

Present: President George; President Pro-Tem Hrydziuszko; Members: Abboud, Kecskemeti, and Mooney

Absent: Drummond and O’Gorman

Also Present: Village Manager, Campbell
Village Clerk/Assistant Manager, Rutkowski
Public Safety Director, Torongeau
Public Services Director, Johnston
Planning/Zoning Administrator, Stec

ROLL CALL/CALL TO ORDER/PLEDGE OF ALLEGIANCE

President George called the regular Village Council meeting to order at 7:32 p.m. in the Village Council Chambers located at 18500 W. Thirteen Mile Road, Beverly Hills, MI 48025. The Pledge of Allegiance was recited by those in attendance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Mooney, second by Hrydziuszko, to approve the agenda as published.

Motion passed.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

Chris Weber, Birwood, asked about sidewalk safety in his neighborhood. He said he is concerned about trip and fall incidents. He inquired about road quality and speed limits. He said he is hoping speed humps will be installed in the neighborhood off of Greenfield Road.

CONSENT AGENDA

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

1. Review and consider approval of minutes of a joint Parks & Recreation/Council meeting held January 18, 2024.
2. Review and consider approval of minutes of a regular Council meeting held February 6, 2024.
3. Review and file bills recapped as of Monday, February 12, 2024.
4. Review and consider Platelet Disorder Support Association’s request to waive pavilion rental fees on October 5, 2024 for ITP 5K fundraiser.
5. Review and consider Birmingham Public Schools’ request to waive pavilion rental fees on September 28, 2024 for the annual 5th Grade Run.

Roll Call Vote:

Motion passed (5-0)

BUSINESS AGENDA

REVIEW AND CONSIDER BEVERLY HILLS LITTLE LEAGUE’S REQUEST TO WAIVE PAVILION RENTAL FEES AND SALES RESTRICTIONS FOR THEIR OPENING DAY CELEBRATION AT BEVERLY PARK ON APRIL 27, 2024

Campbell gave an overview. Administration received a request from the Beverly Hills Little League (BHLL) to host its annual Opening Day celebration at Beverly Park on Saturday, April 27, 2024 from 9:00 a.m. to 3:00 p.m. They have requested to use the pavilion during this time and asked that the pavilion rental fees be waived. Additionally, the BHLL would like to have a food truck on site and has requested that sales restrictions be waived to allow for that. Per Chapter 6.03 of the Municipal Code, “[n]o amusement for gain or for which a charge is made can be conducted in a park without consent of the Village Council.” The BHLL asked to note that “the food truck is not selling food, just distributing food to attendees at the Opening Day celebration.”

There are not any Village sponsored events scheduled at Beverly Park on this date. While the event is aimed at BHLL participants and their families, the event organizers will not turn members of the public away from the festivities. The waiver request form was provided for review and consideration. In the initial request, the BHLL representative noted that “BHLL is a registered 501c3 charitable organization and we appreciate the ongoing partnership between us and the Village.” At their February 15, 2024 meeting, the Parks & Recreation Board recommended that the Council approve the Beverly Hills Little League’s requests.

Hrydziusko noted that the BHLL would like to have a food truck instead of passing out hotdogs this year.

Motion by Mooney, second by Hrydziusko, be it resolved, the Beverly Hills Village Council approves the request from the Beverly Hills Little League to host the BHLL Opening Day celebration at Beverly Park on Saturday, April 27, 2024 from 9:00 a.m. to 3:00 p.m. Fees for use of the pavilion shall be waived for this event provided that a Certificate of Liability Insurance naming the Village of Beverly Hills as an additional insured is submitted to the Clerk’s Office prior to the event. Be it further resolved, the Village Council waives the sales restrictions (Section 6.03 of the Municipal Code) to allow a food truck to be on site during the celebration, provided that the vendor submits a Certificate of Liability Insurance naming the Village as an additional insured to the Clerk’s Office prior to the event.

