

Present: President George; President Pro-Tem Hrydziuszko; Members: Abboud, Kecskemeti, Mooney, O’Gorman, and Peddie  
All members participated remotely via Zoom from Beverly Hills, Michigan.

Absent: None

Also Present: Village Manager, Wilson  
Village Clerk / Assistant Manager, Rutkowski  
Village Attorney, Ryan

George called the regular Council meeting to order at 7:30 p.m. virtually via Zoom due to the ongoing COVID-19 pandemic. The Pledge of Allegiance was recited by those in attendance.

**AMENDMENTS TO AGENDA/APPROVE AGENDA**

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

Roll Call Vote:  
Motion passed (7-0)

**COMMUNITY ANNOUNCEMENTS**

None.

**PUBLIC COMMENTS**

None.

**CONSENT AGENDA**

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

1. Review and consider approval of minutes of a regular Council meeting held January 19, 2021.
2. Review and consider approval of minutes of a joint Council/Parks and Recreation Board meeting held January 21, 2021.
3. Review and consider approval of minutes of a special Council Strategy meeting held January 23, 2021.
4. Review and file bills recapped as of Monday, February 1, 2021.
5. Set Public Hearing date to receive comments on Special Assessment Roll for the Southfield Road Business Assessment District for Tuesday, March 2, 2021.

Roll Call Vote:  
Motion passed (7-0)

**BUSINESS AGENDA**

**PUBLIC HEARING ON PROPOSED ORDINANCE 378 AMENDING THE MUNICIPAL CODE CHAPTER 22, ZONING ORDINANCE, SECTION 22.28.020 OFF STREET PARKING REQUIREMENTS**

George opened the public hearing at 7:39 p.m. and no one wished to be heard, so George closed the public hearing at 7:40 p.m.

**FIRST READING OF ORDINANCE 378 AMENDING THE MUNICIPAL CODE CHAPTER 22, ZONING ORDINANCE, SECTION 22.28.020 OFF STREET PARKING REQUIREMENTS**

Ryan provided an overview of proposed Ordinance 378 and gave the first reading. A copy of the proposed ordinance is available on the Village website or at the Village Office.

Pursuant to Council direction in 2019, the Planning Commission subcommittee has been working with Administration and the Village Planning Consultant to draft language to amend the off-street parking requirements of Section 22.28.020 to be consistent with the use tables adopted in 2019 and updates to the parking minimums, where needed. The last time this subsection was updated was in 2000.

The rationale for the updates was two-fold. First, the revised uses introduced previously unspecified uses in the various districts. This will bring the parking standards in alignment with the current use regulations to ensure there are clear, specific parking regulations for each use. Secondly, the parking regulations were last updated in 2000 and recommendations for parking standards have changed in the past two decades. These revised standards bring the Village ordinance standards in alignment with current Institute of Transportation Engineers parking recommendations and are consistent with similar communities.

The remainder of the parking regulations were not updated as that is beyond the scope of this assignment. Administration suggests that updates to the other sections be part of the larger Ordinance overhaul goals. Some future discussions may also include whether to allow different parking within the VCOD, and whether Council is in support of the use of public parking facilities to help incentivize development in the overlay district. The Council was provided with copies of the minutes of the Planning Commission meetings at which this topic was discussed.

At their meeting held December 16, 2020, a public hearing was held and a recommendation was made by Planning Commission that Village Council consider adoption of the amended language. Procedurally, Village Council must hold a public hearing and first reading before a second reading and adoption is considered. Upon Council adopting the language, it will take effect 20 days after publication in local newspaper.

**PUBLIC HEARING ON PROPOSED ORDINANCE 379 AMENDING THE MUNICIPAL CODE CHAPTER 22, ZONING ORDINANCE, SECTION 22.26 PLANNED UNIT DEVELOPMENT**

George opened the public hearing at 7:47 p.m. and no one wished to be heard, so George closed the public hearing at 7:48 p.m.

**FIRST READING OF ORDINANCE 379 AMENDING THE MUNICIPAL CODE CHAPTER 22, ZONING ORDINANCE, SECTION 22.26 PLANNED UNIT DEVELOPMENT**

Ryan provided an overview and gave the first reading of proposed Ordinance 379. A copy of the proposed ordinance is available on the Village website and at the Village office.

