

Present: President George; President Pro-Tem Hrydziuszko; Members: Abboud, Kecskemeti, Mooney, O’Gorman, and Peddie
George participated remotely via Zoom from Beverly Hills, Michigan due to the COVID-19 pandemic.

Absent: None

Also Present: Village Manager, Wilson via Zoom
Village Clerk / Assistant Manager, Rutkowski via Zoom
Village Attorney, Ryan
Public Safety Director, Torongeau

President George called the regular Village Council meeting to order at 7:34 p.m. in the Village Council Chambers located at 18500 W. Thirteen Mile Road, Beverly Hills, MI 48025 and via Zoom. The Pledge of Allegiance was recited by those in attendance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Mooney, second by Hrydziuszko, to amend the agenda to remove Business Agenda Item #6: Review and consider request for site plan approval for a mixed-use development at 31655 Southfield Road, Goddard School, based on the appeal filed.

Motion passed.

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

Motion passed.

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 September 21, 2021.
2. Review and file bills recapped as of Monday, September 27, 2021.

Roll Call Vote:
Motion passed (7-0)

BUSINESS AGENDA

ACCEPT VILLAGE MANAGER CHRIS WILSON’S LETTER OF RESIGNATION

George referenced Mr. Wilson’s resignation letter that was provided in the Council meeting packet. He stated that Wilson had been at the Village for thirteen years and has done great work. Wilson will continue in his role as Village Manager until November 30, 2021.

Motion by Mooney, second by Abboud, the Beverly Hills Village Council accepts the resignation of Village Manager Chris Wilson effective November 30, 2021.

Motion passed.

DISCUSS VILLAGE MANAGER SEARCH PROCESS

Mooney provided an update on behalf of the Personnel Committee, which is made up of President George, Councilmember Kecskemeti, and Councilmember Mooney. The Committee put together a timeline of action items which includes accepting Mr. Wilson's resignation, conducting a search for a new Village Manager, and establishing duties for an Interim Village Manager. The Committee is working to obtain a scope of services, capabilities, and pricing references for search firms and plans to bring a recommendation to Council at the October 19, 2021 regular Council meeting. They anticipate the search will stretch into the first quarter of 2022. They are discussing candidates for the interim position and plan to have formalized assignments by the first meeting in November. All Council members will be involved in the interview process. They welcomed Council input on the process.

Karen Gilbert, Amherst, asked if the community would be involved in the Village Manager search process.

Mooney confirmed that the community would be involved in the process and actions related to hiring a Village Manager would be taken at open meetings.

Motion by Mooney, second by Peddie, the Beverly Hills Village Council authorizes the Personnel Committee to implement the presented outline regarding the Village Manager search. Moreover, the Committee requests input from the Council by email and such email will be directed to the Personnel Committee and will copy the Village Clerk for the record. Further, the Committee intends to report back at the next regularly scheduled meeting regarding the search firm and will discuss the Interim Village management team on November 2, 2021.

Motion passed.

SECOND ANNOUNCEMENT OF A VACANCY ON THE ZONING BOARD OF APPEALS

Rutkowski stated that there is a full-member vacancy on the Zoning Board of Appeals for a partial term ending June 30, 2023.

The ZBA meets the second Monday of the month at 7:30 p.m. as necessary. The ZBA hears appeals of applicants who request exceptions from or official interpretations of the Zoning Ordinance. Members must decide whether or not a physical hardship or practical difficulty exists which justifies the granting of a variance.

All interested and eligible residents of Beverly Hills are encouraged to apply to become a member of the ZBA. Applications are available on the Village website or by emailing the Village Clerk at krutkowski@villagebeverlyhills.com. Applications may be submitted to the Clerk's office via email, regular mail, in person, or using the drop box located outside the Village office (18500 W. 13 Mile Road, Beverly Hills, MI 48025).

Applications are due Friday, October 8, 2021.

This constitutes the second announcement of a vacancy on the Zoning Board of Appeals.

REVIEW AND CONSIDER RESOLUTION SUPPORTING THE VILLAGE OF BEVERLY HILLS PATHWAYS PROJECT GRANT APPLICATION

George gave an overview of the proposed pathways project, grant application, and resolution of support. The resolution spells out the projected cost of the project, the requested grant amount and the costs to the Village should the grant be awarded and accepted. As stated previously, submission of the grant application does not obligate the Village to accept the award or make any expenditures.

Motion by Abboud, second by Hrydziuszko, be it resolved, the Beverly Hills Village Council adopts the following Resolution to Support the Village of Beverly Hills Pathways Plan to Connect 13 Mile Road, Evergreen Road, and 14 Mile Road with a 40 Percent Match for the Transportation Alternatives Program (TAP) Grant:

WHEREAS, The Village of Beverly Hills desires to expand and enhance its safe pathway network and create a critically needed connection for bicyclists and pedestrians along 13 Mile Road, 14 Mile Road, and Evergreen Road;

WHEREAS, The proposed pathways will provide a safe route along 13 Mile Road, 14 Mile Road, and Evergreen Road and provide residents access to schools and public parks;

WHEREAS, The federally funded Transportation Alternatives Program (TAP) provides grants for projects such as bicycle facilities and shared use paths;

WHEREAS, The Village deems it would be in the best interest of the public safety and welfare and promote the connectedness of transit, residential and commercial areas of the Village.

