

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

Absent: No

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

**ROLL CALL/CALL TO ORDER**

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.

**SPECIAL ORDER OF BUSINESS: ADMINISTER OATH OF OFFICE TO NEWLY APPOINTED COUNCIL MEMBER – HONORABLE JUDGE CYNTHIA ARVANT**

Honorable Judge Cynthia Arvant administered the Oath of Office to newly appointed Council Member, Andrew Drummond.

**PLEDGE OF ALLEGIANCE**

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 presented with a request to read the Constitution Week Proclamation aloud.

Motion passed.

**COMMUNITY ANNOUNCEMENTS**

None.

**PUBLIC COMMENTS**

Dan Nunez, Marguerite, gave some background about his time serving on Council from 2016-2020. He said that Beverly Park does not look good because of all the dead wood. He said there was gravel piled next to old trees which made him sad. He said he visited the Wendbrook property. He said the Village should take care of Beverly Park before taking on Wendbrook.

John Luscombe, Woodhaven, said he thinks the cost of the play structure at Beverly Park is too high. He commented on pocket parks, Wendbrook, and Riverside Park. He said there is an opportunity for improvements, such as a fishing dock, at Riverside Park. He said the Village should grab the opportunity of Wendbrook.

**CONSENT AGENDA**

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

1. Review and consider approval of minutes of a regular Council meeting held September 5, 2023.
2. Review and file bills recapped as of Monday, September 11, 2023.
3. Proclamation recognizing Constitution Week 2023.

Roll Call Vote:  
Motion passed (7-0)

Keckskemeti read the Constitution Week 2023 Proclamation on George's behalf.

### **BUSINESS AGENDA**

#### **REVIEW AND CONSIDER PARKS & RECREATION BOARD'S RECOMMENDATION TO CONTINUE THE SCULPTURES IN THE PARKS PROGRAM IN 2024**

Campbell gave an overview. The Sculptures in the Parks Program began in 2022. Sculptures on loan are currently on display at Beverly Park, Riverside Park, and Douglas Evans Nature Preserve. The program has received a great deal of positive feedback and the Parks & Recreation Board would like to continue the program in 2024.

At their August 17, 2023 regular meeting, the Parks & Recreation Board recommended that the Village Council approve its request to continue the Sculptures in the Parks program in 2024 in an amount not to exceed \$7,000.00.

The Sculptures in the Parks Program aligns with the Village's 5-Year Community Recreation Plan's goals to "develop programs for residents of all ages" and "[enhance] aesthetic appeal of parks" (page 26).

An overview of the 2023 program and expenses were provided for Council's review.

Janice Hausman, Parks & Recreation Board, provided an update on the Sculptures in the Parks Program. She said the Board received submissions from all over the world. The sculptures that were ultimately selected are all from local Michigan artists. She went over the 2023 sculptures and locations. She noted that one ceramic sculpture from 2022 was recently removed due to damage and/or vandalism. She said the 2023 program came in under budget. She noted all the sculptures are on loan to the Village and are available for sale.

Abboud asked about the pricing to purchase sculptures. Hausman said each sculpture has a link on the Village website and that prices can be found there.

O'Gorman asked about the rotation of sculptures. He thanked Hausman for her work on this project.

Hrydziuszko said this has been a great program and has received an amazing response. She encouraged residents to view all the sculptures. She thanked Hausman.

Motion by Hrydziuszko, second by O'Gorman, be it resolved, the Beverly Hills Village Council approves the Parks & Recreation Board's recommendation to continue the Sculptures in the Parks program in 2024 in an amount not to exceed \$7,000.00. Funds for this request are available in Account 101-751-949.00 (Parks).

Roll Call Vote:  
Motion passed (7-0)

**SECOND READING AND CONSIDERATION OF PROPOSED ORDINANCE 386 TO AMEND VILLAGE ZONING ORDINANCE, CHAPTER 22, SECTION 22.32.120 NONCONFORMING SIGNS**

Campbell provided an overview of proposed Ordinance 386, amending the Zoning Ordinance, which was included in the meeting packet. The proposed ordinance revisions amend the standards for continuance of existing legal nonconforming signs contained in subparagraph 2 of Section 22.32.120 as follows:

Amend existing item c. to reduce the allowed cost of repairs to a damaged nonconforming sign from 60% to 50% of the cost of an identical new sign, excluding the cost of the sign foundation.

Add new item d. to require that the owner of a nonconforming sign that is removed due to damage must submit a sign permit application to the Village within 30 days of the sign being damaged in order to be eligible to re-erect the sign.

