

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
Village Attorney, Ryan
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, to add Consent Agenda Item 4. Approve President Pro-Tem Abboud's request to recuse himself and leave the meeting before Business Item 4. Review and consider preliminary condominium site plan for Beverly Square, vacant parcel TH-24-02-427-006, located at 31655 Southfield Road.

Motion passed.

Motion by Mooney, second by Mueller to the agenda as amended.

Motion passed.

COMMUNITY ANNOUNCEMENTS

William Miller, Oakland County Commissioner, shared updates on the county including the unanimous passing of the budget and the funding of grants to put state of the art water bottle filling stations in schools.

PUBLIC COMMENTS

None.

CONSENT AGENDA

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

1. Review and consider approval of minutes of a regular Council meeting held November 5, 2019.
2. Review and file bills recapped as of Monday, November 11, 2019.
3. Review and consider request from Beverly Hills Lions Club to solicit donations for their Annual Candy Cane Collection from November 27 to December 24, 2019.
4. Approve President Pro-Tem Abboud's request to recuse himself and leave the meeting before Business Item 4. Review and consider preliminary condominium site plan for Beverly Square, vacant parcel TH-24-02-427-006, located at 31655 Southfield Road.

Roll Call Vote:

Motion passed (7-0)

BUSINESS AGENDA

PUBLIC HEARING TO RECEIVE COMMENTS ON THE PROPOSED COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING REALLOCATION FOR PROGRAM YEAR 2017

The Village allocated funds in Program Year (PY) 2017 for the CDBG project Remove Architectural Barriers in anticipation of renovations to the Beverly Park to meet requirements of the Americans with Disabilities Act (ADA). We did replace the sidewalk at the park, however, due to numerous issues with the contractor that project did not expend the CDBG allocation.

We originally allocated funds in this project to be used for sidewalk and related infrastructure improvements to provide ADA accessible pedestrian paths at Beverly Park. The CDBG program requires contractors to comply with federal government mandates in order for CDBG funds to be used. In addition to the contractor being unable and unwilling to comply with those requirements, he was unable to complete the project per the contract. We are seeking relief for the expenses incurred through the surety bond that was provided with the project.

Peddie opened the Public Hearing at 7:40 p.m.

No one wished to be heard, therefore the hearing was closed at 7:41 p.m.

REVIEW AND CONSIDER RESOLUTION TO REPROGRAM COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR PROGRAM YEAR 2017

Administration is seeking to reprogram Community Development Block Grant Funds from Program Year 2017. The CDBG program has a number of project categories, however, Beverly Hills does not meet the low-income criteria for expending funds on most of those types of projects. Therefore, I am proposing that we reprogram all of the funds from Remove Architectural Barriers to the Minor Home Repair program which is administered by NEXT for Beverly Hills.

The total amount of funds to be reprogrammed is \$13,801.00. The 2017 funds may become eligible to be recaptured by the federal government if they are not expended. Due to HUD restrictions on various projects, we do not have an alternate project to recommend reprogramming other than to transfer them into Minor Home Repair (MHR). Administration is recommending Village Council reprogram \$13,801.00 of the Community Development Block Grant Program Year 2017 from Remove Architectural Barriers to Minor Home Repair.

Motion by Mueller, second by Abboud, be it resolved by the Beverly Hills Village Council to reprogram \$13,801.00 of the Community Development Block Grant Program Year 2017 from Remove Architectural Barriers to Minor Home Repair.

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER FRIENDS OF THE ROUGE'S FUNDING REQUEST FOR SAMPLING SITES IN BEVERLY HILLS

Administration received a request from Friends of the Rouge (FOTR) for financial support for their Benthic Macroinvertebrate Monitoring Program (Bug Hunts and Stonefly Searches). The Friends of the Rouge is a non-profit organization that relies on grants and donations to fund their work. Through this program, they are able to collect data on the health of the watershed over time.

The program is also used to educate watershed residents about water quality and develop good stewards.

The Friends of the Rouge collect samples at two sites in Beverly Hills: The Main Rouge at Douglas Evans Nature Preserve (Evergreen/13 Mile Road) and Nottingham Creek at Detroit Country Day Middle School (Lahser/13 Mile Road). FOTR conducts sampling events twice a year in spring and fall at both sites. The cost per sampling event is \$550.00.

The Friends of the Rouge have requested a \$2,200.00 payment from the Village of Beverly Hills for services provided at the sampling sites in our community. Funds for this contribution would be available from the Community Action Programs fund 101-747-890.10.

Bill Eisenman, Valley Ridge Drive, thanked the Council for their support on behalf of the FOTR. He shared that working with the FOTR inspired his son to study at Michigan State. The program gathers a lot of valuable data, and encourages engagement of the residents.

Motion by Mueller, second by Abboud, be it resolved, the Beverly Hills Village Council hereby authorizes a payment in the amount of \$2,200.00 to the Friends of Rouge for their Benthic Macroinvertebrate Monitoring Program at two sites in Beverly Hills. Funds for this contribution are available in fund 101-747-890.10.

