

Present: President Peddie; President Pro-Tem Abboud; Members: Mooney, Mueller, and Nunez

Absent: George, Hrydziuszko

Also Present: Village Manager, Wilson
Village Clerk / Assistant Manager, Rutkowski
Public Safety Director, Torongeau

Peddie called the regular Council meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. The Pledge of Allegiance was recited by those in attendance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

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

Motion passed.

SPECIAL ORDER OF BUSINESS – COVID-19 UPDATE

Peddie provided an update on the Village of Beverly Hills' continued response to the COVID-19 outbreak and explained that while the Village Office will be closed to the public, essential services will remain in operation. She stated that a list of resources is available on the Village website and thanked the public for their patience and cooperation during this unprecedented time.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

None.

CONSENT AGENDA

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

1. Review and consider approval of minutes of a joint Council and Planning Commission meeting held February 12, 2020.
2. Review and consider approval of minutes of a regular Council meeting held March 3, 2020.
3. Review and file bills recapped as of Monday, March 16, 2020.

Roll Call Vote:

Motion passed (5-0)

BUSINESS AGENDA

REVIEW AND CONSIDER DECLARATION OF A STATE OF EMERGENCY IN THE VILLAGE OF BEVERLY HILLS

Chapter 9 of the Village Municipal Code provides the framework for the establishment of the Beverly Hills Office of Emergency Services to address emergency and disaster situations within the Village.

The intent of this ordinance is to “...establish and organization that will insure the complete and efficient utilization of all municipal resources during periods of emergency and disaster.”

State of Michigan Executive Order 2020-04 established a State of Emergency to address the outbreak of the COVID-19 Virus in the State of Michigan. Given the impact of COVID-19 on the Village of Beverly Hills and in accordance with Executive Order 2020-04 and pursuant to Chapter 9, section 9.50 (b)2 of the Beverly Hills Municipal Code the Village Manager will be activating the Beverly Hills Emergency Operations Plan effective noon, March 17th, 2020.

Motion by Abboud, second by Mooney, be it resolved, the Village of Beverly Hills authorize the Establishment of the Emergency Services Forces for the Village of Beverly Hills effective immediately and appoints the Village Manager to the position of Director of Emergency Services Forces. Be it further resolved that the Council approve the establishment of the Beverly Hills Office of Emergency Services consisting of the following positions:

- Coordinator – Kristin Rutkowski, Assistant Village Manager/Village Clerk
- Assistant Coordinator for Public Safety – Richard Torongeau, Public Safety Director
- Assistant Coordinator for Finance – Sheila McCarthy, Finance Director
- Assistant Coordinator for Clerk – Peggy Linkswiler, Treasurer/Human Resources
- Assistant Coordinator for Public Services – Karrie Marsh, Assistant to the Village Manager
- Assistant Coordinator for Building Services – Erin LaPere, Planning and Zoning Administrator

Approval of this activation of the Emergency Operations Plan and establishment of the Office of Emergency Services will allow the Manager to appropriate to expend funds and procure equipment and services necessary to address the emergency situation and any powers authorized by this ordinance. Nothing in the order shall subvert the authority of the Village Council.

The Manager shall continue to report to and obtain authorization for all activities enacted under this order as soon as is reasonably possible. The Coordinator and all Assistant Coordinators shall report all activities to and obtain all necessary approvals from the Village Manager/Director of Beverly Hills Emergency Services Forces as soon as is reasonable possible.

This Emergency Operations Plan will remain in effect until the emergency situation created by the COVID-19 outbreak is mitigated and this order is rescinded.

Roll Call Vote:
Motion passed (5-0)

REVIEW AND CONSIDER REQUEST FROM MARIAN HIGH SCHOOL TO HOLD ANNUAL WALK-A-THON ON FRIDAY, MAY 8, 2020

Village administration received a request from Marian High School asking for permission to hold its annual Walk-a-thon in the Village of Beverly Hills on Friday, May 8, 2020. A map of the proposed route was included in the packet.

Motion by Mueller, second by Abboud, the Village Council authorizes Marian High School to hold its annual Walk-a-thon in Beverly Hills on Friday, May 8, 2020 provided that a certificate of liability insurance naming the Village of Beverly Hills is submitted to the Clerk's office prior to the event.

