concert in the Park this summer on Friday, August 13, 2021 at Beverly Park beginning at 7:00 p.m. The Board held a successful concert event in June of 2021. The July 16th concert was canceled due to rain.

Part of the concert expense would include a stage rental from Oakland County Parks in the amount of \$550.00. The band(s) are to be determined and would receive a stipend to perform at the concert.

Motion by O’Gorman, second by Hrydziuszko, be it resolved, the Beverly Hills Village Council approves the Parks & Recreation Board’s request to host a Concert in the Park on Friday, August 13, 2021 at 7:00 p.m., with expenses not to exceed \$1,500.00. Be it further

resolved, the Council authorizes Administration to execute the Facility/Property Use Agreement with Oakland County Parks. Funds for this expense are available in account 101-747-894.00.

Roll Call Vote:
Motion passed (7-0)

FIRST ANNOUNCEMENT OF A VACANCY ON THE ZONING BOARD OF APPEALS.

There is a vacancy on the Zoning Board of Appeals for a partial term ending June 30, 2022. The vacancy was created when the Village Council appointed member Ahmad Jawad to the Planning Commission at their June 15, 2021 meeting, which resulted in his subsequent resignation from the ZBA.

All interested and eligible residents of Beverly Hills are encouraged to apply to become a member of the ZBA. Applications are available on the Village website or by emailing the Village Clerk at krutkowski@villagebeverlyhills.com. Applications may be submitted via email, regular mail, or using the drop box located outside of the Village office (18500 W. 13 Mile Road, Beverly Hills, MI 48025).

Applications are due Monday, August 9, 2021. The ZBA meets the second Monday of the month at 7:30 p.m., as necessary. This constitutes the first announcement of a vacancy on the Zoning Board of Appeals.

RECEIVE AND FILE MERS ANNUAL ACTUARIAL VALUATION FOR YEAR ENDING DECEMBER 31, 2020

Wilson provided an overview. The Village is in receipt of our most recent actuarial valuation report from the Municipal Employees' Retirement System of Michigan (MERS). This report is produced annually to analyze the Village's demographic data, investment performance and other factors to produce a contribution rate for pension costs for the coming year.

The Village's funding ratio as of 12/31/20 is 78%. This is a decrease from the funding ratio of 80% as of 12/31/19. The Village's market rate of return for 2020 was 12.70%. With the use of 5-year asset smoothing the actuarial rate of return for 2020 was 8.17%. Our actuarial value of assets as of December 31, 2020 is 97%. MERS is currently using an actuarial assumption for the annual rate of return of 7.35%.

For the current fiscal year (FY22) the Village's monthly defined benefit contributions will be \$65,579; or \$786,948 annually. Village Administration budgeted \$760,056 for these costs for FY22 and \$775,000 for FY 23.

Page 12 of the report shows the anticipated contribution levels over the next 20 years with different measures based upon different rates of return. As this graph indicates the funding requirement based upon the current rate of 7.35% will remain relatively steady for the next 10 years before falling dramatically by roughly 90% per year and eventually to \$0 by 2035. This is a result of our plan being closed to new hires as of 2013. Closed plans amortize all unfunded accrued liability (UAL) over a ten-year period. Functionally, this means that at current contribution rates and by keeping the plan closed, all Village pension funding obligations can be achieved by FYE June 30, 2031.

Motion by Mooney, second by Peddie, be it so moved that the Village Council receive and file the Municipal Employees Retirement System Annual Actuarial Valuation as of December 31, 2020.

Motion passed.

REVIEW AND CONSIDER RESOLUTION AUTHORIZING ADMINISTRATION TO SUBMIT A 2021 OAKSTEM PROGRAM APPLICATION TO OAKLAND COUNTY

Oakland County has established the 2021 Oakland County Street Tree Enhancement Match (OAKSTEM) Grant Pilot Program to decrease impervious surface area and increase the tree canopy in communities that make up the George W. Kuhn (GWK) Drainage District. The Program seeks to assist GWK Communities by offering limited matching funds for street tree plantings on public road rights of way that are under their jurisdiction, or on public road ROW directly adjacent to land publicly owned by these GWK Communities, and that are within the GWK District.

The County selected the GWK District for the following reasons:

- The GWK District has an impervious surface area of 49.2% compared to 19.9% for the County as a whole.
- Tree cover in the GWK is 23.3%, while the overall County is 44%.
- This results in large peak flows during storm events. With the entire GWK District having combined sewers, this contributes greatly to the past flooding issues in the area.

This program is intended to provide an incentive to GWK communities to either begin, or continue and expand, their public street tree planting program(s) in order to: increase tree canopy; improve air quality; reduce impervious surface area; enhance aesthetics; reduce peak flow stormwater run-off; reduce flooding risk; attract, retain and grow business and jobs; reduce noise; and encourage further community investment.