Andrew Drummond, Planning Commission Chairperson, was in attendance and provided clarification on the proposed ordinance.

Pursuant to Council direction in 2019, the Planning Commission subcommittee has worked with Administration and the Village Planning Consultant to draft language to replace the existing cluster development language. Chapter 22, Section 22.26 was adopted in 1992 and upon reviewing the language, the suggestion is to replace the existing language with a Planned Unit Development (PUD) option. PUD is a development option that is permitted by the Michigan Zoning Enabling Act (MZEA) to the municipality with certain restrictions. A copy of the proposed amendment is attached.

As an overview, there are a number of reasons to amend the language, not least of which is that the minimum open space requirement is currently 10% which is comparatively low and does not result in development that preserves significant open space as would be expected by a cluster/PUD ordinance. Below summarizes the notable changes from the existing language:

| <b>Current Cluster Development Language</b>                           | <b>Proposed PUD Language</b>  |
|---|---|
| Single Family Residential only  | Adds language to allow mixed-use development  |
| Detached residences only  | Adds language to permit attached single family housing with restrictions                                  |
| Minimum 10% open space requirement                                    | Minimum 40% open space requirement  |
| Requires Village Attorney to draft deed covenant                      | Requires applicant to draft legal documents with Village approval of the language                         |
| ZBA has no authority over any cluster development decision by Council | Allows limited ZBA approval for future property owners within the PUD                                     |
| Limited-no ability to negotiate and preserve Village benefits.        | Village has opportunity to ensure village-wide benefits are preserved through transferable PUD agreement. |

The proposed PUD language also brings the review and approval procedures into alignment with the MZEA. Additionally, there are some prescriptive design requirements in the current cluster option that are not included in the PUD language. This flexibility is intentional to allow the Village and the potential developer to work together to create a project that is harmonious with the existing surrounding development. The current language also permits the imposition of performance guarantees per Section 22.08.310, which the Planning Commission and Council may want to add to a potential PUD agreement to add additional incentives to complete the development as approved. Finally, the PUD agreement is a legally binding agreement that transfers to future owners should the development change ownership. These clearly defined terms of development will ensure the Village’s interests are protected and maintained.

At the meeting held December 16, 2020 the Planning Commission held a public hearing on this proposed amendment and made a recommendation that Council consider adoption of the PUD language to replace the existing cluster development language of Chapter 22, Section 22.26 of the Village Zoning Ordinance. A copy of the minutes from all of the meetings held by Planning Commission discussing this language was provided for Council’s review.

Procedurally, a public hearing and first reading must be held by Village Council. At a subsequent meeting, a second reading and adoption can be considered. Upon Council adopting the language, it will take effect 20 days after publication in local newspaper.

**REVIEW AND CONSIDER MERS APPLICATION FOR ADDITIONAL SERVICE PURCHASE AGREEMENT FOR PAUL CHICKENSKY**

Wilson provided an overview. Public Safety Officer Paul Chickensky has petitioned the Municipal Employees Retirement System (MERS) about purchasing additional service credit relative to his defined benefit program. This service credit purchase would be for a period of forty-eight (48) months. Mr. Chickensky has reviewed the terms of this purchase agreement with Village Administration and we are confident that he understands the terms and risks involved.

The cost to Mr. Chickensky for this service credit purchase is \$141,541.00. There is no cost to the Village. Were Mr. Chickensky to separate from the Village before he was vested and eligible for a retirement benefit, he would be entitled to a refund of these funds without interest. Administration has reviewed the attached application and resolution for your review and consideration and if there are no objections from Council, we recommend approval.

Motion by Mooney, second by Hrydziuszko, by Resolution of its Governing Body, at its meeting on February 2, 2021, as provided by the MERS Plan Document, and in accordance with the employer's policy, the employer hereby authorizes the participant named above to make a service credit purchase from MERS as described above. The employer understands that this is an estimated cost, calculated using actuarial assumptions approved by the Retirement Board. Any difference between the assumptions and actuarial experience will affect the true cost of the additional service to the employer. The calculation assumptions are outlined above and the employer understands and agrees it is accountable for any difference between estimated and actual costs.

