

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

Absent: Kecskemeti

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

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 approve the agenda as published.

Motion passed.

SPECIAL ORDER OF BUSINESS: UPDATE FROM STATE REPRESENTATIVE KYRA HARRIS BOLDEN

Representative Kyra Harris Bolden attended the meeting via Zoom and provided a legislative update. She stated that her Coffee Hours would resume in February 2022. She talked about HB4856 that dealt with protecting identifications and victims’ rights, probate, and inflation. She mentioned HB5062 which would update the Liquor Control Code. Bolden stated that there will be a Financial Literacy Workshop on January 24, 2022. An Expungement Fair will be coming up as well. She encouraged the Village to contact her office if there are any special project requests. She provided her contact information and asked residents to reach out to her office if they have any questions or concerns: kyrabolden@house.mi.gov or (517) 373-1788.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

Dennis Bashur, 30630 Vernon Drive, gave a brief history of Native American land in Southeast Michigan. He stated that the Wendbrook Lane properties that were for sale should be preserved and asked Council to take the necessary steps to acquire the land.

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 November 2, 2021.
2. Review and file bills recapped as of Monday, November 8, 2021.
3. Review and consider appointing SOCRRA representative and alternate.
4. Review and consider appointing SOCWA representative and alternate.

Roll Call Vote:
Motion passed (6-0)

BUSINESS AGENDA

PUBLIC HEARING TO RECEIVE COMMENTS ON THE PROPOSED 2022 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING ALLOCATION

President George opened the Public Hearing at 7:43 p.m.

Wilson provided an overview of the Community Development Block Grant funding allocation request. 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 contract with Oakland County to participate in this program.

The Village’s estimated allocation for Program Year 2022 is \$13,347.00. 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 30% of the total 2022 allocation and a minimum of allocation of \$3,500 for each project.

This year Council is being asked to consider allocating funds for Minor Home Repair services and Public Services - Yard Services for low-income and low-moderate-income level citizens. A description of each service is attached. This year we are recommending allocating \$9,343 for minor home repair and \$4,004 for yard services through the CDBG program. The Village outsources the administration of these programs through a bid process, 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 has received a request from HAVEN seeking a contribution for their program that provides services for victims of domestic violence, dating violence, sexual assault, or stalking. 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, \$4,004.00, to HAVEN, as it has done in the past to support their program.

The following is a breakdown of the proposed allocation:

Minor Home Repair	\$ 9,343
Public Services – Yard Services	<u>\$ 4,004</u>
TOTAL	\$13,347

No one wished to be heard, so President George closed the Public Hearing at 7:45 p.m.

REVIEW AND CONSIDER RESOLUTION AUTHORIZING THE VILLAGE OF BEVERLY HILLS’ COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR PROGRAM YEAR 2022

Motion by Peddie, second by Mooney, the following resolution was offered:

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 7:43 p.m.

No one wished to be heard.

President George closed the Public Hearing at 7:45 p.m. on November 16, 2021 for the purpose of receiving public comments regarding the proposed use of PY 2022 Community Development Block Grant (CDBG) funds in the approximate amount of \$13,347.00; 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	\$9,343
172160-732170	Public Services – Yard Services	\$4,004

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 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)

RECEIVE AND FILE FISCAL YEAR 2020-2021 AUDIT PRESENTATION FROM PLANTE MORAN

Martin Olejnik and Rumzei Abdallah were in attendance via Zoom on behalf of Plante Moran. They presented on the Fiscal Year 2020-2021 audit. A copy of the presentation and financial statement were provided to the Council. The presentation included an overview of the General Fund, Public Safety Fund, and Library Fund expenditures and revenues. They also went over Property Tax Revenue and State Shared Revenue.

Abdallah spoke about the Village's long-term debt obligations and pension and retiree health care funding. He commended the Village for being proactive in paying down its debt obligations and funding its liabilities. Overall, the Village is in good financial standing.

George thanked Plante Moran for their work on the audit.

Wilson thanked Finance Director McCarthy and Treasurer Linkswiler for their hard work on the audit.