Beverly Hills is one of the 14 communities eligible to apply for grant funding through the OAKSTEM Program. Since only a portion of Beverly Hills is in the GWK Drainage District, only that area is eligible for tree planting.

Beverly Hills' projected base amount allocation is \$10,021.00. The grant program is a 1:1 match and matching funds may only be used for trees and warranties. Administration recommends applying for up to the \$10,021 base allocation.

Part of the grant application requires a resolution from the governing body approving the Community's participation in the program, designating the person authorized to sign on the Community's behalf, and certifying the Community's commitment to complying with the Program's requirements. A resolution was provided for Council's review and consideration.

The following resolution was made in a motion by Hrydziuszko, second by Mooney:

WHEREAS, Oakland County has established the OAKSTEM 2021 Oakland County Street Tree Enhancement Match Pilot Program (the "Program") for communities that are wholly

or partly within the George W. Kuhn (GWK) Drainage District;

WHEREAS, the Program seeks to assist GWK Communities by providing limited matching funds for street tree planting projects on public road rights of way (ROW) that are under their jurisdiction or on public road ROW directly adjacent to land publicly owned by the GWK Communities;

WHEREAS, the Village of Beverly Hills_(the “Community”) wishes to submit a 2021 OAKSTEM Program Application seeking matching reimbursement funds from the Program, in an estimated amount of up to \$10,021 on a 1/1 matching basis for reimbursement for a project briefly described as Beverly Hills local public street tree planting, which is located in the GWK Drainage District; and

NOW THEREFORE, be it resolved, the Beverly Hills Village Council hereby approves (i) the completion and submission of the 2021 OAKSTEM Application to seek funding through the Program; (ii) if the Application is approved by Oakland County, the Community’s participation in the Program; and (iii) the appropriation and expenditure of funds necessary or appropriate to fund its obligations under the Program as set forth in the Application and the Cost Participation Agreement, and hereby authorizes Chris Wilson, Village Manager, to sign the Application and all Agreements and take any other action necessary or appropriate on the Community’s behalf to participate in the Program and certifies that the Community will comply with the Program’s requirements, including submittal of a final report and other documentation as required by the County, as a condition to receiving reimbursement in accordance with the Program.

Roll Call Vote:
Motion passed (7-0)

REFER SITE PLANS FOR DEVELOPMENT AT 31655 SOUTHFIELD ROAD TO THE PLANNING COMMISSION FOR REVIEW AND RECOMMENDATION

Hobbs & Black Architects have submitted a proposal for development of a childcare facility, The Goddard School of Beverly Hills, at 31655 Southfield Road in the B-Business District and within the Village Center Overlay District (VCOD). The property is approximately 1.5 acres in size, irregularly shaped and located on the west side of Southfield north of 13 Mile. The property is currently vacant and was the site of a former McDonald’s fast-food restaurant with drive-through facilities

The B-Business zoning district allows for the subject childcare use as a principal permitted use subject to site development standards listed in the Village Zoning Ordinance. The applicant proposes a mixed-use development project consisting of 2 buildings. Building 1 is a two-story, 16,000 square foot childcare/preschool building with multiple classrooms and facilities and includes a screened mechanical room on top. Building 2 is also two-stories consisting of 5,000 square feet of floor area with mixed uses including office and retail. Both buildings are architecturally compatible with matching colors and materials including, decorative earth tone masonry accented by tinted aluminum storefront doors and glazing. All four sides of each building will include simulated wood panels, fiber cement panels and metal trim. Detailed plans and elevations were included for review.

Parking for the childcare building is based on the number of children to be served which is 200 resulting in 27 required spaces for the childcare use. Parking for the office/retail uses is based on gross floor area requiring 16 spaces for those uses resulting in a total of 43 required spaces. The applicant is proposing 57 total spaces resulting in a surplus of 14 spaces. Hours of operation will be from 6:30 a.m. to 6:30 p.m. M – F and closed on weekends.

Outdoor play area requirements per the Village Ordinance is 150 square feet per child resulting in 30,000 square feet of outdoor space for 200 children. The applicant is proposing 10,240 square feet of play area resulting in a deficit of 19,760 square feet. The applicant will be required to obtain a variance from the Village Zoning Board of Appeals. Point of Interest; the State of Michigan would only require 1,200 square feet of outdoor play area in this instance.

As part of the process for review and consideration of development in the Village Center Overlay District (VCOD), a certain amount of flexibility is afforded to the applicant and Village in order to ensure the project meets intent of the Plan and that the Village's long-term goals and objectives are met for development in this area. Administration requested a detailed response from the applicant identifying how the proposed project meets the VCOD Ordinance. A copy of that response is included for Council review. The VCOD also calls for a Development Agreement between the developer and the Village. The terms and conditions of the Development Agreement will need to be considered as part of the overall review process for this project.