Roll Call Vote:

Peddie	yes
Abboud	yes
George	yes
Hrydziusko	yes
Mooney	no
Mueller	yes
Nunez	yes

Motion passed (6-1)

Abboud left the meeting at 7:47 p.m.

REVIEW AND CONSIDER PRELIMINARY CONDOMINIUM SITE PLAN FOR BEVERLY SQUARE, VACANT PARCEL TH-24-02-427-006, LOCATED AT 31655 SOUTHFIELD ROAD

Robertson Brothers Homes has submitted a proposal for preliminary site plan approval to redevelop the vacant lot at 31655 Southfield Road to construct 24 attached single-family residential townhomes. This project is within the Village Overlay District, where the Village has adopted a plan to encourage mixed-use development and associated zoning regulations to create a pedestrian-friendly, downtown area. The minutes from the December 3, 2013 Council meeting at which the Overlay District regulating language was adopted are included for Council's review. The intent of the District is to regulate development in a way that is consistent with the vision of the Village Center Overlay Plan (Appendix A of the Village Master Plan).

This project was reviewed by the Village Fire Marshal and Planning Consultant, comments attached. The Village Engineer has conducted a preliminary review; however, engineering

approval will be required before construction could commence. The Planning Commission discussed the proposal at their meeting held August 28, 2019, excerpt of minutes attached, at which time they postponed recommendation to allow the applicant to make revisions to their proposal. At the meeting held October 23, 2019, the Commission reviewed the revised submittal and recommended conditional approval of the preliminary site plan, excerpt of minutes attached.

Procedurally, as a condominium development this requires a multi-step approval process as described in Village Ordinance, Section 22.25. This request is for preliminary site plan approval, which requires Planning Commission recommendation and Village Council approval. The second stage is final approval which will also require Planning Commission recommendation and Village Council approval. The proposal as submitted details five modifications from the Ordinance to be granted at the discretion of the Village upon finding that the standards of Section 22.33.11 are met. Additionally, the Planning Commission has recommended imposing conditions of approval beyond the deviations requested.

Jim Clarke, Robertson Brothers Homes, reviewed the history of the project from the original concept suggestion in September 2018. He outlined the project summary which includes 24 total units, 57 parking spaces, and 10.86% open space. There is a half road right of way dedicated for future North/South connectivity development. A variance is requested for the driveway; the 75% frontage requirement cannot be met because the only location available for a driveway is along Southfield Road. Clarke stated that they have been advised by their title company and legal counsel that they have no access rights to improve Gould Court.

Nunez asked for clarification on whether Robertson Brothers Homes had made offers to purchase the Gould Court properties. Clarke confirmed that they had, but not all homeowners were satisfied with the offer. They continue to be in discussions with Steven Satovsky, owner of the Beverly Hills Club and Lot 5 on Gould Court, and are hopeful that an agreement can be reached between them.

Nunez expressed concern that the homes will not create of a cohesive look in the Village. Clarke is committed to working with the Village to ensure the architectural design and materials are agreeable to the Village. He reiterated that the building height and overall density are necessary to make this a viable project for Robertson Brothers. Despite the Village's interest in midrise buildings in this space, it is not a feasible option.

Hrydziusko expressed her desire for there to be public space for walking accessibility, and that the development should work within the master plan to help define the Village; and is unclear how this development would do that. Clarke explained that walkability and density are the priority for the space and this development fulfills both of those needs. He reiterated their commitment to work with the Village on architecture and design that is in keeping with that of the Village. He further explained that the sidewalk network could be deemed public, allowing full accessibility.

George questioned the process by which a determination is made about what kind of development a property can support, and further why midrise buildings are determined to not be viable. Clarke explained it comes down to economics; the midrise buildings are significantly more expensive to build, making them more expensive to sell. The pricing for developed properties has to be cost appropriate. The proposed development for this property includes private parking for each resident as well as no upstairs or downstairs neighbors.

Mueller expressed his support for the project; he believes it supports the master plan and Village overlay. The development of this space will not define the entire overlay district, but it will bring in new families and create more walkability. He finds the proposed density acceptable, and believes that developers will lose interest in the space if there cannot be financially sound options for development. Furthermore, he believes that the overlay district will never develop into what is envisioned; it was designed as a guide, but it is most important to look at what is compatible with the space available, and move forward.

Mooney pointed out that the overlay district is already approximately 80% residential because it includes both Huntley Square apartments and the Gould Court homes. The goals of the Master Plan and overlay district are to develop businesses, and to create an identity for a commercial core. He believes that there are other available lots in the Village that would be better suited for this type of residential development.

Peddie thanked Robertson Bro. Homes for all of their work, and admired the beauty of their proposal and the high quality of their developments. However, the intention of the Master Plan and overlay district is to develop mixed use and commercial use, and unfortunately this submission does not meet those requirements.