Roll Call Vote:
Motion passed (5-0)

PROCLAMATION RECOGNIZING APRIL 2020 AS CHILD ABUSE PREVENTION AND AWARENESS MONTH

Motion by Nunez, second by Mooney, be it proclaimed, whereas, abuse and neglect are suffered by children in our communities, regardless of age, race, gender, or economic situation;

Whereas, one in ten children will be sexually abused before the age of 18;

Whereas, this reported maltreatment is only a portion of the overall problem threatening our children, for so many cases go unreported, and today's technology has brought with it a new and dangerous form of child endangerment – the online predator;

Whereas, the devastating consequences of physical and emotion abuse of our children affects the community as a whole and finding solutions needs to be attended to by the community as a whole; and

Whereas, CARE House of Oakland County works to break the cycle of child abuse and neglect; provides a protective circle of light and hope for a better life; advocates for the safety and protection of children; and partners with community organizations and agencies to offer programs and services aimed at preventing child abuse.

Now, therefore, be it proclaimed, that the Village of Beverly Hills, County of Oakland, State of Michigan, do hereby recognize April 2020 as Child Abuse Prevention and Awareness Month in the Village of Beverly Hills, and call on our residents, community agencies, organizations, and businesses to increase their participation in efforts to prevent the abuse of our children, thereby strengthening and protecting the community in while we live.

Motion passed.

REVIEW AND CONSIDER REQUEST FOR SITE PLAN APPROVAL FOR 31201 SOUTHFIELD ROAD, MARKET FRESH VESTIBULE ENCLOSURE

The Village received a request for site plan approval for Market Fresh, 31201 Southfield Road, to construct a vestibule enclosure at the existing front entranceway. The proposal details an addition at the storefront that will be a glass enclosure of the existing paved walkway/entrance. Additionally, the proposal would replace the existing cloth canopy along Southfield Road side of the building with a steel canopy and a partial restriping of the pedestrian walkways and parking spaces near the entrance to direct pedestrians to the relocated doors. A copy of the application and plans are attached.

The plans have been reviewed by the Fire Marshal, Village Engineer, and Planning Consultant. The Fire Marshal noted the need to relocate the existing Knox Box and the applicant has indicated they will comply with Public Safety requirements on that matter. Given the limited scope of the changes to the existing site the Village Engineer found no concerns with the proposal, as submitted. The Planning Consultant's review letter is attached. As noted, the request meets applicable sections of the Village Ordinance and the applicant confirmed no new lighting or plantings were proposed with this project.

At their meeting held February 26, 2020, the Planning Commission reviewed the plans and made a recommendation for Village Council to approve with two conditions. First, that the plans depict rooftop equipment and enclosures. Second, that if ownership of the existing retaining wall along a portion of the western property line is determined to be Market Fresh, the wall be expanded to six feet in height to provide screening of the alleyway. There was discussion regarding alley maintenance and the consensus was a dumpster enclosure was not feasible in the alley to maintain free and clear access, especially for emergency vehicles. A copy of the meeting minutes is attached.

The Village has received revised plans depicting the rooftop equipment. The plans note the existing parapet wall is 10 feet, 5 5/8 inches above the roof deck and that the new equipment will be placed within that existing screened area (see sheet A-100). Upon confirmation that the retaining wall is on the Market Fresh property, the Village Engineer reviewed the existing site conditions and the wall expansion recommended by Planning Commission. He concluded that expansion of that wall would create sight distance and circulation issues for pedestrian and vehicular traffic in that area. He also noted that should this wall be required by the Village, we may be held liable for any negative impacts that result from the obstruction to the intersection between alley, Market Fresh parking lot, and nursing home parking lot. Therefore, he recommends no changes to the existing retaining wall.

Administration met with representatives from Market Fresh on March 12, 2020 to discuss the ongoing storage of debris, pallets, and similar materials in the alleyway. Market Fresh has submitted conceptual drawings of a proposed enclosure and is working with their architect to finalize a design for formal submittal. This project would require site plan review and approval prior to construction.

The architect, Victor Saroki, and owner, Johnny Karmo, answered questions from Council.

Motion by Mueller, second by Abboud, the Village Council approves of the site plan dated March 6, 2020 as submitted for the vestibule enclosure and canopy at Market Fresh, 31201 Southfield Road.

