

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

Absent: None

Also Present: Interim Village Manager/Village Clerk/Assistant Manager, Rutkowski

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 amend the agenda to move Consent Agenda Item 4 to Business Agenda Item 1; and to move Business Agenda Items 3, 5, and 6 to the Consent Agenda.

Roll Call Vote:
Motion passed (7-0)

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

Roll Call Vote:
Motion passed (7-0)

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

Karen Gilbert, Amherst, asked about the Village Attorney’s contract and retainer.

CONSENT AGENDA

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

1. Review and consider approval of minutes of a special Council meeting held November 9, 2021.
2. Review and consider approval of minutes of a regular Council meeting held November 16, 2021.
3. Review and file bills recapped as of Monday, December 6, 2021.
4. Review and consider Low Income Household Water Assistance Program Memorandum of Understanding with the Michigan Department of Health and Human Services.
5. Review and Consider Baldwin Public Library’s request to host Outdoor Storytime at Beverly Park pavilion.
6. Review and consider Parks & Recreation Board’s recommendation to include Park #5 in a landscape design request for proposals.
7. Review and consider Parks & Recreation Board’s recommendation to organize holiday decorating installations at Village parks.

Roll Call Vote:
Motion passed (7-0)

BUSINESS AGENDA

REVIEW AND CONSIDER RESOLUTION FOR CHARITABLE GAMING LICENSE FOR THE GET TO FOUNDATION

Motion by Mooney, second by Hrydziuszko, to table this item to the next meeting.

Motion passed.

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

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 November 2nd and November 16th Village Council meetings with an application deadline of December 1, 2021.

A subcommittee was formed consisting of members O’Gorman (chair), Abboud, and George to review the three applications and make a recommendation to Council. The subcommittee met with the applicants at 7:00 p.m. on Tuesday, December 7, 2021 at the Village Office located at 18500 W. 13 Mile Road, Beverly Hills, MI 48025. The subcommittee recommended appointing Timothy Makar to the Zoning Board of Appeals.

Motion by O’Gorman, second by Hrydziuszko, be it resolved, the Beverly Hills Village Council appoints Timothy Makar to the Zoning Board of Appeals for a partial term ending June 30, 2023.

Roll Call Vote:

Motion passed (7-0)

SECOND 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 drafted an ordinance. The first reading was held at the November 16, 2021 Regular Village Council meeting. Procedurally, after the second reading and possible adoption takes place, the notice of adoption is published in the newspaper and then the Ordinance goes into effect 20 days after publication.

Mooney gave the second 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.

Motion by Mooney, second by Abboud, the Beverly Hills Village Council hereby adopts Ordinance No. 380 as read and the Ordinance will take effect 20 days following its publication in the newspaper.

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER PARK & RECREATION BOARD’S RECOMMENDATION TO REQUEST PROPOSALS FOR A GRAVEL PATH UPGRADE AT BEVERLY PARK

Rutkowski provided an overview of the recommendation. The Parks & Recreation Board has been discussing improving the gravel path at Beverly Park for quite some time. The path stretches from the gate near the parking lot and curves back before the sled hill. Portions of the path have standing water and puddles that cause pedestrians and bikers to divert onto the grass to avoid the water. Our engineering firm, Hubbell, Roth, and Clark, Inc. (HRC) performed a geotechnical investigation this summer to test the water and soil levels in the area. The results of this investigation were provided for Council’s review.

In summary, the water pooling on the path is surface/rain water; not groundwater. The composition of soil below the path is largely clay. HRC does not recommend removing any of the current gravel pathway, but instead, the Board could reach its desired results by adding 4” of gravel on top of the existing path.

HRC provided two material options to improve the path. Option 1 is HMA (Hot Mix Asphalt) and Option 2 is gravel. A detailed estimate was provided. The Board reasoned that the Village should move forward with Option 2 now, which is less expensive, with the notion that the aggregate base created now could later be used as the base for Option 1 if the Village wishes to use HMA later. Both options include drainage improvements.

At their November 18, 2021 meeting, the Parks & Recreation Board passed a motion recommending the Village Council direct Administration to seek bids for “Option 2 – Gravel Pathway” as outlined on HRC’s estimate dated October 23, 2021 to improve the gravel pathway at Beverly Park.

Hrydziuszko spoke to the Board’s rationale of recommending the less expensive option at this time, which could later be added to.

The Council discussed the pitch and lifespan of the gravel base.

Mooney inquired about funding.

Kecskemeti asked if the gravel path would be ADA compliant. Hrydziuszko stated that the base would be compacted enough for wheelchairs and strollers to travel on it.

Motion by Abboud, second by O’Gorman, be it resolved, the Beverly Hills Village Council directs Administration to seek bids for the Beverly Park gravel pathway improvements as outlined in Option 2 of HRC’s estimate dated October 23, 2021. Funds for this expense are available in Account 208-900-985.00 (Capital – Park Site Improvement).

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER RESOLUTION FOR CHARITABLE GAMING LICENSE FOR THE GET TO FOUNDATION

The President of The Get To Foundation, Tim Hornak, 32750 Bellvine Trail, joined the meeting via Zoom.

Motion by Mooney, second by Hrydziuszko, to withdraw the earlier motion to table Business Item 1 and revisit the resolution for Charitable Gaming License for the Get To Foundation.

Motion passed.

The Get To™ Foundation is a non-profit organization that continues Ben Jones’ legacy of inspiring others to consider obligations and obstacles as opportunities. By providing resources to communities, teams, and individuals, they encourage others to shift their perspective from “Have To” to “Get To.”