Roll Call Vote:
Motion passed (5-0)

REVIEW AND CONSIDER PARKS & RECREATION BOARD’S RECOMMENDATION TO PURCHASE AED FOR BEVERLY PARK

Campbell provided an overview. The Parks & Recreation Board has had discussions about installing an automated external defibrillator, or AED, at the Beverly Park pavilion. Given the number of people who visit Beverly Park, the Board agreed that it is in the best interest of the public to have an AED on site in case of an emergency. The Board recognized that they would need to rely on the expertise of the Public Safety Department to select the appropriate device, case, and installation location. At their February 15, 2024 meeting, the Parks & Recreation Board recommended that the Village Council allocate funding not to exceed \$2,500.00 for the purchase and installation of an AED at the Beverly Park pavilion for the safety of the public.

Abboud said he thinks it is a great idea to have an AED at the park.

Kecskemeti asked about the device’s reach and portability.

Hrydziuszko said there are possible training opportunities through Corewell Health. She said one of the heated bathrooms could be a location for the AED.

There was discussion about theft prevention and who would be able to use the AED.

Torongeau noted that the battery life may be lower in the wintertime.

George said he would like more guidance before voting.

There was discussion about bringing in a trained professional from Corewell or the Public Safety Department to present on this item.

Motion by Mooney, second by Abboud, the Beverly Hills Village Council tables the request to purchase an AED for Beverly Park until further notice.

Motion passed.

REVIEW AND CONSIDER RESOLUTION IN OPPOSITION OF A VARIANCE REQUEST FOR EXPANDED PICKLEBALL COURTS AT THE BIRMINGHAM COUNTRY CLUB

Campbell gave an overview. As discussed at the February 6, 2024 Council meeting, the Birmingham Country Club submitted amended plans to Bloomfield Township, proposing the addition of pickleball courts to its racquet area at the front of the club. The racquet area and the location of the proposed pickleball courts are directly across from the Village of Beverly Hills residents on Saxon Drive. Many of these residents have met with the Club and appeared before the Village Council. Previously, they presented a signed petition in opposition of the pickleball expansion.

The Township asked their engineering firm, HRC, for a sound study and their traffic engineers at Fishbeck for a parking study. In January of 2024, HRC sent a letter to the Township, stating that the proposed noise mitigation measures are not sufficient, and the noise of pickleball playing will constitute a nuisance to the neighbors to the south, which are Beverly Hills residents along Saxon Drive. The traffic engineers stated that the parking in the current, amended plan is insufficient to meet the Township's standards. The Club is requesting three variances, including a variance to reduce the front setback substantially, moving the pickleball courts closer to Saxon Drive and the Beverly Hills residents. The residents maintain that the Club cannot meet the Township's standards for obtaining a variance, specifically that that the variance is unfair to other property owners and that the need for the variance is self-created. Further, the residents maintain that the special land use should not be expanded because the Club does not manage its current racquet facilities properly in contravention of promises made to the neighboring residents and various Township boards.

The Village of Beverly Hills Council cannot take any direct action regarding a matter before Bloomfield Township. The residents are requesting Beverly Hills take formal action to oppose the proposed variances from the Village of Beverly Hills. A proposed resolution for Council's review and consideration was provided.

Motion by Hrydziuszko, with support from Kecskemeti:

WHEREAS, the Birmingham Country Club (“Club”) desires to expand their racquet facilities by adding several pickleball courts on their property;

WHEREAS, the Club is located on 1750 Saxon Drive within Bloomfield Township, MI;

WHEREAS, the Club wants to put the pickleball courts in close proximity to Village of Beverly Hills’s residents living on Saxon Drive;

WHEREAS, the Club has applied to expand their existing special land use to install these pickleball courts,

WHEREAS, the Club has also applied for site plan review to install the pickleball courts at the Club;

WHEREAS, the Club will need to obtain several variances from the Township, including a request to locate the courts within 109 feet of residential properties on Saxon Drive instead of the required 200 feet under the Township Ordinances;