Roll Call Vote:
Motion passed (5-0)

REVIEW AND CONSIDER REQUEST FROM MICHIGAN BEER GROWLER COMPANY TO AMEND AGREEMENT WITH THE VILLAGE OF BEVERLY HILLS

The Village received a written request from Janae Condit, owner of Michigan Beer Growler Company (MBGCo) located at 31221 Southfield Rd, to modify the agreement with the Village to expand hours of operation, capacity, and concept. In 2014, the Village approved a voluntary agreement proposed by MBGCo as part of the approval of the liquor license to sell beer and wine

at the establishment. In 2018, the Village approved a modification to the hours of operation. The current agreement with the Village is as follows:

1. Hours of Operation: Monday 3pm – 9pm; Tuesday through Thursday 11am – 9pm; Friday and Saturday 11am – 10pm; and Sunday Noon – 6pm.
2. Classification: MBGCo will not change the classification of the license from a Tavern licence to a full Class C license.
3. Capacity: MBGCo will not increase its seating capacity from 20 persons.
4. Concept: MBGCo will not change its concept without prior approval of the Village.

As detailed in her request, MBGCo is seeking to modify its hours of operation, capacity, and concept to accommodate the addition of a coffee and ice cream shop, Michigan Coffee and Creamery, at the vacant neighboring tenant space. This business would maintain a separate exterior entrance, but would also be connected via interior doors to the Michigan Beer Growler. In addition to the new business, the intention is to permit additional space and seating for MBGCo patrons. This expansion does not require her to modify her license with the Michigan Liquor Control Commission. She has noted that there is ongoing negotiations between the landlord and herself as well as between the landlord and the former tenant that will need to be resolved before this project can proceed. She is requesting Village Council approve an amendment to the agreement in anticipation of positive resolution on those matters. In addition to approval of the amendment to the agreement with the Village, she will need approval from the County Health Department, building and trade permits, and sign permits for any new signage.

The proposed modifications to the agreement with the Village is as follows:

1. Hours of Operation: Daily: 7am – 10pm.
2. UNCHANGED Classification: MBGCo will not change the classification of the license from a Tavern licence to a full Class C license.
3. Capacity: MBGCo will not increase its seating capacity from 45 persons.
4. Concept: MBGCo concept will change to include the Michigan Coffee and Creamery business as described in letter dated March 11, 2020.

The proposed use as coffee and ice cream shop is allowable in the B – Business District and as an interior change to an existing site, this change in tenant does not necessitate formal site plan review and approval. Copies of meeting minutes from prior agreement approvals for this matter and a proposed layout were provided to Council.

Janae Condit, owner, answered questions from Council.

Motion by Abboud, second by Mueller, be it resolved that the Village of Beverly Hills Council approves the amendment to the agreement with Michigan Beer Growler Company, owner Janae Condit, for expanded hours of operation, seating capacity, and change in concept for the existing business located at 31221 Southfield Road.

Roll Call Vote:

Motion passed (5-0)

REVIEW AND CONSIDER RESOLUTION ESTABLISHING BALLOT PROPOSAL LANGUAGE FOR THE NOVEMBER 3, 2020 GENERAL ELECTION REGARDING A CHARTER AMENDMENT FOR A TEN-YEAR MILLAGE RATE RENEWAL

At a regular meeting of the Village Council, Oakland County, Michigan, held at the Village office at 18500 West Thirteen Mile Road, Village of Beverly Hills, on the 17th day of March, 2020, at 7:30 p.m.

Present: Council President Peddie; President Pro-Tem Abboud; Members: Mooney, Mueller, and Nunez

Absent: Members: George and Hrydziuszko

WHEREAS, on November 2, 2010, the electors for the Village of Beverly Hills approved an amendment to Section 9.1 of the Village of Beverly Hills Charter to authorize the Village Council to have the power to levy and collect taxes in an amount not to exceed 12.9184 mills; and

WHEREAS, the Charter amendment adopted by the electors for the Village of Beverly Hills contained a 10 year limitation to expire in 2021; and

WHEREAS, the Village Council seeks to renew that same millage rate by a Charter amendment proposed to the Village electors for a new 10 year period from 2021 to 2031, but including 0.32 mills for capital park improvements/replacements for village wide parks.

NOW, THEREFORE, the following Resolution was offered by Mooney and seconded by Abboud, that the following Charter amendment be voted upon by the qualified electors of the Village of Beverly Hills at the November General election on Tuesday, November 3, 2020.