A number of issues which should be addressed as part of the review of this project are listed below. Some of these issues will be addressed by modifying the site plan. Others will be addressed through negotiation and inclusion in the Development Agreement. The applicant has been requested to prepare a draft development agreement for consideration.

- Proposed contributions in-lieu of improvements
- Use and access to public space
- All classrooms to include windows to the hallway
- No future land division without Council approval, which will not be unreasonably withheld
- The Ordinance requires a north/south vehicular connection between the site and other properties in the VCOD. The plan either needs to be amended, or a deviation sought.
- 1 additional street tree is required along Gould Court.
- The Ordinance requires decorative street lighting along Southfield Road.
- The Ordinance requires that the building occupy 75% of the Southfield Road frontage. Given the need for a curb cut, I don't believe this standard is practical. The applicant should include this as a deviation and provide justification.
- In my opinion, the parallel parking spaces should either be removed from the plan, or dedicated as employee spaces.
- The amount of outdoor play area required by the Ordinance is not met. This will require modifications to the plan that comply, or a variance from ZBA.
- The project architect should address the building architecture and material standards of the VCOD.
- Additional information regarding the use of the annex building is needed.
- Any deviations requested from the VCOD should be enumerated and include a description of their justification per the standards in the Ordinance.

Village Administration has forwarded the draft site plan to HRC for engineering review. The Department of Public Safety will handle all issues relative to Fire Code compliance.

Village Administration has reviewed the site plan as submitted and determine the proposed use is allowable in this district and recommends Council forward the plan to the Planning Commission for their review and recommendation.

Abboud requested to recuse himself from this discussion and future votes regarding this development due to his previous discussions with the applicant and potential conflict of interest.

Motion by Mooney, second by Peddie, Councilmember Abboud is permitted to recuse himself from this and all future discussions and votes regarding the Goddard School project at 31655 Southfield Road per his request.

Motion passed.

Kellie McDonald, Goddard School, Lake Orion, was in attendance and answered questions from the Council regarding the plans, market research, and the demand for a day care center in the area.

Motion by Peddie, second by Hrydziuszko, be it resolved that the Village Council refer the site plan submitted for the property at 31655 Southfield Road on behalf of The Goddard School to the Planning Commission for their review and recommendation.

Motion passed.

REVIEW AND CONSIDER RESOLUTION DESIGNATING THE VILLAGE OF BEVERLY HILLS' REPRESENTATIVES AT THE MICHIGAN MUNICIPAL LEAGUE'S ANNUAL MEETING

The Michigan Municipal League is hosting its Annual Convention on September 22-24, 2021 in Grand Rapids. The League's Annual Meeting is scheduled for 4:15 pm on Wednesday, September 22nd.

Pursuant to the provisions of the League Bylaws, the Village must designate by action of its governing body one of its officials who will be in attendance at the Convention as its official representative to cast the vote of the municipality at the Annual Meeting, and, if possible, to designate an alternate voting delegate as well.

Motion by Kecskemeti, second by Mooney, be it resolved that the Village Council of the Village of Beverly Hills hereby appoints Council Member Rock Abboud as its voting delegate for the 2021 Michigan Municipal League Annual Meeting and appoints Council President John George as its alternate voting delegate.

Motion passed.

PUBLIC COMMENTS

Anthony Lott, Riverside, commented on the MERS Actuarial Valuation and expressed concerns about underfunding the plan. He recommended funding the plan at a greater rate.

Kellie McDonald, Goddard School, Lake Orion, provided follow up responses to Council's previous questions. Demographic data was obtained in a 2.4 mile radius of the proposed development and there are no competitors in the area that offer this type of high end, full-day early childhood development programming.

MANAGER'S REPORT

American Rescue Plan Act – The Village has received official notification of the funds we will be receiving from the American Rescue Plan Act (ARPA). The Village will receive \$1.08 Million in ARPA funding. These funds can be allocated toward infrastructure projects or revenue replacement due to funds lost from the COVID pandemic. I anticipate that the Village will allocate these funds towards infrastructure projects. There is an application and registration deadline later this month that Village Administration is working toward meeting. Village Administration will be working with Council to identify a project or projects for these funds.

