

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

Absent: None

Also Present: Village Manager, Wilson via Zoom
Village Clerk / Assistant Manager, Rutkowski
Village Attorney, Ryan
Public Safety Director, Torongeau via Zoom
Fire Marshal, Lieutenant Ginther
Planning and Zoning Administrator, Lloyd

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 Peddie, to amend the agenda for clarification regarding Business Item 3, the Council will reserve the approval of the development agreement for 31655 Southfield Road, Goddard School, for the first or second meeting in November, pursuant to Administration’s recommendation.

Motion passed.

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

Motion passed.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

Karen Gilbert, Amherst, asked for clarification regarding the pathways plan and which streets would potentially be included. She also asked about a Code Enforcement report.

CONSENT AGENDA

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

1. Review and consider approval of minutes of a regular Council meeting held October 5, 2021.
2. Review and file bills recapped as of Monday, October 11, 2021.
3. Set public hearing date to receive comments on 2022 Community Development Block Grant funding allocation for Tuesday, November 16, 2021.

Roll Call Vote:

Motion passed (7-0)

BUSINESS AGENDA

REVIEW AND CONSIDER SUBCOMMITTEE’S RECOMMENDATION FOR AN APPOINTMENT TO THE ZONING BOARD OF APPEALS

O’Gorman asked to recuse himself from voting on this item because his wife is employed by the same firm as one of the applicants.

Motion by Mooney, second by Peddie, the Village Council allows Councilmember O’Gorman to recuse himself from Business Agenda Item 1.

Motion passed.

There is a vacancy on the Zoning Board of Appeals for a partial term ending June 30, 2023. Announcements of the vacancy were made at the September 21 and October 5, 2021 Village Council meetings.

The Village received 2 applications for the vacancy. The Village appreciates everyone who applied to serve on the Board.

A subcommittee consisting of members O’Gorman (chair), Mooney, and Peddie met with the applicants at 7:00 p.m. on Tuesday, October 19, 2021 in the conference room at the Village Office located at 18500 W. 13 Mile Road, Beverly Hills, MI 48025 to review applications and offer a recommendation.

There was discussion about the length of residency requirement (1 year), and applicant Richardville was deemed ineligible for appointment since he has not lived in Beverly Hills for an entire year.

George commented on appointing one of the sitting ZBA alternates to a full member position.

Motion by Mooney, second by Abboud, the Beverly Hills Village Council appoints William Whalen to the Zoning Board of Appeals for a partial term ending June 30, 2023.

Roll Call Vote:

Abboud – Yes

George – No

Hrydziusko – No

Kecskemeti – No

Mooney – Yes

O’Gorman (recused)

Peddie – Yes

Motion failed (3-3)

REVIEW AND CONSIDER PARKS & RECREATION BOARD’S RECOMMENDATION TO REINSTATE A BUY-A-BRICK FUNDRAISING PROGRAM

The Parks & Recreation Board had been discussing reinstating the Buy-A-Brick Program at Beverly Park. The fundraising program was most recently suspended in 2018. Through this program, residents and local businesses can purchase engraved bricks to be installed at Beverly Park. In the past, individual orders were submitted to the Village and then Administration placed a large order with the vendor once many orders were compiled. The intent is to temporarily open the ordering window for a few months this fall/winter to have bricks ready to be installed next spring.

Administration and Board members researched different vendors that provide the brick engraving fundraising service. At their September 15, 2021 meeting, the Parks & Recreation Board reviewed vendors and selected Brick Markers USA. The Board took into consideration all of the additional services provided by Brick Markers USA when making their decision, such as website and form creation and free shipping. These services are outlined in the attached email dated August 5, 2021 in the Council meeting packet.

The Board also discussed the cost of bricks and how much to charge donors. The funds raised by this program will go toward the Tree Fund for the purchase of trees in Village parks. The Village of Beverly Hills Parks and Recreation Board recommended Council approve their request to reinstate the Buy-A-Brick Fundraising Program at Beverly Park with the rate of \$60.00 for a 4x8 engraved brick and \$120.00 for an 8x8 engraved brick.

Village Attorney Ryan has reviewed a proposed agreement with the vendor and has prepared a memo for Council's review as well.

While it has not been used in a few years, the Village does have a line item created for the Buy-a-Brick pass through funds (Account Number 101-000-675.04).

Motion by Hrydziuszko, second by Mooney, be it resolved, the Beverly Hills Village Council approves the Parks & Recreation Board's request to reinstate the Buy-a-Brick Fundraising Program at Beverly Park with the rate of \$60.00 for a 4x8" engraved brick and \$120.00 for an 8x8" engraved brick. Be it further resolved that that Council authorizes Village Administration to execute the agreement with Brick Markers USA for the purchase of engraved bricks.