Ron Reynolds, legal representative of the Gould Ct. residents, believes that east-west connectivity should be a priority as this would allow access for Gould Ct. residence. The residents continue to be concerned about impacts of the development due to the increased traffic and parking, and impacts to property values. Reynolds cited sections of language from the Master Plan and Village Center Overlay District as evidence that this development was not in line with the Village's vision for this area.

Sharon Tischler, Virmar Court, believes that development of senior friendly housing should be considered for the property.

Motion by Hrydziuszko, second by Mooney, be it resolved that the Village Council of Beverly Hills deny preliminary approval of the condominium site plan for Beverly Square, 31655 Southfield Road, as submitted by Robertson Brothers Homes. Denial is based upon the finding that the site plan as submitted does not comply with **Section 22.23.3 Purpose and Development Principles** in the following ways:

- **Section 22.23.3 (a) Define a Village Center area for Beverly Hills that will create an identity for its commercial core.** The site plan is not consistent with this section as it is a private, residential, non-commercial development.
- **Section 22.23.3 (b) Implement the Village Center Vision as illustrated in the Beverly Hills Village Center Plan.** The site plan is not consistent with this section as it is a residential development in an area designated mixed-use in the Village Center Plan.
- **Section 22.23.3 (c) Promote development of an integrated, mixed-use, pedestrian-oriented environment with buildings containing commercial, residential and**

office uses. The site plan is not consistent with this section as it is a private, residential, non-commercial development which is a stand-alone project without connectivity to the remaining district.

- **Section 22.23.3 (d) Provide street linkages and internal drives to serve the development within the district, and logical street connections to developments outside the district.** The site plan is not consistent with this as it does not provide internal street linkages per the Regulating Plan and only provides for internal dead-end private streets to access private residences.
- **Section 22.23.3 (f) Create a pedestrian oriented urban form that encourages residents to visit, stay and enjoy the district.** The site plan is not consistent with this section as it creates multiple private residences within the mixed-use section of the Village Center Overlay District with open spaces to be regulated and maintained by a private Homeowners Association.

Roll Call Vote:

George	yes
Hrydziuszek	yes
Mooney	yes
Mueller	no
Nunez	yes
Peddie	yes

Motion passed (5-1)

PUBLIC COMMENTS

Andrew Drummond, Warwick, thanked Administration for following up on the removal of the donation drop boxes that were located on Southfield Rd.

MANAGER'S REPORT

Metamora Subdivision Paving Project – Despite less than ideal weather, progress was still made on the concrete replacement project in the Metamora Subdivision. By the end of this week (Nov. 15) the sections of concrete to be replaced on the west side of all subdivision streets will have been removed. Base repairs have been made and new base materials have been put in place. The contractor is planning on pouring on Saturday the 16th or Monday the 18th. The timing of the pouring will be dependent on the weather and temperature. Village Administration will continue to monitor this project.

Early Snowstorm – The Village made it through our first snowstorm of Winter, it just so happens to have occurred in fall. On Veterans Day, all throughout the day, we received approximately eight inches of snow. Crews were out that evening clearing and plowing the major roads and began early the next morning clearing residential streets. All area schools were closed on the Tuesday after the storm, which did help with cleanup efforts. As in previous years, the Village requests that all vehicles be removed from side streets until cleanup has been finished.

2020 Village Calendar – The 2020 Village of Beverly Hills Calendar is being finalized will be mailed out to residents by mid-December.

4th Quarter Newsletter – The Village newsletter for the 4th quarter of 2019 has been completed and will be mailed out the first week of December.

Yard Waste Collection – Yard waste collection is ongoing and will continue throughout the week of December 9th. As this is a very busy time of the year for yard waste collection, some of the typical trash and yard waste collection routes may be altered. Please make sure that all yard waste is placed at the curb, along with recycling and trash, no later than 7:00 AM to ensure timely pickup.

Offices Closed – Village Offices will be closed on Thursday and Friday, November 28th and 29th in observance of Thanksgiving.

Nunez expressed concern about lawn damage caused by snow plows and inquired about the snow stakes located along Riverside Drive, and why they are not throughout the Village. Wilson noted that any damage done will be restored in the spring, and explained that residents do take upon themselves to mark their roadways, but it is not done by Administration throughout the Village.

COUNCIL COMMENTS

George thanked Administration for the removal of the donation drop boxes that were located on Southfield Rd. He also thanked Car Trucking for their exceptional service during the snow storm curbside pickup. He intends to do research on how the process of development can be better shepherded from vision to development.

Hrydziusko will not be at Planning Commission meeting, however George will be in attendance.

Mueller announced that more trees will be planted in Beverly Park over the weekend.

Nunez feels that there is a conflict between the vision of the Village, and the way current issues are addressed. He expressed concern that the focus should be on improvements on what exists.

Mooney expressed his pride in the respect between colleagues and positive intentions in their vision for the Village.

Motion by Mooney, second by Nunez, to adjourn the meeting at 9:10 pm.

Motion passed.

Lee Peddie
Council President

Kristin Rutkowski
Village Clerk

Elizabeth M. Lyons
Recording Secretary