Demolition Fencing – An incident occurred this week in the Village where a house was demolished using heavy equipment without a construction fence around the site. Per the current Building Department Construction Site Maintenance Requirements construction fencing is required for sites where there is "...excavation and/or areas of construction..." This site included a home without a basement and a basement is not being dug for the new home. A construction fence was not a requirement for the demolition being performed at this site. After visiting the site, however, this operation was more intensive than I would prefer to be occurring without a fence. Not all demolition activities necessitate construction fencing. I did speak with the contractor on site and he was aware of our fencing regulations and that he was abiding by them and would have a construction fence on site prior to commencing construction. Further, the contractor did erect a temporary fence around the site that was not required based upon our conversation. I have discussed the matter with the Planning and Zoning Administrator and Building Official and I believe that we will be modifying our Construction Site Maintenance Requirements going forward to address similar large-scale demolitions in the future.

Public Services Director – Kevin Lawrence started work on July 12 as the new Public Services Director for the Village. Kevin most recently served as the Public Services Director for the City of Ecorse and prior to that held the same position at the City of Grosse Pointe. Kevin also worked in Facilities Maintenance and Management at Michigan State University and has served as the Operator in Charge for Metro Consulting Associates in Highland Park. Kevin has extensive experience in water, sewer and roads maintenance and administration and is a welcome addition to Village Administration.

Water and Sewer Rate Survey – The Southeastern Oakland County Water Authority has completed their annual water and sewer rate analysis for all SOCWA communities. I have included a copy of this analysis for your review.

Southfield Rd. Project – The Road Commission for Oakland County (RCOC) is taking input on a redesigned proposal for the modification of Southfield Rd. from south of Ten Mile to just north of 13 Mile Rd. This design envisions the construction of a divided boulevard through this area with either two or three through lanes. The project design can be viewed at <http://southfieldroadcorridor.com>. Comments will be accepted through July 23rd.

Village Meetings and Remote Participation – The Village has worked with BCTV to make modifications in our meeting room that we believe will allow us to continue to maintain remote participation as we return to in person meetings. There is a flat screen television in the corner of the meeting room that will be connected to a Zoom feed of the meeting in real time. Anyone wishing to speak to Council via zoom will be able to do so and will be seen live by those in the room on this screen. Zoom participants will be able to observe the proceedings through a static fixed camera in the Council room. BCTV has installed the necessary equipment to make this possible and also cut down on feedback into the room. Those wishing to just observe the meeting without participating are best served to either watch the live television broadcast or live stream because those will not be a fixed camera broadcast and will be able to alternate between live speakers. We will be live with this system for the first time Tuesday night and are hopeful it will function properly and serve the Council and community well. Thanks to BCTV and Clerk Rutkowski for helping put this in place.

SOCWA and SOCRRRA Officers – At the most recent Organizational Meetings for SOCWA and SOCRRRA officers were selected for the 2021/22 year. I have been selected to serve as the Chair for SOCRRRA for another year and vice-chair for SOCWA. This is largely based upon seniority as opposed to skill or insight, in my estimation.

SOCRRRA Drop-Off Center – I have included communication from SOCRRRA General Director Jeff McKeen hours and operations at the SOCRRRA facility on Coolidge. SOCRRRA is continuing to accept appointments for the general public to be able to dispose of material at the center as well as arranging several alternative locations for various items. SOCRRRA staff have made modifications to the existing appointment system to allow for more appointments and more next day appointments. In addition, SOCRRRA continues to host community events on weekends for drop off services and is now allowing for Saturday appointments at the facility. There have been some concerns expressed about no longer allowing open public access at the site as had been the case in previous years. SOCRRRA is attempting to make the site as available and accessible as possible while still maintaining operations as a transfer station that handles and process trash and recycling for tens of thousands of households on a daily basis.

COUNCIL COMMENTS

Abboud commented on SEMCOG's One Water campaign. He stated that he is honored to represent the Village at the MML's annual meeting. He stated that there is an upcoming Senior Advisory Council meeting. He commented on the recent DTE power outages. He thanked the Public Safety Department for being available and approachable.

Mooney stated that he was happy to be back to meeting in the Council Chambers. He announced the Southfield Township Clerk, Sharon Tischler, is retiring from her position. He praised her work and contributions to the community over the last 37 years and stated that she will be missed. The Township is accepting applications to fill the position until the next election. He commended President George for his leadership during the COVID-19 pandemic and said George has shown patience.

Hrydziuszko reminded everyone that the Parks and Recreation's DIA Inside|Out Bike Tour will take place on Thursday, July 22nd. She hopes to see people at the August 13th Concert in the Park at Beverly Park.

George is looking forward to the Concert in the Park and the Movie in the Park in August. He commented on the MERS Actuarial Valuation report and said he is always happy to have a conversation about it. He talked about the purpose, focus, and philosophy of Code Enforcement. He also commented on fine tuning fence guidelines.

ADJOURNMENT

Motion by Mooney, second by Abboud, to adjourn the meeting at 9:06 p.m.

Motion passed.

John George
Council President

Kristin Rutkowski
Village Clerk