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER REQUEST FOR SITE PLAN APPROVAL FOR A MIXED-USE DEVELOPMENT AT 31655 SOUTHFIELD ROAD, GODDARD SCHOOL

Abboud asked to continue to be recused from matters relating to the subject development.

Motion by Mooney, second by Hrydziuszko, the Beverly Hills Village Council allows Councilmember Abboud to recuse himself from Business Agenda Item 3.

Motion passed.

Lloyd provided an overview of the site plan request. On July 21, 2021, the Village Council reviewed plans and application materials to develop 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 proposal includes a mixed-use development project consisting of 2 buildings. Building 1 (located at the rear of the site) 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 (at the front of the site) is also two-stories consisting of 5,000 square feet of floor area with mixed uses including office and retail. Upon

review of the proposal, the Village Council requested the Planning Commission review the project and provide a recommendation on the proposed development.

The Planning Commission conducted two meetings on the matter: July 28, 2021, and August 25, 2021. Upon completion of the review, the Planning Commission recommended Village Council approval of the project subject to the applicant receiving variances for the size of the outdoor play area and separation from another facility providing similar service.

On September 13, 2021, the Zoning Board of Appeals conducted two public hearings on the above-noted variances as follows: (Both Variances Were Granted)

Case No. 1390 – Relief from Section 22.08.370(b) requiring 150 square feet for each person cared for; Required – 30,000 square feet; Proposed – 10,240 square feet.

Case No. 1391 – Relief from Section 22.08.370(c) requiring 1,500-foot separation from another State Licensed Facility; Proposed - adjacent Petitioner

The review, approval and recommendation of this project was extensive and comprehensive. The following documents were included as a link in the packet which provided detailed background information on the proposed project:

- September 13, 2021, ZBA agenda packet, application and report with attachments, includes
 - o PC Report dated August 20, 2021 Cover only – see additional link
 - o PC Report dated July 23, 2021, cover only see additional link
 - o July 14, 2021 VC report (July 21st meeting)
 - Project description, application and plans
 - Compliance with intent of VCOD (Hobbs & Black July 14, 2021)
 - Traffic Study (Storey Engineering, June 30, 2021)
- Color Renderings
- August 20, 2021 PC report and attachments for the August 25 meeting
 - o PC Report dated August 20, 2021, complete with attachments
 - August 20, 2021 Review letter from HRC
 - August 12 response to planner letter from Hobbs & Black
 - August 12, 2021 response to engineering comments Storey Engineering
 - August 12, 2021 response to landscape comments, Storey Engineering
 - Detailed floor and development plans
 - Planner comments

As stated at the onset of the meeting, review and consideration of the development agreement will take place at the first or second Council meeting in November.

George asked about phasing of the project, certificates of occupancy, and bonds.

Lloyd commented on how landscape and performance bonds are calculated.

Keckskemeti asked for clarification regarding the variances. She commented that the local ordinance was based on state rules regarding a residential distance of 1,500 feet.

Applicant Kellie McDonald, Goddard School, 935 E. Silverbell, Lake Orion, was in attendance. She stated that the project also has lien restraints from the lender which is another assurance for the Village that the project will be completed. Her priority is to get the school building certificate of occupancy.

Mooney commended McDonald and Lloyd on the proposed project and the presentation.

Motion by Mooney, second by Hrydziuszko, the Beverly Hills Village Council accepts the Planning Commission's recommendation and hereby approves the site plan for development of a child-care center at 31655 Southfield Road located in the B-Business District and within the Village Center Overlay District finding that the project has received required variances from the Zoning Board of Appeals and that the project meets the requirements of the B-Business District and the intent of the Village Center Overlay District.

Roll Call Vote:
Motion passed (6-0)

REVIEW AND CONSIDER RESOLUTION AUTHORIZING THE COOPERATIVE PURCHASE OF SELF-CONTAINED BREATHING APPARATUS FOR THE PUBLIC SAFETY DEPARTMENT THROUGH THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

Lieutenant Ginther provided an overview of the request. Beverly Hills Public Safety, as the lead agency, along with four other partner public safety agencies (Berkley, Bloomfield Hills, Farmington, and Huntington Woods) applied for a regional grant under FEMA's Assistance to Firefighter Grant (AFG) program and council recently resolved to accept the grant award of \$608,163.64 on behalf of the consortium and act as the fiduciary.