WHEREAS, the Club applied to the Bloomfield Township Zoning Board of Appeals to obtain said variances;

WHEREAS, many neighboring Village residents strongly oppose the Club’s proposed pickleball expansion as evidenced by the petition in opposition; and

THEREFORE, BE IT RESOLVED, The Beverly Hills Village Council opposes the Birmingham Country Club’s request for a Zoning Variance, Special Land Use Amendment and/or Site Plan Review in furtherance of the Club’s proposed pickleball expansion. The Village opposes the Club’s Pickleball Expansion for the following reasons:

1. The Club’s proposed pickleball expansion negatively impacts the Village residents by causing noise that even the Township’s engineer states will be a nuisance for neighbors as and not having enough parking for all Club activities in contravention of Bloomfield Township standards.
2. The Club’s proposed pickleball expansion is not based on any practical difficulty.
3. Compliance with the Bloomfield Township ordinances would not be unduly burdensome;
4. Allowing expansion of non-conforming uses would work an injustice and hardship on the neighbors, including Village residents.
5. There are no unique circumstances that warrant an expansion of the non-conforming use.
6. The need for the required zoning variances is self-created.

Further, the Village requests that Bloomfield Township and its Planning and Zoning bodies consider the effect and potential harms to Beverly Hills’ residents and the noted parking, noise and operational concerns related to the Club’s racquet facilities and the proposed pickleball expansion.

Roll Call Vote:
Motion passed (5-0)

REVIEW AND CONSIDER APPROVAL OF AMENDED SITE PLANS FOR 31215 & 31201 SOUTHFIELD ROAD

Campbell gave an overview. At its January 24, 2024, meeting the Planning Commission passed a motion (8-0) to recommend approval of the attached site plan for improvements to the shopping center and Market Fresh building site located at the northwest corner of 13 Mile and Southfield Road. Site plans for this site were previously approved by the Village Council at its July 5, 2023, meeting. The current plans include the following revisions to the plans approved in July:

- The northern addition is combined into a single 3,594 single unit for a new restaurant user
- Revised brick colors for portions of the east and north facades of the proposed addition
- The canopy of the addition has been lowered to be in line with the canopy to the south
- Additional windows and a man door have been added to the northern elevation of the addition

The January 24, 2024, Planning Commission recommendation was conditioned upon compliance with the following items being addressed prior to consideration of final approval:

1. The plans are revised to address the following items:
 - a. Additional wall lighting is provided on the north façade of the building addition.
 - b. A revised photometric plan accounting for the additional wall lighting is provided.
 - c. Any proposed outdoor seating in front of the buildings is shown on the plan
 - d. Include the number of shared parking spaces on the northern parking lot under separate ownership in the parking calculation table.
 - e. A striped cross walk from the carryout door on the restaurant addition to the northern parking area is provided.
2. Approval of the plans is subject to final engineering and Department of Public Service approval

The items of condition 1 above relating to revisions to the plans have been met in the plans dated 1/31/24. The complete engineering and public services reviews will occur at the time construction permit applications have been submitted for review.

Per Section 22.08.290 “Site Plan Review” of the Village Zoning Ordinance, Village Council has final approval authority over proposed site plans. The Village Council is being requested to consider final approval of the proposed site plans. The plans have been reviewed by the Village Planning consultant who has provided a letter dated 2/15/24 confirming that the conditions included in the January 24, 2024, Planning Commission recommendation have been met. Also included are the May 24, 2023, HRC engineering review and the April 14, 2023, Department of Public Safety review reports. Both the engineering and the Public Safety reports are from the previous approval. However, the nature of the current proposed revisions do not appear to impact anything that would be included in either of the reviews.

Victor Saroki, Saroki Architecture, Birmingham, was present with the applicants. He showed the Council samples of the proposed brick color for the restaurant that will be added on. He noted that the owners are working with Supino Pizzeria to bring a location to Beverly Hills.

