

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

Absent: None

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

Peddie called the regular Council meeting to order at 7:30 p.m. at the Village of Beverly Hills municipal building located at 18500 W. Thirteen Mile Road and virtually via Zoom per Executive Order 2020-129. 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.

Roll Call Vote:
Motion passed (7-0)

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

Peddie read a public comment into the record from Bill Richards, Beaconsfield, regarding his support of a review of Public Safety Department procedures and practices. Peddie stated a subcommittee consisting of herself, President Pro-Tem Abboud, Council Member Mueller, and Mr. Richards will be created to review the policies and recommend any necessary changes.

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 regular Council meeting held June 16, 2020.
2. Review and file bills recapped as of Monday, June 22, 2020.
3. Review and file bills recapped as of Monday, July 6, 2020.
4. Review and consider annual funding request from the Birmingham Bloomfield Community Coalition.

Roll Call Vote:
Motion passed (7-0)

BUSINESS AGENDA

REVIEW AND CONSIDER SITE PLAN APPROVAL FOR PARKING LOT IMPROVEMENTS AT INDEPENDENT BANK LOCATED AT 32800 SOUTHFIELD ROAD

Administration has received a request for site plan approval from Holland Engineering on behalf of Independent Bank at 32800 Southfield Road for proposed improvements to the parking lot at the existing bank. The site has three ingress/egress points, one on Southfield Road and two on 14 Mile Road, and the parking spaces provided exceed the number required per Section 22.28. The proposal will maintain the existing parking lot circulation pattern, access points, and number of spaces. The improvements to the approaches and landscaping in the road right-of-way are subject to Road Commission for Oakland County approval.

On May 27th, the Planning Commission reviewed the plans and made a recommendation to approve with the condition that (1) at least four trees be added to the plan with approval of the Road Commission of Oakland County (at least two north of existing tree in the right of way, one south of the existing tree in the right of way, and one south of the driveway on Southfield Road); if the Road Commission does not approve the locations of the trees, then a letter stating such must be submitted to Village administration; (2) the length of the parking spaces must be minimized in order to maximize green space along Southfield Road; (3) a permanent cross access easement with the property owner to the east be obtained, subject to legal approval; and (4) that the six (6) feet striped area at the south end of the existing building be converted to a curbed landscape island. An excerpt from the meeting minutes was provided.

The applicant has proposed six trees to the road ROW along Southfield Road as approved by RCOC. The parking spaces along Southfield Road are at the minimum length allowable by Village Ordinance and the applicant has added a 1.5ft strip of greenspace between the sidewalk and the parking lot curb. They have also added the curbed landscape island in the center of the parking lot. In the review, it was noted that an 8ft wide portion of the easternmost access drive off of 14 Mile Road is located on the neighboring property. Administration reviewed the historical records for this property and it appears that the drive has been in this location since at least the early 1970s. In order to correct this, a cross access easement is being drafted and the applicant has indicated they will have it for the Village Attorney to review on Monday, July 6th. Wilson provided a copy of the access agreement at the meeting.

Additionally, the applicant has made revisions to the plans pursuant to RCOC review as described in their narrative. A copy of the revised plans was provided.

Per Section 22.08.290, this project requires site plan approval for compliance with applicable subsections of the Village Ordinance. Procedurally, the Village Council has final approval authority after review and recommendation by the Planning Commission. A copy of the plans has been provided to the Fire Marshal, Engineer, and Planning Consultant for review and comment. The Village Engineer has noted the planned work is acceptable. Comments from the Fire Marshal and Planning Consultant were provided to the Council.

Motion by Hrydziusko, second by Mooney, be it resolved, the Village Council approves the site plan dated June 12, 2020 for improvements to the parking lot at 32800 Southfield Road, Independent Bank.

Roll call vote:
Motion passed (7-0)

REVIEW AND CONSIDER WAIVING SALES RESTRICTIONS FOR A PICKLEBALL/TENNIS COURT RESERVATION REQUEST AT BEVERLY PARK

Administration received a request from Tom Wehner, Certified Pickleball Instructor, Bloomfield, Michigan to reserve a tennis/pickleball court at Beverly Park in order to offer professional pickleball lessons. Due to COVID-19, the indoor facilities where Mr. Wehner would normally teach lessons are closed. As such, Mr. Wehner is looking for a local outdoor facility and the Beverly Park tennis courts double as pickleball courts.

Per Section 6.03 of the Village of Beverly Hills 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. . .” Since students would be charged for lessons, this request requires Village Council approval. Generally this request would go to the Parks & Recreation Board first for recommendation. However, the Board’s next scheduled meeting is on August 20, 2020, so in the interest of time, the request is being presented directly to the Council.

Mr. Wehner is requesting exclusive use of one tennis/pickleball court at Beverly Park on Tuesday and Wednesday afternoons from 1:00 to 3:00 p.m. beginning on July 28, 2020 and ending October 28, 2020.

Mr. Wehner provided copies of the two certifications he holds as a pickleball instructor, one from the International Pickleball Teaching Professional Association (IPTPA) and one from the Professional Pickleball Registry (PPR). These are the two organizations that have been recognized by the USAPA, the national organization of pickleball in the US.