Roll Call Vote:  
Motion passed (7-0)

**REVIEW AND CONSIDER REQUEST FROM GROVES HIGH SCHOOL TO HOLD ITS ANNUAL 5K AT BEVERLY PARK AND ON VILLAGE STREETS ON MAY 16, 2021**

Groves High School has requested to hold their annual Forte 5K Run and Walk at Beverly Park and on Village streets on Sunday, May 16, 2021 from 7:00 AM to 11:00 AM to benefit the Groves Orchestra. They have also requested to use the pavilion during this time and asked that the pavilion rental fees be waived. All social distancing, face covering, and group gathering guidelines that are in effect at the time of the event must be followed. A map of the route was provided to Council.

The Parks & Recreation Board and Council previously approved the request for May 2020, but the event was canceled due to the COVID-19 pandemic.

At the January 21, 2021 Joint Parks & Recreation/Council meeting, the Parks & Recreation Board voted unanimously to recommend approval of this request to Council.

Motion by Abboud, second by Mooney, be it resolved, the Beverly Hills Village Council approves the request from Groves High School to hold their annual Forte 5K Run on Sunday, May 16, 2021 from 7:00 AM to 11:00 AM at Beverly Park and on Village streets as outlined on the attached map, 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 that the Pavilion rental fees for this event are waived.

Roll Call Vote:  
Motion passed (7-0)

**REVIEW AND CONSIDER PARK & RECREATION BOARD’S RECOMMENDATION ON EXTENDING BIKE PATH AT BEVERLY PARK**

Motion by Mooney, second by Peddie, to table this agenda item.

Roll Call Vote:  
Motion passed (7-0)

**REVIEW AND CONSIDER PARK & RECREATION BOARD’S RECOMMENDATION FOR BUCKTHORN ERADICATION AT BEVERLY PARK AND RIVERSIDE PARK**

Wilson provided an overview. The Village of Beverly Hills previously contracted with Natural Community Services (NCS) for buckthorn eradication at Beverly Park. The contract expired in December of 2020.

The Parks & Recreation Board has been discussing the buckthorn eradication project at Beverly Park at several of their recent meetings.

At the August 2020 meeting, the Board reached a consensus that the eradication project should continue and requested to see more specific bid language from administration for review and recommendation. At the September 2020 meeting, the Board provided input for the “Scope of Work” section of a potential Request for Proposals (RFP). Among their recommendations, the Board would like to see the work expanded across the entire park.

At the January 21, 2021 joint Parks & Recreation Board/Council meeting, members were provided with a few options to consider to continue the eradication project: extend the contract with NCS; put the project out to bid; opt-in to one of the two contracts held by Oakland County Parks for terrestrial invasive species removal; or bring the work in-house. The Board and Council also discussed expanding the buckthorn eradication project to include Riverside Park.

The benefits of the opt-in option are that the contractors have already gone through a competitive bid process and were vetted by Oakland County, and the prices should be less expensive due to bulk pricing. The participating contractors are Cardno Inc. and GEI Consultants of Michigan.

At the January 21, 2021 meeting, the Parks and Recreation Board unanimously recommended that the Village continue the buckthorn eradication project at Beverly Park and recommended that the Village Council instruct administration to obtain quotes from the Oakland County Parks contractors who offer opt-in options for buckthorn eradication at both Beverly Park and Riverside Park. The draft minutes of the January 21<sup>st</sup> meeting were included in the packet.

Motion by Kecskemeti, second by Hrydziuszko, be it resolved, the Beverly Hills Village Council instructs administration to obtain quotes from the Oakland County Parks invasive species removal contractors who offer opt-in options for buckthorn eradication at Beverly Park and Riverside Park.

Roll Call Vote:  
Motion passed (7-0)

**TOPICS FOR COUNCIL DISCUSSION**

**1. SEWER AND WATER DRAINAGE**

Keckskemeti provided an update on sewer and water drainage and stated HRC will provide a list of options. She noted there is a new page on the Village website dedicated to providing resources and links to partner organizations regarding water and sewers.

Abboud will coordinate with SEMCOG for information on basement backup programs in other communities.

The Council discussed ditches, culverts, and other landscape options.

**2. SIDEWALKS**

George provided an overview of the sidewalks in the village and displayed a map of existing sidewalks. He discussed the Safe Routes to School grant and how to connect the west side of the village to existing sidewalks.

O’Gorman suggested considering where bussing currently takes place.

Keckskemeti stated there may be a need for an additional crossing guard.