Motion by Mooney, second by Abboud, the Beverly Hills Village Council receives and files the Fiscal Year 2020-2021 Audit from Plante Moran.

Motion passed.

RECEIVE AND FILE QUARTERLY FINANCIAL STATEMENT DATE ENDING SEPTEMBER 30, 2021

Council received the Cash and Investment Summary which includes all cash accounts and CD's as of September 30, 2021, for all funds.

Also presented is the Revenue and Expenditure Report which includes revenue and expenditures for the General Fund, Major Road Fund, Local Street Fund, Public Safety Department, Park Improvement Fund, Library Fund and Water/Sewer Operation Fund for the 3 months ended September 30, 2021. The Revenue and Expenditure Report does not include prepaid and accrual adjustments that are reflected in the year end audited financial statements. Actual compared to budget financial results are monitored and budget amendments presented for approval, as necessary.

Motion by Mooney, second by Peddie, the Beverly Hills Village Council receives and files the Quarterly Financial Statement date ending September 30, 2021.

Motion passed.

FIRST READING OF ORDINANCE #380 TO ADOPT THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE

Chapter 29 of the Village of Beverly Hills Municipal Code includes the International Property Maintenance Code adopted by reference. The Village currently uses the 2006 edition and at this time Administration is recommending the Council adopt the most recent version of the International Property Maintenance Code, 2021 edition.

Attorney Ryan has drafted an ordinance for the first reading, which was provided to the Council. Ryan gave the first reading of Ordinance #380.

ORDINANCE NO. 380

THE INTERNATIONAL PROPERTY MAINTENANCE CODE

AN ORDINANCE OF THE VILLAGE OF BEVERLY HILLS ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND

STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE VILLAGE OF BEVERLY HILLS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING CHAPTER 29 OF THE VILLAGE OF BEVERLY HILLS MUNICIPAL CODE AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

The Village of Beverly Hills Ordains:

Section 1.01. That a certain document, three (3) copies of which are on file in the office of the Village Clerk of Village of Beverly Hills, being marked and designated as the International Property Maintenance Code, 2021 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Village of Beverly Hills, in the State of Michigan for regulating and governing the conditions of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the Clerk’s office of the Village of Beverly Hills are hereby referred to, adopted and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2.01 of this Ordinance.

Section 2.01. The following sections are hereby revised:

Section 101.1. Title. These regulations shall be known as the Property Maintenance Code of the Village of Beverly Hills, hereinafter referred to as “this code”.

Section 103.5. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in a schedule adopted by Village Council Resolution.

Section 302.4. Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent

responsible for the property.

Section 304.14. Insect screens. During the period from April 1st to October 31st, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 602.3. Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1st to April 30th to maintain a temperature of not less than 68 degrees F (20 degrees C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating as its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30 degrees F (-1 degree C) a minimum temperature of 65 degrees F (18 degrees C) shall be maintained.

Section 602.4. Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1st to April 30th to maintain a temperature of not less than 65 degrees F (18 degrees C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 3.01. REPEALER. That Chapter 29 of the Village of Beverly Hills Municipal Code and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4.01. SAVINGS CLAUSE. That nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3.01 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 5.01. SEVERABILITY CLAUSE. That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Village of Beverly Hills hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6.01. PENALTIES. Any persons violating the provisions of this Ordinance shall be responsible for a municipal civil infraction and upon a finding of responsibility thereof shall be fined not exceeding \$500.00.

Section 7.01. EFFECTIVE DATE. The provisions of this Ordinance shall become effective 20 days following its publication in The Eccentric, a newspaper circulated within the Village of Beverly Hills.

REVIEW AND CONSIDER PURCHASE OF A GENERATOR FOR THE VILLAGE OFFICE FROM PM TECHNOLOGIES

Village Administration has investigated the cost and feasibility of a generator for the Village Hall for a while. Given the frequency of power outages this last summer it is the recommendation of Village Administration to move forward with a generator. A generator would prevent the interruptions of Village Hall operations that occurred this past summer, including the interruption of a Village Council meeting. It would also enable the Village to utilize the Village Hall space as a cooling or warming shelter in the event of future prolonged outages.