The Partner Agencies Purchasing Committee, comprised of a representative from each participating agency, reviewed various Self-Contained Breathing Apparatus (SCBA) manufacturers. Through discussions and evaluations based on safety, fit, form, function, and cost of ownership. The committee narrowed their selection and field tested two manufacturers' product – the MSA G-1 and the Scott X-3. The committee chose to use our semi-annual training evolution at the Combined Regional Emergency Services Training (CREST) facility at Oakland Community College (OCC) to evaluate the two SCBA's. This allowed our personnel to evaluate these units while crawling and climbing in darkness and around obstacles as well as live fire conditions. After the public safety officer's that were participating in the training wore each of the SCBA, they indicated their preferred choice on an evaluation to capture the data. The criteria that was used included visibility, communications, ease of donning/doffing the units with the face mask, regulator connection, air cylinder change, buddy breathing/RIC use, heads-up display, Thermal Imaging Camera (TIC) low air alarm, and overall ease of use.

Upon conclusion of the evaluation process, the MSA G-1 was clearly the highest rated SCBA. The evaluation data showed that this particular unit outperformed the Scott in every criteria. The committee then met to review and discuss all of the data, and unanimously decided that the MSA G-1 SCBA best suited our needs. Furthermore, the MSA G-1 system significantly increases our communications and interoperability with neighboring departments, as many are already using this

system. As improved communications and interoperability is also a performance benchmark of the grant award, the MSA G-1 should be selected as the replacement SCBA for our consortium.

After careful consideration and review by the Partner Agencies Purchasing Committee the MSA G-1 was selected as the preferred system. Due to the vendor distribution model of MSA, Apollo Fire Equipment, 12584 Lakeshore Drive, Romeo, MI 48065 is the only vendor able to sell MSA SCBA products within Oakland County. Because of this, the Partner Agencies Purchasing Committee is requesting that council waive competitive bids in order to award this purchase to the sole source meeting specifications, as allowed for in Chapter 12.1 of the Village Charter, to Apollo Fire Equipment, 12584 Lakeshore Drive, Romeo, MI 48065.

In order for funds not to be co-mingled, as required by FEMA as it relates to this grant, there will be two invoices per municipality that are deposited into two separate accounts. The first set of invoices will be for the Local Match Amount of a minimum of \$60,816.36 for the FEMA purchase of 94 SCBA's and 36 additional face pieces as outlined in the grant award. The total Local Match Amount for all five communities combined will be \$67,489.88 and will be deposited in and paid out of a specific account for the grant as outlined in the attached project order budget.

The second set of invoices will be for the necessary additional equipment that goes with the MSA G-1 SCBA system that is not part of the grant award. The amount for all five communities is \$159,540.02 for the purchase of additional equipment as outlined in the attached project order budget and quoted separately from the grant award. These funds will be deposited in and paid out of the South Oakland Fire Association (SOFA) fiduciary account that the Village of Beverly Hills already maintains on behalf of that organization, of which the Village is a member. The entire order will be delivered to the Beverly Hills Public Safety Department to be inventoried, as this is a required component of the grant.

Based upon the Background, SCBA Assessment, and Purchase Outline sole source justification detailed in the memo provided; as well as the Council's long term vision of providing a high level of fire protection and rescue response to both the residents and those visiting the village, the recommendation to purchase the necessary quantity of MSA G-1 SCBA and appurtenances for the SOFA Public Safety Purchasing Consortium from Apollo Fire Equipment, 12584 Lakeshore Drive, Romeo, MI 48065, is put forth for the council's review and consideration.

Motion by Peddie, second by Abboud,

BE IT RESOLVED that based upon the recommendation of the Partnering Agencies Purchasing Committee, which evaluated different SCBA manufacturers with safety, interoperability, communications, function, compatibility, and cost of ownership being the primary criteria for acceptance, the purchase of MSA G1 SCBA's and ancillary equipment through Apollo Fire Equipment, 12584 Lakeshore Drive, Romeo, MI 48065 for the total amount of \$835,193.54 be approved, and;

BE IT FURTHER RESOLVED that the Local Match Amount portions of the consortium grant funded purchase for the partner agencies of the Cities of Berkley, Bloomfield Hills, Farmington, and Huntington Woods, and the Village of Beverly Hills, which totals \$67,489.88, and is individually outlined in the project purchase budget, be invoiced to those municipalities by the village respectively, and;

BE IT FURTHER RESOLVED that the Local Non-Grant Funded Cost portions of the consortium purchase for the partner agencies of the Cities of Berkley, Bloomfield Hills, Farmington, and Huntington Woods, and the village of Beverly Hills, which totals \$159,540.02, and is individually outlined in the project purchase budget, be invoiced to those municipalities by the Village respectively, and;

BE IT FINALLY RESOLVED that the Village of Beverly Hills pay for its Local Match Amount and Total Local Non-Grant Funded Costs of the consortium purchase, which totals \$70,394.86, utilizing available funds in Capital Expenditures account number 401-905-981.05.