**3. VILLAGE TREE PLANNING/TREE ORDINANCE**

Hrydziuszko provided an overview of a proposed tree ordinance. The overall goal is to improve and increase the health and coverage of the tree canopy village wide. She discussed options for construction sites, private residences, landmark trees, a tree purchase program, and public education.

The Council discussed that the ordinance should not be too restrictive for private residences.

**4. PUBLIC SAFETY COMMITTEE UPDATE**

None

**5. TRAFFIC CALMING (NO UPDATE)**

None

**PUBLIC COMMENTS**

None.

**MANAGER’S REPORT**

**Evergreen Farmington System Updates** – Village Administration met this week with representatives from WRC to discuss upcoming changes and modifications to the Evergreen Farmington System. This is the separated sewer system that services primarily the area west of Southfield Rd. Through many years of study and discussion the EFSDS is going to be making modifications to our overall capacity allocations and the primary Evergreen interceptor. There will be two phases to this project, one of which will be the acquisition of additional capacity by the EFSDS and the other will be the structural modifications to existing infrastructure. These

changes will not have an impact on combined areas within the GWK drainage district. As one of the EFSDS communities, the Village will be responsible for approximately 5% of the cost of these improvements. As the EFSDS is operated as a Chapter 20 drain by Oakland County, bonds will be issued by Oakland County for this work on behalf of the Village and other EFSDS member communities. Village Administration will analyze these costs and whether to pay up front or over the proposed 20 year bond period. WRC will be making a formal presentation to the Village and all EFSDS communities in the coming months as they seek to modify the existing community agreements to facilitate these projects. The existing agreements date to 1989 and are in need of updating. Through completion of these projects, the EFSDS should be able to meet all the terms of existing Administrative Consent Orders (ACO's) and complete a process that began over 30 years ago to modernize and improved this system.

**Consumers Energy Projects** – Consumers Energy informed the Village this week that they will commence gas line replacement projects this spring in the City of Royal Oak that will cross over into portions of Beverly Hills. This work is scheduled to begin on April 19<sup>th</sup> and will be completed by May 31<sup>st</sup>. A separate Phase II project in Royal Oak will extend to the Village border on Greenfield Rd. This project will start on May 24<sup>th</sup> and will be completed by June 12<sup>th</sup>. The Village is obtaining maps and will notify impacted residents and businesses impacted by this work. Consumers Energy also does their own public outreach.

**Inside|Out Art Program** – The Village of Beverly Hills and the Parks & Recreation Board are excited to announce the return of the Detroit Institute of Arts Inside|Out program to the village in 2021. Five high-quality art reproductions will be displayed at various locations throughout the village. Beverly Hills is one of 24 communities across Macomb, Oakland and Wayne counties to host Inside|Out in 2021. Pieces will be on view from May through October. More information on the pieces of art, locations and possible events associated with the display will be forthcoming.

**Winter Taxes** – Winter Taxes are due to Southfield Township by Tuesday, February 16<sup>th</sup>. Payments may be mailed or dropped off to the Township Office. Beginning Monday, February 1<sup>st</sup>, the Township Offices will be opened to the public from 10-2. Notices of Assessment for 2021 will be going out in the mail soon. If you have any questions you can call the Southfield Township Treasurer at 248-540-3420.

**Offices Closed** – Village and Township Offices will be closed on Monday, February 15<sup>th</sup> in observance of Presidents Day. Trash service will not be interrupted.

**Snow Removal** – Thanks to Comeau for their efforts removing snow throughout the Village and thank you to residents for moving their vehicles out of the way.

**Joint Council/Planning Commission Meeting** – The Joint Village Council and Planning Commission meeting will be held via Zoom on Wednesday, February 10, 2021 at 7:30 p.m.

## **COUNCIL COMMENTS**

Abboud gave an update on upcoming SEMCOG, MML EOA Board of Directors, Senior Advisory Committee, and Next meetings. He shared information on Oakland County's Save Your Spot program for the COVID-19 Vaccine.

Hrydziuszko asked everyone to slow down and drive safe on the roads.

George reminded everyone that masks are required at the Beverly Park sled hill, ice rink, playground, and pavilion.

**ADJOURNMENT**

Motion by Mooney, second by Abboud to adjourn the meeting at 9:24 p.m.

Roll Call Vote:  
Motion passed (7-0).

**John George**  
**Council President**

**Kristin Rutkowski**  
**Village Clerk**