BALLOT PROPOSAL

1. Shall Section 9.1 of the Charter of the Village of Beverly Hills be amended to read as follows:

POWER TO TAX

The Village shall have the power to levy and collect taxes for municipal purposes. The general ad valorem tax levy shall not exceed 12.9184 mills, times the taxable value of all real and personal property, subject to taxation in the Village, exclusive of any levies authorized by general statute to be made beyond Charter tax limitations, for a period of ten (10) years 2021 to 2031 inclusive. This 12.9184 millage authorization shall include the following components specifically dedicated to the operation of the Village:

- a) 9.9 mills for public safety/police/fire operations;
- b) 1.88 mills for general administrative purposes;
- c) 0.8184 mills for Baldwin library services;

- d) 0.32 mills for capital park improvements/replacements for village wide parks.

It is estimated that the renewal of 9.9 mills for public safety/police/fire will raise approximately \$6,288,904.00 when first levied in 2021;

It is estimated that the reduction of the prior millage for general administrative purposes to 1.88 mills will raise approximately \$1,194,238.00 when first levied in 2021;

It is estimated that the reduction of the prior millage for Baldwin library services to 0.8184 mills will raise approximately \$519,874.00 when first levied in 2021; and

It is estimated a new park millage for capital park improvements/replacements for village wide parks will raise approximately \$203,274.00 when first levied in 2021.

Upon expiration of this renewed millage on June 30, 2031, the maximum allowed under Charter millage rate will revert to 11.00 mills for municipal purposes.

Shall this amendment be adopted?

Yes _____

No _____

2. In accordance with the statute in such case made and provided, such Resolution shall be published in the Observer-Eccentric, a newspaper circulated within the Village.
3. That this Resolution be laid upon the table for thirty (30) days in accordance with the statute and such case made and provided.
4. That prior to the submission of the vote of the electors of the Village, such Charter Amendment shall be presented to the Governor of this State. That before its submission to the electors of the Village, the Clerk shall give such notice thereof as is required by law.

Roll Call Vote:

Motion passed (5-0)

REVIEW AND CONSIDER FISCAL YEAR 19-20 BUDGET AMENDMENTS

Proposed Budget Amendments for Fiscal Year 2019-2020 were provided to Council. There are General Fund amendments relating to the reallocation of employee wages and benefits between the departments as a result of recent accounting recommendations. In Major Roads there are amendments for engineering construction and design expenditures for 14 Mile Road and other various adjustments to approximate actuals expected. In Local Roads there are various adjustments to approximate actuals expected. In the Capital fund there is an adjustment for erity dam right spillway seawall investigation

expenditures. In the Drug Enforcement fund there is an amendment to reduce capital that will not occur before year end. In the Public Safety Fund there is an amendment to decrease defined contribution expenses to more accurately approximate actuals expected.

These proposed FY 2019-2020 Budget Amendments have been reviewed by Village Administration and are recommended for approval.

Motion by Mooney, second by Muller, be it resolved that the Village of Beverly Hills Council authorizes Village Administration to transfer or adjust monies reserved in the General, Major Roads, Local Roads, Public Safety, Capital and Drug Enforcement Fund as reflected in the March 12, 2020 memorandum from Finance Director, Sheila McCarthy.

Roll Call Vote:
Motion passed (5-0)

SET DATE FOR FISCAL YEAR 20-21 BUDGET SESSION

This item was tabled to be decided at a future meeting.

PUBLIC COMMENTS

None.

MANAGER'S REPORT

Coronavirus PSA – In response to the coronavirus situation, the Village issued the following Public Service Announcement on the afternoon of Thursday, March 11th:

As coronavirus, or COVID-19, begins to have a greater impact in our region, please be assured that the Village of Beverly Hills is dedicated to maintaining the safety and wellbeing of our residents, business community, and visitors. The Village is committed to working with school, county, state, and federal partners to help prevent the spread of coronavirus.

The coronavirus is thought to spread mainly from person-to-person between people who are in close contact with one another (within about 6 feet) and through respiratory droplets produced when an infected person coughs or sneezes. The Center for Disease Control (CDC) recommends avoiding close contact with people who are sick and putting distance between yourself and other people to prevent the spread of germs.

To promote allowing distance between individuals, the Village of Beverly Hills encourages people to mail in water bill payments, building permit applications, and other forms or payments to the Village Office instead of visiting the office in person. There is an option to sign up for direct water bill payment using the form [here](#). A drop box is located outside of the Village Office for your convenience as well. For property owners whose current water bills are due March 23, 2020, the Village will accept payments until March 30, 2020 without penalty. The Village is implementing on-line payments and will announce when that feature is available.