The Planning Commission held a public hearing prior to passing a motion to recommend approval of the proposed amendments at its July 26, 2023 meeting. The Council held a public hearing and conducted the first reading at the September 5, 2023 meeting.

O’Gorman suggested the Village reach out to businesses regarding the sign Ordinance changes.

Motion by Drummond, second by Hrydziuszko, be it ordained, the Beverly Hills Village Council adopts Ordinance 386, amending Zoning Ordinance Section 22.32.120 “Nonconforming Signs.”

Section 1.01. That Village of Beverly Hills Zoning Ordinance, Chapter 22, Section 22.32.120 Nonconforming Signs for the Village of Beverly Hills is hereby amended to read as follows:

**22.32.120 NONCONFORMING SIGNS.**

1. Lawful Existing Signs: Any sign lawfully existing at the time of adoption of this Section which does not fully comply with all provisions shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community except as hereafter provided.

2. Continuance: A nonconforming sign shall not:

- a. be expanded, change type, or change to another nonconforming sign;
- b. be relocated or structurally altered so as to prolong the life of the sign, or so as to change the shape, size, type, placement, or design of the sign’s structural parts;
- c. Be repaired after being damaged if the repair of the sign would cost more than 50 percent of the cost of an identical new sign, excluding the foundation;

- d. Be re-erected after being damaged if the sign has been removed from the property and if a sign permit application to re-erect/repair the sign has not been submitted to the Village within 30 days of the sign being damaged.

Section 2.01. SEVERABILITY. If any section, clause or provision of this Ordinance shall be declared to be inconsistent with the Constitution and laws of the State of Michigan and voided by any court of competent jurisdiction, said section, clause or provision declared to be unconstitutional and void shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force.

Section 3.01. SAVING CLAUSE. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 4.01. REPEALER. Any Ordinance conflicting with this Ordinance be and the same is hereby repealed.

Section 5.01. EFFECTIVE DATE. A public hearing having been held by the Planning Commission on July 26, 2023, and the Village Council on September 5, 2023, the provision of this Ordinance shall become effective 20 days following its publication in The Birmingham-Bloomfield Eagle, a newspaper circulated within said Village.

Roll Call Vote:  
Motion passed (7-0)

**SECOND READING OF PROPOSED ORDINANCE 387, AMENDING VILLAGE ZONING ORDINANCE, CHAPTER 22, SECTION 22.08.150 FENCE, WALL, AND PRIVACY SCREEN REGULATIONS**

Stec provided an overview. Based on the input received from the Village Council on proposed amendments to the zoning regulations on fences greater than four (4) feet in height and/or greater than 35% opacity in single-family residential districts received at the September 5, 2023, meeting, the following revised amendments to the administrative approval standards for such fences are provided for consideration by Village Council:

- The subject site directly abuts a non-single family residential land use, zone district, single-family cluster development, or residential PUD development. In which case the installation of the fence shall be limited to the property lines abutting such use or zone district.
- The fence would obstruct the view of an adjacent non-single family residential land use, single-family cluster development, or residential PUD development. Photographic evidence shall be provided documenting that such use is visible from the property. The installation of the fence shall be limited to those property lines from which such use is visible.

The removal of the following standards for administrative approval remains unchanged from what was proposed at the 9/5/23 meeting:

- The subject site cannot support vegetative screening in lieu of the proposed fencing. The applicant shall provide supporting documentation of this from a licensed landscape architect or certified arborist.
- At least one residential parcel within 200’ of the subject site on that side of the street in that block or at least one abutting residential parcel contains permitted fencing of similar height and/or opacity. To document this, the applicant shall prepare a neighborhood lot study that includes a map of the study area and photograph(s) of existing fencing. An existing privacy screen as allowed in Section 3 Privacy Screens shall not be used as consideration for compliance with this standard.

The complete proposed revised Section 22.08.150.B.2., reviewed and prepared by the Village Attorney, outlining the administrative review standards for fences over four (4) feet in height (up to a maximum of six (6) feet in height), and/or up to 100% opacity was provided in the meeting packet.

Drummond commented on adjacent vs. abutting. He said that adding the language “across the street from” or “close proximity to” could cause additional problems. He recommended that the draft Ordinance go back to Planning Commission for review and recommendation.

Kecskemeti said she was happy with the language regarding fences obstructing a view. O’Gorman agreed with Kecskemeti and said he liked that the applicant would need to provide photographic evidence.