The Village sought quotes from companies for the provision and installation of a generator at Village Hall. We were able to procure two bids, the lowest of which was from PM Technologies. PM Technologies did an analysis by meter of the peak energy demands of the Village and is also the firm that Southfield Township has selected for the installation of a generator on their property. The total costs will be \$68,000 for the purchase and installation of a generator. I would also recommend the additional \$1,000 for the upgraded sound protection and \$1,200 for the 3 year maintenance plan. The Village should also be eligible for a credit of \$1,500 for the costs of the peak demand analysis. Delivery and installation of the generator is estimated to be 120 days. Half of the cost is due upon signing the agreement with the remainder due upon installation. Village Administration has reviewed the bid and PM Technologies and recommends moving forward at this time.

Abboud stated this purchase is long overdue. He asked what would happen if the power went out at 3:00 a.m. Wilson stated that the generator is powered by natural gas and would kick on in that situation.

O’Gorman commented about the warranty, maintenance plan, and liability.

Motion by Hrydziusko, second by Abboud, be it resolved that the Village Council approve and authorize the Village Manager to execute the agreement for purchase and installation of a generator for Village Hall with PM Technologies at a price not to exceed \$72,000. Funds for this purchase are available in Fund #401-905-982.00.

Roll Call Vote:
Motion passed (6-0)

ANNOUNCEMENT OF A VACANCY ON THE ZONING BOARD OF APPEALS

Wilson announced that there is a full-member vacancy on the Zoning Board of Appeals for a partial term ending June 30, 2023.

The ZBA meets the second Monday of the month at 7:30 p.m. as necessary. The ZBA hears appeals of applicants who request exceptions from or official interpretations of the Zoning Ordinance. Members must decide whether or not a physical hardship or practical difficulty exists which justifies the granting of a variance.

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 to the Clerk's office via email, regular mail, in person, or using the drop box located outside the Village office (18500 W. 13 Mile Road, Beverly Hills, MI 48025).

Applications are due Wednesday, December 1, 2021.

This constitutes an announcement of a vacancy on the Zoning Board of Appeals.

REVIEW AND CONSIDER INTERIM VILLAGE MANAGER APPOINTMENT

Village Manager Chris Wilson's last day with the Village is November 30, 2021. The Village Council has hired the Michigan Municipal League to assist with a manager search, however the process is not scheduled to be complete until February or March 2022. The Personnel Committee has met and is recommending the appointment of Village Clerk/Assistant Village Manager Kristin Rutkowski to serve as the Interim Village Manager until a new Village Manager is hired. Ms. Rutkowski will retain her position as Village Clerk/Assistant Village Manager during the interim appointment and will return to that role full time once the new Village Manager is hired.

George thanked Rutkowski for stepping up to fill this role.

Motion by Mooney, second by Abboud, be it resolved, the Beverly Hills Village Council appoints Kristin Rutkowski as Interim Village Manager effective December 1, 2021.

Roll Call Vote:
Motion passed (6-0)

PUBLIC COMMENTS

Tim Mercer, Locherbie, spoke about Chris Wilson's service to the Village and wished him well on his future endeavors. He said that Wilson was key to success with Beverly Park improvements, Public Safety Union contracts, and funding retiree plans at a better rate. Wilson also played a large role in remodeling the Village Office and Council Chambers. He thanked Wilson for his help while he was on Council for four years.

MANAGER'S REPORT

Backflow Preventor Incentive Program – At the last Council meeting there was significant discussion on establishing a Residential Backflow Preventor Program for the Village. There were issues arising from that discussion that Village Attorney Tom Ryan is investigating. Additionally, Councilmember Kecskemeti will be out of town for the meeting of November 16. Ms. Kecskemeti has been instrumental in development of this program and should be present for any further discussion. Given the ongoing work of Mr. Ryan and absence of Councilmember Kecskemeti, President George asked that this matter be held and placed back on the Business Agenda for the first meeting in December.