The president of the non-profit, Tim Hornak, is requesting that the Village of Beverly Hills recognize the foundation as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license through the State of Michigan Gaming Control Board. As

part of their application process with the State, the group needs the local governing body to pass a resolution recognizing its non-profit status. If The Get To™ Foundation receives a charitable gaming license, then they will be able to hold raffles at upcoming fundraising events. Get To is registered with the Michigan Department of Licensing and Regulatory Affairs as a domestic non-profit organization.

Mooney asked for the organization's address and how it is registered. Hornak stated it is a 501(c)3 non-profit organization.

Motion by Mooney, second by Peddie, be it resolved, by the Beverly Hills Village Council that the request from The Get To™ Foundation of the Village of Beverly Hills, County of Oakland, asking that they be recognized as a nonprofit organization operating in the community, for the purpose of obtaining charitable gaming licenses, be considered for approval.

Roll Call Vote:
Motion passed (7-0)

PUBLIC COMMENTS

None.

MANAGER'S REPORT

Yard Waste

Yard waste collection will end the week of December 13, 2021. Please place yard waste in acceptable containers at the curb by 7:00 a.m. on collection day. There are free "Yard Waste" stickers available for residents at the Village Office.

14 Mile Road Request/Invest in America Act

We received an update from Congressman Levin's office regarding our 14 Mile Road Rehabilitation project request. Unfortunately, despite their team's best efforts, the Infrastructure Investment and Jobs Act ultimately did not include any Member Designated Projects (i.e. the Surface Transportation earmarks), which our request fell under. Levin's office stated that they would look into other infrastructure funding opportunities and keep Beverly Hills informed on how we could benefit from the Act.

Newsletter

The December 2021 Villager Newsletter should be arriving in mailboxes soon. The newsletter is also posted on the homepage of the Village website under "Quick Links."

Calendars

The 2022 Village Calendar is in production and will be mailed out to each residence by mid-December. We will make an announcement when we have extra calendars available at the Village Office.

Holiday Office Closures

The Village Office will be closed for the holidays on the following dates:

Thursday, December 23
Friday, December 24

Thursday, December 30

Friday, December 31

Evergreen Traffic Presentation

HRC will be presenting at the December 21, 2021 Village Council meeting regarding traffic control and road closures for the upcoming South Evergreen Interceptor Rehabilitation Project. The work is expected to begin January 3, 2022.

COUNCIL COMMENTS

Kecskemeti gave an update on the backflow preventer item which was tabled at a previous meeting. She stated that they are waiting on additional information from the engineers and attorney. She said her heart breaks for the families impacted by the Oxford school shooting and for the families of victims Hana St. Juliana, Madisyn Baldwin, Tate Myre, and Justin Shilling. She begged parents to stay informed about what their children are doing. She asked gun owners to lock their guns up. She expressed gratitude to the Oakland County Sheriff's Department and all first responders. She thanked the Beverly Hills Public Safety Department and Birmingham Public Schools for their response. She stated that the Oakland County Health Department has free resources available for those impacted by the tragic event.

Abboud stated that he was appointed by the MML's Elected Officials Academy to serve as an ambassador for upcoming trainings. He went over the Senior Advisory Committee's goals. He said the Next Community Center is fully open. He welcome Tim Makar to the ZBA. He stated that a summary of the Village Manager search process is featured in the December Villager Newsletter.

Mooney joined Kecskemeti in her thoughts regarding Oxford. He appreciates Sheriff Michael Bouchard's leadership during the tragedy. He thanked the Parks & Recreation Board for decorating at Beverly Park and thinks they have the best interest of the Village in mind, although thought that the trees were purchased prior to Council approval. He stated that he was unhappy with how the Council is performing. He believes they need to take up the sewer/backflow preventer item and that sewer backups need a regional solution. He is concerned about liability if the backflow preventer program moves forward. He opined that this is a regional problem and needs a different solution. He would like HRC to investigate why there are sewer backups in the Village. He was unhappy that there was not news coverage over past Village Manager Wilson's resignation or news coverage about Council actions. He believes Wilson should have been presented with a plaque. He commented on parking near Douglas Evans. He thought that there have been insignificant and too many Parks items on recent agendas. He stated Council could be doing better.

Hrydziuszko noted that during the pandemic the Council requested that all Parks items go before the Council for approval, which explains why the agendas have had so many parks related items. She clarified that volunteers purchased trees for the park decorating while they were at a local farm to support small business and the expense was less than \$500. She stated that the Council needs to work together.

George provided an update on the Village Manager search. He stated that the ad was posted on MML's website. He stated the sewer issue did not develop overnight and agreed it was a bigger issue. He noted that the Council is having discussions on how to address the issue. He suggested if a Council member would like an item on the agenda, such as HRC doing an investigation, then they should draft something so the Council can vote on it. He stated he requested additional

information regarding Douglas Evans parking from the Village Attorney. He commented on the work that is now being done to create more pathways in the Village, including grant applications. He stated Park #5 has been a park since the 1960s, but it was only recently recognized by the Village as a park. He commented on the turnover on Boards/Commissions. He stated that while there was a new Planning Administrator and new Code Enforcement Officer, it was decided to reformat the Code Enforcement report to better fit its intended purpose. He stated he has a list of things he wants to get done and is actively working toward getting them accomplished, such as sidewalks.

Mooney stated he is in support of sidewalks, but voters have not always been in support. He said if the backflow preventer program will work, then he would support it. He was adamant that the Council do something.

George stated to stay tuned regarding sidewalks as we are waiting to hear back regarding grant application awards.

ADJOURNMENT

Motion by O’Gorman, second by Hrydziuszko, to adjourn the meeting at 8:45 p.m.

Motion passed.

John George
Council President

Kristin Rutkowski
Village Clerk