Motion by Abboud, second by Kecskemeti, be it resolved that the Beverly Hills Village Council approves PC Case 24-01-01 Site Plan Review for improvements to the property consisting of 31215 & 31201 Southfield Road. This approval is based on compliance with the following conditions:

1. The two parcels (31215 & 31201 Southfield Road) are combined into a single parcel
2. The plans are subject to final engineering review and approval
3. The approved plans replace the previously approved plans for PC Case 23-03-02

Roll Call Vote:

Motion passed (5-0)

REVIEW AND CONSIDER APPROVAL OF PROJECT AGREEMENT FOR THE BEVERLY PARK PLAYGROUND/SPARK GRANT

Campbell provided an overview. The Village was awarded a Spark Grant from the Michigan Department of Natural Resources in the amount of \$500,000 to help fund a new playground and accessible surface at Beverly Park. The Village Council was provided with the Project Agreement and resolution to accept said award and authorize the match amount of \$125,000 for their review and consideration.

Kecskemeti said that receiving the grant is super exciting. She thanked Administration and the Parks & Recreation Board for their work. She noted that this is an important item and thinks all of Council should be present to vote on it.

Motion by Kecskemeti, second by Hrydziuszko, the Beverly Hills Village Council tables the approval of the project agreement for the Spark Grant until all members of the Council are present.

Roll Call Vote:

Abboud – yes

George – yes

Hrydziuszko – yes

Kecskemeti – yes

Mooney – no

Motion passed (4-1)

Mooney said he does not understand why the Council would not pass the resolution now. He said the resolution tells the DNR that the Village will accept the grant money. He asked about the process with the contractor once the project agreement is executed.

Campbell noted that the previous contractor is essentially on hold until the Village receives more information about the agreement from the State.

REVIEW AND CONSIDER APPROVAL OF A PROPOSAL FOR A STREET TREE INVENTORY FROM DAVEY RESOURCE GROUP

Johnston gave an overview. The tree-lined streets in Beverly Hills are just a small part of what makes this Village a beautiful place to live, work, and play. These trees are also considered a major part of the Village’s infrastructure. They provide shade to streets prolonging the life of the road surface, and to homes saving residents money on energy costs. Village trees also mitigate an estimated 210 million gallons of rainfall which would otherwise flow into our sewer systems or cause surface drainage issues, and uptake an estimated 9,800 tons of Carbon Dioxide per year, along with 152,000 pounds of other pollutants, the benefit of these trees is valued at an estimated \$1,153,535 a year.

In order to properly care for the urban forest in Beverly Hills we need to know what we have. A street tree inventory/ assessment is a perfect way to do that. An inventory will provide the following inspection data for village trees: locations (address and GPS coordinates), date inventoried, species, size, multi-stem trees, condition/health, structural defects/ maintenance needs, risk assessment/ rating/ residual risk, further inspection needs, overhead utilities, stumps, and planting sites. Once this data is collected, a proactive maintenance plan can be created.

Three qualified tree care professionals, with teams of arborists, and one other consulting arborist have been contacted by village staff to complete a street tree inventory for the Village of Beverly Hills and submitted the following proposals:

- SaveATree- \$68,800
 - Excel Spreadsheet (no software)

- Bartlett Tree Experts- \$63,184
 - Bartlett Inventory Management Software- \$1,800 for 3 years

- Davey Resource Group- \$23,800
 - TreeKeeper Software- \$2,000- \$2,500 per year

- Dana Stevens \$33,000
 - Excel Spreadsheet (no software)

It is the staff’s recommendation to the Village Council to approve the proposal submitted by Davey Resource Group to inventory and assess the street trees in the Village of Beverly Hills and utilize their TreeKeeper Software for a five-year period. The total cost of this project is estimated at \$23,800 the first year and \$2,000 per following year for software subscription fees. We have recently received a \$10,000 grant from the DNR Urban and Community Forestry Program to help with the cost.

Kecskemeti asked about the quote differences. Johnston noted that the level of service would be relatively the same, but that the Village prefers software that can eventually be put into a GIS database.