As a reference, the Beverly Hills Athletic Club usually requests exclusive use of a tennis court during the summer months and makes an annual donation of \$500.00 to the Village. The Village did not receive a request from BHAC this year.

Mooney expressed his opposition to this request and thought it would set a bad precedent. He believes it would be in violation of the deed restriction.

Hrydziusko inquired about BHAC and donations.

Mr. Ryan clarified that there is a sales restriction and granting exclusive use of the court would be at the Council’s discretion.

Peddie was concerned that this reservation would prevent residents from using the courts.

George thinks there should be more scrutiny in this process and was concerned about liability.

Motion by Mueller, second by Hrydziusko, be it resolved, the Beverly Hills Village Council hereby waives the sales restriction and authorizes the Park Superintendent to grant exclusive use of one Beverly Park tennis/pickleball court on a limited basis to Tom Wehner from 1:00 to 3:00 p.m. on July 27, 28, August 4, 5, 11, 12, 18, 19, 25, 26, September 1, 2, 8, 9, 15, 16, 22, 23, 29, 30, October 6, 7, 13, 14, 20, 21, 27, and 28, 2020 as requested provided that a Certificate of Liability Insurance naming the Village of Beverly Hills as an additional insured is filed with the Village Clerk prior to the use of the court.

Roll call vote:
Motion failed (0-7)

PUBLIC COMMENTS

None.

MANAGER'S REPORT

13 Mile Road Update – The 13 Mile reconstruction project is proceeding well. The weather has been very cooperative throughout the early stages of the project. Consumers Energy has been making progress on their gas line replacement project. Once they are completed work should begin promptly on the east bound lanes. The cancelling of the Dream Cruise provides a bit more flexibility for the scheduling of the work in the intersection of 13 Mile and Southfield. As a reminder, the work in this intersection will require a temporary closure of lanes within the intersection. The plan is to do this over a weekend to minimize disruption. We will provide notice as soon as possible when the exact weekend is known.

There have been some issues involving detour traffic, speeding, improper cut through traffic and even motorists going the wrong way. We have been able to get a handle on a lot of these issues. Given the scale and scope of this project the difficulties have been manageable. Thank you to everyone for the patience as we complete this important project.

Summer Tax Bills – Tax bills for the summer have been sent out by Southfield Township. Summer Tax bills are due back to Southfield Twp. by Monday, September 14th. Village residents will receive both a Township and Village tax bill in the same envelope. Both bills are payable to Southfield Township. The Township office is open to the public; however, their lobby is not very large. Social distancing will be required and masks are required to enter the building. Cash payments will be accepted by appointment only. Residents are encouraged to pay without visiting the office in person if possible. Accordingly:

- Checks can be mailed or left in their drop box located under their message board. Receipts will be mailed or emailed upon request.
- E-check and credit card payment options are available. Additional information is on the back of your statement. There is a fee for this service which they cannot waive.

If you have any questions or concerns or need additional information, please call the Southfield Township office at (248) 540-3420 or email: jmooney@southfieldtownship.org.

Annual Actuarial Valuation – The Village is in receipt of our Annual Actuarial Valuation report from MERS for our retirement plans. A copy was provided to Council for review. Wilson went over the report in detail at the meeting and answered questions from Council.

CARES Act Funding – The State of Michigan has approved funds for reimbursement to local governments for various costs related to the COVID-19 pandemic and corresponding shutdown. Village Administration is working with the Public Safety Department to put together an application for funds for which we are eligible. An application must be submitted by Friday, July 17th. I will keep Council posted on any funding that we receive.

Building Dept. Activity – As a reference, for the month of June we issued 129 permits through the Building Department. This is roughly equal to the number of permits that were issued in June of 2019.

Playground Woodchips – Woodchips are scheduled to be installed on the playground in Beverly Park on the morning of Thursday, July 9th. The playground will need to be closed for approximately 2 hours while the chips are being installed.

Online Payments – The Village now accepts online payments for Water/Sewer Bills and Building Department invoices through www.bsaonline.com. Residents, property owners, and contractors have the option to pay using a credit card, debit card, or e-check. There is a small convenience fee with each online transaction. More information, including a step-by-step guide, can be found on the Village website home page: http://www.villagebeverlyhills.com/news_detail_T8_R124.php

COUNCIL COMMENTS

Nunez commented on the recent board/commission appointments. He was happy that some new members were appointed, but he is concerned that other residents are not given a chance to serve. He advocated for new views and fresh ideas on the boards/commission.

Mooney reported that former Public Safety Director Thomas A. Good passed away on July 4, 2020. Mooney applauded Good's contributions to the Village over the years and highlighted his qualifications, professionalism, leadership, and extensive training. He sent condolences to Mr. Good's wife, Gayle, and to the members of his family.

Abboud commented that he was glad to see the Village's ability to pivot during these times and to see that online payments are now accepted. He reminded residents to stay safe in the extreme heat.

ADJOURNMENT

Motion by Peddie, second by Mooney, to adjourn the meeting at 8:27 p.m.

Motion passed.

Lee Peddie
Council President

Kristin Rutkowski
Village Clerk