Hrydziuszko said she was pleased with the spirit of the Ordinance as submitted and the language to allow residents to enjoy the privacy of their backyard. She said she did not know what else would be needed from the Planning Commission.

Drummond stated that adding the new paragraph is not completely in line with the Planning Commission’s intentions regarding “adjacent.”

The Council discussed whether to send the draft back to Planning Commission.

The Council discussed whether the word “adjacent” causes problems.

The Council discussed whether the Ordinance as submitted was more restrictive or whether it would allow more fences in the community.

Hrydziuszko noted that she is in favor of residents having privacy on their own property and is not in favor of restricting fences further. She said the Planning Commission should not be considering the 200’ rule when making decisions on fence applications.

Mooney said several of the provisions could broaden the number of fences permitted.

There was discussion about whether or not to remove the 200’ rule. Drummond noted that removing the 200’ rule would alleviate Planning Commission’s hesitation to grant some fences. Hrydziuszko said she would not be comfortable taking it out. The Council discussed whether the Planning Commission should be considering an Administrative approval standard.

The general consensus was to send the draft back to the Planning Commission and create a joint subcommittee to work on the updates.

Motion by Mooney, second by Kecskemeti, the Beverly Hills Village Council forms a subcommittee of members Drummond, Hrydziuszko, and Kecskemeti to meet with a Planning Commission subcommittee regarding amendments to the Fence Ordinance and instructs the Planning Commission to offer a recommendation to Council as soon as reasonably possible.

Motion passed.

Motion by Mooney, second by O’Gorman, to table the second reading of the proposed Ordinance to amend the Village Zoning Ordinance, Chapter 22, Section 22.08.150 Fence, Wall, and Privacy Screen Regulations.

Motion passed.

Dan Nunez, Marguerite, stated that there were many illegal 6’ fences erected in Beverly Hills. He said if someone wants a fence then they should be able to get one. He said previously, Council met the Planning Commission halfway. He said the Council should not strike the vegetation or 200’ provisions as that would take rights away from residents. He said the 200’ rule helps establish the character of the community.

**PUBLIC HEARING TO RECEIVE COMMENTS ON PROPOSED ORDINANCE 388, TO AMEND VILLAGE MUNICIPAL CODE, CHAPTER 42, SECTION 42.12, GAMES IN STREETS**

Campbell gave an overview. When the Village decided to place its charter and ordinances on Municode, there was some discussion about ordinances that needed to be updated. At that time, Ordinance 42.12, Games in Streets, was an ordinance that was mentioned by members of Council as an ordinance that could be updated. In addition, during conversations with the attorney for Municode while reviewing the Village ordinances, the attorney asked if Games in Streets had been updated or removed.

Based on these factors, the Administration scheduled a public hearing for September 5, 2023 to address these matters. The public hearing and first reading were tabled at the September 5, 2023 meeting. The Administration has proposed suggested changes to the Games in Streets ordinance for Council consideration in a First Reading. The draft ordinance was provided for consideration and was open to discussion.

O’Gorman asked how the 10’ distance was determined. Campbell said that was the standard height of a basketball hoop, so if one fell over, it would not fall into the street.

There was discussion about clarifying the language to specify 10’ from the street, where the grass touches the road, exclusive of the right of way.

George opened the public hearing at 9:11 p.m.

Dan Nunez, Marguerite, asked if the 10’ would be measured from the base or the net of a basketball hoop. Campbell said it would be from the base.

No one else wished to be heard, so George closed the public hearing at 9:12 p.m.

**FIRST READING OF PROPOSED ORDINANCE 388, AMENDING VILLAGE MUNICIPAL CODE, CHAPTER 42, SECTION 42.12, GAMES IN STREETS**

Ryan gave the first reading of the proposed ordinance amending section 42.12, Games in Streets, as presented and regarding the 10’ distance, added the language “exclusive of the right of way.”

**REVIEW AND CONSIDER AWARDING 2024 CALENDAR BID TO INDIANA PRINTING & PUBLISHING CO.**

Campbell provided an overview. The Village of Beverly Hills creates a calendar that is mailed to each residence annually. The calendar is a useful resource for meeting dates, special events, holidays, trash/recycling/yard waste collection, information about local organizations, and important contact information.

The design and printing costs for past three years are listed below:

2023 Calendar	\$5,666.50
2022 Calendar	\$4,135.00
2021 Calendar	\$4,134.00

Postage is an additional expense and will cost approximately \$1,500.00. The Village has already budgeted \$7,500.00 for this project. Moreover, the Village Calendar expenses are offset by advertising revenue (approximately \$1,200.00).