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER HIRING VILLAGE MANAGER SEARCH FIRM

Mooney gave an overview of the Personnel Committee's work researching firms for the Village Manager search, services provided, and fees. Based on their findings, the Personnel Committee recommends hiring the Michigan Municipal League (MML) to conduct the search. The MML's base price is \$17,000 and the Personnel Committee recommends allocating additional funding for contingencies.

Kecskemeti stated that the firm and the Council will take the search very seriously in order to get a great candidate to fill the role of Village Manager. She stated that the MML would advertise the position, screen candidates, and assist with the interview process.

George stated the firm will meet with Council and staff to create a marketing packet for the opportunity in order to attract quality candidates. He said that background checks would be included as part of the contingencies and that the MML could start right away.

O'Gorman asked if there was a target number of candidates and if this would be a nationwide search. George confirmed it would be nationwide, but there is not a set target number of candidates at this time.

Peddie asked about the scope of the background checks and who performs the background checks. George stated background checks would be included in the contract with MML to perform.

Abboud asked about a timeframe. George was hopeful based on his research of firms that the process would take around 90 days, but also indicated that the upcoming holidays and a potential candidate having to provide notice may cause delays.

Mooney stated that all Council members will be included in the search and hiring process.

Motion by Mooney, second by Abboud, be it resolved that the Beverly Hills Village Council agrees to obtain the Michigan Municipal League Executive Search Team to assist with the search process for Village Manager at a cost not to exceed \$25,000.00 and authorizes the Village President and Administration to execute an agreement with said firm subject to review by the Village Attorney. Funds are available in account 101-248-831.00.

Roll Call Vote:
Motion passed (7-0)

PUBLIC COMMENTS

Karen Gilbert, Amherst, stated that every opinion matters. She stated how much she has paid in taxes over the years and recommended that the newer members of Council listen to the long-time residents more.

MANAGER'S REPORT

Wilson thanked Lloyd for his presentation on the Goddard School development. He thanked Ginther for his efforts on the grant application for the Public Safety Department.

Wilson stated that Greenfield was reopened.

The TAP grant application was submitted by HRC, Inc. on the Village's behalf. It will be a few months before the Village hears back.

Wilson stated that the 2021 Concrete Repair Program began last week.

Wilson stated that his last day with the Village is November 30, 2021 and he is working on a transition plan.

He stated that Administration will be bringing a Backflow Preventer Incentive Program before the Council at their next meeting for review.

O'Gorman suggested that there should be better communication regarding the Backflow Preventer Incentive Program for senior residents.

COUNCIL COMMENTS

O'Gorman thanked the applicants for applying to the ZBA. He thanked all of the volunteers in the Village for their service. He commended Lieutenant Ginther on his work on the grant application and stated that it speaks to the quality of people who live and work in Beverly Hills.

Kecskemeti provided more details for the Backflow Preventer Program proposal. He stated that the incentive program combined with a public education campaign is a short term and first step solution for stormwater management.

Abboud stated the audit is complete and the Village is in good financial standing. He provided updates on the MML and SEMCOG meetings he attended. He attended a Next meeting earlier that morning and stated the recreation center is open. He stated anyone 50 or older can join Next. He talked about the Governor's Executive Order regarding the aging population and the establishment of the Health and Aging Services Administration.

Mooney expressed gratitude to George and Kecskemeti for their work on the executive search firm process.

Hrydziuszko stated that the Halloween Hoot will be held on Saturday, October 23, 2021 from 6-8 p.m. She said the event is modified due to the pandemic. She thanked the Goddard School for

working to bring child care to the area. She thanked Lt. Ginther for his hard work on the grant. She thanked the Personnel Committee for their work on the executive search process.

George thanked the Public Safety Department and Lt. Ginther. He stated the backflow prevention incentive program is modeled after other communities. He stated that there are challenges and is looking for ways to be proactive. He appreciated Mooney's kind words regarding the Personnel Committee. He is looking for the best answers for the community.

ADJOURNMENT

Motion by Mooney, second by Abboud, to adjourn the meeting at 9:10 p.m.

Motion passed.

John George
Council President

Kristin Rutkowski
Village Clerk