Public meetings will occur as scheduled until further notice. The Village will post proper notices should any public meetings be rescheduled or canceled in the future. A public hearing for a rezoning request is currently scheduled for Wednesday, March 25th at Greenfield Elementary. Current protocol regarding large public gatherings would not allow this meeting to be held today.

Should this situation remain unchanged or worsen by March 25th this public hearing will be postponed and rescheduled.

If you cannot attend a meeting in person, written comments that are submitted to the Village prior to the public meeting will be read aloud at the meeting. You can mail written comments to:

Village of Beverly Hills
ATTN: Village Clerk
18500 W. 13 Mile Road
Beverly Hills, MI 48025

Or you may email public comments to: krutkowski@villagebeverlyhills.com

Village Council meetings and Birmingham Area Cable Board meetings are broadcast live on local cable television. You can also stream live Council and Cable Board meetings here: http://www.villagebeverlyhills.com/how_do_i/watch_web_streaming.php

Due to the National Basketball Association's decision on March 11, 2020 to suspend the season, the Village of Beverly Hills Night at the Pistons Game scheduled for March 29, 2020 has been postponed. We will provide more information regarding refunds or a new date as that information becomes available.

At the time this release was published, two confirmed cases of COVID-19 have been reported in southeastern Michigan, including one case in Oakland County. The Village of Beverly Hills continues to follow recommendations provided by the Oakland County Health Division (OCHD), Michigan Department of Health and Human Services (MDHHS), and the Center for Disease Control (CDC) to prepare for and prevent the spread of the disease.

Steps you can take to protect yourself:

- Wash your hands often with soap and water for at least 20 seconds especially after you have been in a public place, or after blowing your nose, coughing, or sneezing.
- If soap and water are not readily available, use a hand sanitizer that contains at least 60% alcohol. Cover all surfaces of your hands and rub them together until they feel dry.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Avoid close contact with people who are sick
- Put distance between yourself and other people if COVID-19 is spreading in your community.
- Stay home if you are sick, except to get medical care.

The Village is committed to keeping our residents safe and informed. Please be aware that this is a developing issue which may change rapidly, and we will continue to share updates along the way.

Additional Resources:

<https://www.cdc.gov/coronavirus/2019-ncov>

<https://www.michigan.gov/coronavirus>

www.oakgov.com/health

Obviously, this remains a fluid and ongoing situation. The Village is maintaining communication with other local governments, Birmingham Public Schools as well as county and state government in addressing this situation. Village Administration has also been in contact with NEXT regarding their operations. I will update Council at the meeting on Tuesday as I am sure there will be multiple developments by then.

Trash Collection – Car Trucking has advised the Village that due to coronavirus outbreak concerns; all trash should be bagged when placed in cannisters at the curb for collection. Collectors are being prohibited from reaching into trash cans to collect loose or unbagged refuse. Please make sure all trash is bagged so that it can be safely collected and disposed of.

Census 2020 – Residents should begin receiving information via mail with instructions for filling out the 2020 Census forms. These official Census Bureau mailings will include detailed information and a Census ID for completing the Census online.

Yard Waste – Curbside yard waste collection will begin the week of Monday, April 6th. Prior to the commencement of curbside yard waste collection, residents may take up to ten (10) bags of yard waste to the SOCRRA facility on Coolidge at 14 Mile.

Public Hearing Postponed – The public hearing to receive comments on the proposed rezoning of two lots on Lahser Road that was scheduled to take place at the March 25, 2020 Planning Commission meeting will be postponed until further notice. The regular Planning Commission meeting will take place at its normal location in the Council Chamber on March 25th.

COUNCIL COMMENTS

Nunez commented on the kindness and generosity he has witnessed amongst people in response to the COVID-19 outbreak and encouraged everyone to practice social distancing. He thanked the grocers and the medical community for their hard work during this time.

Mooney thanked President Peddie and Council for their efforts during this time.

Abboud extended his thanks to President Peddie, Council, Administration, and Public Safety for their support and response during this unprecedented time. He encouraged everyone to be kind to one another.

Peddie thanked Senator Bayer, Commissioner Miller, and Cris Braun from Next for their willingness to address Council, despite not being able to attend due to social distancing guidelines during the COVID-19 outbreak. She provided updates from Bayer regarding testing, the health department, hospitals, and available resources.

Motion by Mueller, second by Mooney, to adjourn the meeting at 8:50 pm.

Motion passed.

Lee Peddie
Council President

Kristin Rutkowski
Village Clerk