A request for proposals for the 2024 Calendar Project was published on the Michigan Inter-governmental Trade Network (MITN/BidNet) on August 14, 2023. A public bid opening was held on September 12, 2023 at 11:00 a.m. at the Village Office located at 18500 W. 13 Mile Road, Beverly Hills, MI 48025. The Village received five sealed bids and they were opened publicly at that time.

The lowest bid was submitted by Indiana Printing and Publishing Co. in the amount of \$5,856.99. Indiana Printing published the 2022 and 2023 Village calendar and Administration was pleased with the process and results. Village Administration reviewed the new samples provided and recommends awarding the contract to Indiana Printing. A bid tabulation and quote were provided for reference.

Motion by O’Gorman, second by Mooney, be it resolved, the Beverly Hills Village Council awards the contract for the 2024 Calendar Project to Indiana Printing & Publishing Co. in the amount of \$5,856.99. Funds for this project are available in account #101-693-881.00.

Roll Call Vote:  
Motion passed (7-0)

**REVIEW AND CONSIDER SETTING 2024 VILLAGE COUNCIL MEETING DATES**

Campbell provided an overview. The Village Council must annually adopt a meeting schedule and post it for the public. This schedule is also used in the Village calendar. The Village Council generally meets on the first and third Tuesday of the month. Administration is proposing to start the meetings at 7:00 p.m. instead of 7:30 p.m.

Council discussed changing the start time, but ultimately decided to keep it at 7:30 p.m.

A proposed schedule for 2024 is listed below:

**2024 Regular Village Council Meeting Schedule**

All meetings begin at 7:30 PM in the Village Council Chamber  
18500 W. 13 Mile Road, Beverly Hills, MI 48025

January 2	July 2
January 16	July 16
February 6	August 7*
February 20	August 20
March 5	September 3
March 19	September 17
April 2	October 1
April 16	October 15
May 7	November 6*
May 21	November 19
June 4	December 3
June 18	December 17

\*Wednesday, August 7 meeting date due to the Tuesday, August 6 Election Day.

\*Wednesday, November 6 meeting date due to the Tuesday, November 5 Election Day.

**2024 Joint Meeting Schedule**

Thursday, January 18, 7:30 p.m. – Joint Council and Parks & Recreation Board Meeting

Wednesday, February 14, 7:30 p.m. – Joint Council and Planning Commission Meeting

Motion by Kecskemeti, second by Mooney, be it resolved, the Beverly Hills Village Council hereby adopts the meeting schedule for calendar year 2024 listed above.

Roll Call Vote:

Motion passed (7-0)

**REVIEW AND CONSIDER PROPOSAL FOR AN HVAC SYSTEM AT THE BEVERLY PARK PAVILION RESTROOMS**

Campbell gave an overview. Village of Beverly Hills staff has researched and gathered proposals from three qualified HVAC professionals to install heaters and make upgrades to the electrical system at the Beverly Park Pavilion Restrooms. Heating the restrooms at the park may eliminate the need to winterize this facility when temperatures are projected to drop below freezing. In turn we will no longer require portable restrooms to be placed near the pavilion for park visitor use. Of the proposals received, staff recommends that Johnson Thermol be awarded the project due to their outstanding reputation with previous projects in the village, their cost to perform the work is \$10,250.

Keckskemeti asked about heating cinderblock structures and insulation, or the lack thereof.

O’Gorman suggested installing a wifi-enabled thermostat so Administration can get an alert if the temperature drops below a certain level.

Motion by Mooney, second by Abboud, be It Resolved that the Beverly Hills Village Council approves the proposal submitted by Johnson Thermol-Temp, Inc. to update the electrical system and install heaters at the Beverly Park Pavilion Restrooms for the amount totaling \$10,250.00. Funds are available in account 208-900-975.01.

Roll Call Vote:  
Motion passed (7-0)

Council discussed moving or removing the portable toilets at Beverly Park once the restrooms are heated.

**UPDATE COUNCIL LIAISON ASSIGNMENTS**

Due to Mr. White’s resignation and the appointment of a new Council member, the 2022-2024 Council Liaison assignments need to be updated. A list of the assignments was provided for review.

George assigned Drummond to fill White’s previous liaison assignments: Baldwin Public Library (Liaison), Planning Commission (Alternate), and Zoning Board of Appeals (Liaison).

There were no other changes. The updated list will be posted on the Village website.

**PUBLIC COMMENTS**

None.