Hrydziusko confirmed that the Village would then own the data that is collected.

Abboud asked if this software could later be used to inventory park trees and Kecskemeti agreed that that was a good idea.

Motion by Hrydziuszko, second by Kecskemeti, be It Resolved that the Beverly Hills Village Council approves the proposal submitted by Davey Resource Group to complete a Street Tree Inventory in the Village of Beverly Hills and to utilize their TreeKeeper Software as a service for the following five years for the amount totaling \$33,800. Funds are available in accounts 202-463-934.38 and 203-463-934.38

Roll Call Vote:
Motion passed (5-0)

REVIEW AND CONSIDER RESOLUTION TO DECERTIFY 146 FEET OF KINROSS AVENUE FROM THE VILLAGE’S ACT 51 MAP

Johnston provided an overview. A small section of Kinross Avenue needs to be decertified from the Village’s mileage certification in accordance with Public Act 51. MDOT has made Village staff aware of this flaw in our reporting and have instructed us to remove 146 feet of Kinross Avenue, from Madison Street to Sheridan Drive, from the Village of Beverly Hills Act 51 Map. The section is a green space, not a road.

Motion by Abboud, second by Hrydziuszko, be it resolved, the Beverly Hills Village Council does wish to decertify a portion of Kinross Avenue. This decertification of Kinross Avenue is located between Madison Street and Sheridan Drive for a total decertification length of 146 feet.

Motion passed (5-0)

PUBLIC COMMENTS

Chris Weber, Birwood, commented on tree trimming and tree replacements.

Mike Garvey, Amherst, said the recent storms caused an awful lot of damage to trees. He asked about the tree inventory and whether the health and species of the trees would be captured.

MANAGER’S REPORT

Presidential Primary - The Presidential Primary Election will be held on Tuesday, February 27, 2024. With the passage of Proposal 22-2, voters now have the right to vote in-person at an Early Voting Site prior to Election Day beginning on the second Saturday before the election and ending on the Sunday before the election. The Regional Early Voting Site for Beverly Hills voters is at the Bloomfield Township Public Library located at 1099 Lone Pine Road, Bloomfield Hills, MI 48302. If you have questions about the election, please contact the Southfield Township Clerk’s Office at 248-540-3420 or visit the Michigan Voter Information Center at <https://mVIC.sos.state.mi.us>

Quarterly Reports - Quarterly Reports for Planning/Zoning, Economic Development, and Parks & Recreation were included in the meeting packet for Council’s review.

Presidents’ Day - The Village and Township Offices will be closed on Monday, February 19, 2024 in observance of Presidents’ Day. Trash collection will remain on its normal schedule.

Sewer Lining Project – The Village’s 2024 sewer lining project should begin by the end of the month and notices will be sent to any impacted residents in advance.

Legal Services RFPs – RFPs for Village Legal Services have been received and will be forwarded to the Personnel Committee soon.

COUNCIL COMMENTS

Abboud said it will be a busy week for the Rockster, with meetings at SEMCOG and MML. He said he will be receiving the Level 3 Designation from the Elected Officials Academy soon. He reminded everyone that Next’s fundraiser, Birmingham’s Big Night Out, will be on April 4, 2024. He said the sign subcommittee met recently to discuss electronic signs and welcome signs.

George said he appreciates everyone’s work with the planning and strategy meetings. He said the Village is making a lot of progress. He said the Beverly Park 2050 Visioning Project RFP will be going out soon and thanked Greg Ross for taking the lead on putting that together. He noted that there is a lot going on in the Village and not one person has all of the answers on the spot. He stated the interactions in meetings should not be acrimonious. He said it has been a rough week for a lot of people he knows and reminded everyone that we do not always know what others are going through.

ADJOURNMENT

Motion by Mooney, second by Abboud, to adjourn the meeting at 8:44 p.m.

Motion passed.

John George
Council President

Kristin Rutkowski
Village Clerk