Leaf Pickup – Curbside collection of bagged leaves is ongoing and will continue through the week of December 13. Leaves are falling later than normal this year. In past years, the Village has worked with SOCRRA and our hauler, Car Trucking, to extend leaf collection by a couple of weeks, at the Village's expense. I cannot guarantee that we will be able to do so again this year. Residents should plan to have all leaves for curbside collection bagged and to the curb by no later than December 13. After that date, residents will be able to take bagged leaves to the SOCRRA facility on Coolidge. There is a limit of ten (10) bags for residential drop off.

ARPA Funds – As an update, The Village has received the first ARPA payment (50% of the total) of \$541,764.50. We anticipate receiving the additional payment in the same amount in approximately 180 days. Finance Director McCarthy has spelled out the current guidelines on how these funds may be used and the upcoming reporting requirements in a memo to all administrative staff. Village Administration will need to work with Council in the coming months to plan for allocation of these funds.

Offices Closed – Village Offices will be closed on Thursday, November 25th and Friday, November 26th in observance of the Thanksgiving Holiday. Trash service will not be interrupted.

SOCRRA/SOCWA – The quarterly reports for SOCRRA and SOCWA were provided to Council in the meeting packet for review.

Greenfield/Beverly – Wilson commented on the possible roundabout design at the Greenfield/Beverly Road intersection and stated that the designs looked promising and that there would be no loss of trees in the area.

Beverly Hills United Methodist Church 60th Anniversary – A letter to the Beverly Hills United Methodist Church was included as an informational item in the meeting packet to congratulate them on their 60th Anniversary in the Village.

Thank You – As I wrap of the last two weeks of my time here at the Village, I am working with staff to try and have a smooth transition. I want to thank you for the opportunity to serve in this role for the last 13+ years. I am proud of the positive accomplishments Village Council has been

able to achieve during my tenure and I am confident that the Village's best days are in front of it. Again, thank you.

COUNCIL COMMENTS

O'Gorman expressed safety concerns about people walking and riding bikes at night in dark clothing without reflective gear. He thanked Wilson for his service to the Village and wished him well.

Peddie stated that the November Planning Commission meeting has been cancelled due to lack of items. She thanked Wilson for his service and said she appreciated his mentorship. She said it will be tough to fill his shoes.

Abboud stated that SEMCOG had a survey about internet available to complete on their website. The MML is discussing in-person and virtual meeting options. The Senior Advisory Council has been discussing their goals. He reported that the Next Interlocal Agreement has been signed by all participating communities. He thanked Wilson for his dedicated service. He said Wilson led with integrity and respect. He wished health and happiness to the Wilson family. He wished everyone a Happy Thanksgiving.

Mooney thanked Rutkowski for stepping in as interim manager. He said it has been a distinct honor to serve with Wilson. He said Beverly Hills is better today than it was before Wilson became manager 13 years ago. He emphasized how the Village is now in good standing financially and has had several nearly perfect audits over the past few years. He appreciates Wilson's efforts working with the Public Safety Department, supporting Baldwin Public Library, changing the pension plan, and reducing debt. He also mentioned Wilson's success on infrastructure improvements, concrete roads, park ranger mentorship, and recycling program. Mooney stated that being Village Manager is a tough job that Wilson performed diplomatically and he will be missed.

Hrydziusko thanked residents and the Parks & Recreation Board for their work at the November 6th community tree planting at Beverly Park. The next Parks & Recreation Board meeting will be held on November 18, 2021. She thanked Wilson for the advice and guidance given to both Council and residents. She wished Wilson the best of luck.

George stated that he spoke with the Six Rivers Land Conservancy regarding the property on Wendbrook Lane and that he would personally prefer a park over a nature preserve in that location. He said they would need the property owner at the table to continue discussions. He reported that there will be a sidewalks meeting coming up. He wished Kecskemeti a Happy Birthday. He said that Wilson is very humble and will be missed. He noted that a lot of the accomplishments the Village has seen over the last several years would not have been possible without Wilson.

ADJOURNMENT

Motion by Mooney, second by Abboud, to adjourn the meeting at 8:53 p.m.

Motion passed.

John George
Council President

Kristin Rutkowski
Village Clerk