**MANAGER’S REPORT**

Hot Mix Asphalt (HMA) Project Update - On September 11, 2023, Administrative staff held a pre-construction meeting with Hutch paving who is performing the Village’s 2023 HMA Project. The work is scheduled to begin on September 25, 2023. Weather permitting, it is anticipated the work will be done by October 14, 2023. Written notice will be provided to those streets that will be undergoing repairs.

ARPA Update - As of September 14, 2023, all interior water line verifications in the Village of Beverly Hills have been completed. Currently, 208 outside verifications have been completed. The Village's goal is to complete all exterior verifications by the fall of 2023. Per State requirements, the Village of Beverly Hills is required to provide the State with an updated inventory of all water service line (WSL) pipe materials to verify if the pipe is lead, copper, or another material for the purpose of ensuring said water quality and safety. The Village will publish the verification results upon completion of the project. The majority of this project is being funded by the American Rescue Plan Act funds received by the Village. There is no cost to Village residents.

On Tuesday, September 19, 2023, the Village will be going out to bid for improvements to several Beverly Hills pump stations. Specifically, the bids will address repairs at the following pump stations:

- Pump Station No. 6 (13 Mile Rd., West of Lahser)
- Pump Station No. 7 (13 Mile Rd, East of Lahser)
- Pump Station No. 8 (Lahser Rd, South of 13 Mile Rd)

The improvements were identified during inspections conducted in January 2022 by the Oakland County Water Resources Commissioner's Office (WRC). Again, this project is funded by ARPA at no cost to Village residents. It is anticipated the work will be completed in the summer of 2024.

SOCRRA and SOCWA Update - Please be advised that SOCRRA's General Manager, Jeff McKeen, is retiring. Mr. McKeen has been SOCRRA's General Manager for approximately 21 years. The SOCRRA and SOCWA Board are in the process of beginning interviews for Mr. McKeen's replacement. The first round of interviews will begin the last week of September and early October. Mr. McKeen is currently scheduled to remain with SOCRRA and SOCWA until January 1, 2023. Depending on when a replacement is hired, that date may be subject to change. I personally want to thank Mr. McKeen for his service and work with SOCRRA and SOCWA over the last 21 years. He will be missed.

Read in the Park - In partnership with Baldwin Public Library, join us for the annual Read in the Park on Saturday, September 30 at Beverly Park from 11:00 a.m. to 2:00 p.m. Meet special guest authors Rhonda Growler Greene (author of over 25 children's books, including the new book *Supergran!*) and Frank Anthony Polito (author of several novels, including most recently *Rehearsed to Death*). Meet the authors, walk the Storybook Trail, and enjoy Beverly Park.

### **COUNCIL COMMENTS**

Drummond thanked everyone for their support with his appointment to Council. He said he looks forward to working with everyone.

Kecskemeti welcomed Drummond to the Council. She sent her best wishes to and thanked Mike White for his service. She thanked all of the people who applied to fill the vacancy on Council.

O'Gorman echoed Kecskemeti's remarks. He said he appreciates all the great candidates.

Abboud welcomed Drummond. He gave an update on SEMCOG's Healthy Climate Task Force. He said he will be attending the MML Convention in Traverse City and will miss the October 17, 2023 Council meeting. He said Next will be moving to the YMCA building in Birmingham and will need the Village's support. He thanked the Public Safety Officers who responded and rescued his brother recently.

Mooney congratulated Drummond on his appointment.

Hrydziuszko welcomed Drummond and said she was glad he was here. She thanked the residents who applied. She asked them to please stay involved. She noted the next Parks & Recreation Board meeting will be held on Thursday, September 21 at 6:30 p.m. at the Beverly Park pavilion.

George asked about the traffic cones on Beverly and Southfield Roads. He commented on the playground financing and said we learned from the experience and will be replacing aging infrastructure. He said by financing the playground, the Village will be able to complete multiple parks projects simultaneously. He noted that there have been many changes and improvements to Beverly Park over the last few years. He noted Beverly Green was rezoned as a public park. He said the MNRTF project agreement resolution will be on an upcoming agenda to move forward with the \$1 million grant and it would open a two-year window to complete the acquisition. He welcomed Drummond and thanked all of the applicants for attending the September 18, 2023 Special meeting.

#### **ADJOURNMENT**

Motion by Mooney, second by Abboud, to adjourn the meeting at 9:57 p.m.

Motion passed.

**John George**  
Council President

**Kristin Rutkowski**  
Village Clerk