THEREFORE, BE IT RESOLVED, that the Beverly Hills Village Council hereby authorizes:

1. To support a \$3,550,000.00 project to improve access and safety between public, residential, and commercial areas of the Village.
2. To pursue the design and construction of path connections dedicated for bicyclists and pedestrians along 13 Mile Road, 14 Mile Road, and Evergreen Road providing connections to portions of the Village's existing pathway network.
3. To pursue a Transportation Alternatives Program grant with the Michigan Department of Transportation for 60% of the \$2,800,000.00 construction cost, which is \$1,680,000.00.

4. To commit to pay the local match for the TAP grant for an amount equal to 40% of the construction cost, which is \$1,120,000.00.
5. To commit to pay the cost of engineering, financial, legal and administrative services to design and supervise construction of the paths in the amount of \$750,000.
6. To utilize local funding totaling \$1,870,000.00 to implement a project that will benefit both the residents and visitors to the Village.

Roll Call Vote:
Motion passed (7-0)

DISCUSS HALLOWEEN HOOT

Rutkowski stated that there have not been any COVID-19 safety protocol updates for outdoor gatherings issued by the County since the last meeting and that the Parks & Recreation Board is planning on moving forward with the modified Halloween Hoot as discussed at the last regular Village Council meeting.

Abboud stated that if things get worse in relation to the COVID-19 pandemic, that there is a chance that the event could be further modified or even canceled.

PUBLIC COMMENTS

None.

MANAGER'S REPORT

Consumers Greenfield Road Closure – The Village received notice this week that Consumers Energy has requested to extend their permit for a partial closure of Greenfield Rd. through the end of October. I have requested a conference call with the Road Commission to discuss this request. This project has been delayed and the road closure already extended multiple times. Consumers is also working on another project on 13 Mile and the Village has been unable to obtain a projected completion date for this project. These projects along our major roads and in proximity to our schools continue to cause disruption to daily traffic and are a significant inconvenience to residents in the impacted area. I want some assurance from Consumers that restoration of traffic flow is part of their consideration in their project management. I will update Council as to how these discussions proceed.

Concrete Pavement Repair Program – The Village held a pre-construction meeting with Cipparrone Contracting for this fall's concrete repair program. Weather permitting, the project will begin on October 11th. The contractor will be replacing sections of concrete pavement on Chelton Dr., Carriage Lane, Old Post Rd, Old Coach Rd, Red Oaks Trail, White Oaks Trail and Cline Drive. The project is scheduled to be completed by November 19th. One way traffic will be maintained at all times for the duration of the project. HRC will begin the notification process to impacted homeowners.

ARPA Funds – The Village has yet to receive our \$1.086 million payment due from the American Rescue Plan Act (ARPA). Finance Director McCarthy is in communication with the Michigan Department of Treasury and the funds should be arriving soon. Per communication with our

auditors, these funds will be deposited in a Special Revenue Fund, Fund 287. From that fund, the Council can allocate the proceeds to any project so desired. The report on ARPA funds deadline has been extended. Village Administration will report back as to the contents and submission of this report. As discussed at previous Council meetings, the Village will need, at some point, to make decisions about how to allocate these funds per the terms of the American Rescue Plan Act.

Beverly Park Bike Trail Inspection – Village Administration met with a representative from MMRMA to inspect the bike trail. MMRMA provided useful guidance on trail construction and maintenance as well as signage that will be incorporated into the trail. Many of the suggestions regarding maintenance schedules and record keeping are applicable not just to the bike trail but other features in the park and will be incorporated where appropriate.

OPEB Report – Wilson provided for Council’s review a copy of an analysis done by Nyhart to evaluate our current contribution levels to our Retiree Health Care Fund. As a reminder, the Village currently pays for all annual Retiree Health Care (RHC) from our Retiree Health Care Fund and contributes an amount of \$400,000 to the Fund. This \$400,000 is split between the General Fund and the Public Safety Fund, with the majority coming from the Public Safety Fund. Nyhart ran two separate projections. The first was based on a continued contribution level of \$400,000 until the fund was 100% funded. This projection would have all OPEB costs fully funded by FY 2032. With no additional contributions the fund would have a surplus for a period of a few years and would end in FYE 2053 at a funding level of 91.5% with net position of \$6.6 million and an unfunded liability of just over \$600,000.

The second analysis was more aggressive with the Village fully funding all current RCH costs (pay as you go) until all OPEB costs were fully funded. This would occur in FYE 2029, at which point there would be no further contributions to the RHC fund. Annual contributions would vary from \$665,000 to \$890,000. Under this scenario the fund would be over funded to the tune of around \$3.2 million as of FYE 2030. Due to projected fund returns, the overfunding would grow to \$13.9 million by FYE 2053. Once funds are dedicated to OPEB costs they cannot, under current legal statutes, be reallocated for other purposes. Accordingly, such levels of overfunding should be avoided.

Based upon these two scenarios, Village Administration would recommend continuing the contribution level of \$400,000 annually for the next 2-3 budget years. At that time this analysis should be done again to determine if modifications to the contribution level are appropriate.

COUNCIL COMMENTS

Peddie provided an update on the Planning Commission’s discussion from their last meeting regarding fences and trees. Specifically, she commented on the vegetation exception for fences and possibly requiring the Village’s arborist to review requests. She commented on concerns over the 200’ rule as it pertains to the vegetation exception. She suggested a Council subcommittee meet with Administration on these concerns and bring a recommendation back to Council. Finally, she asked if there was any appetite from Council for the Planning Commission to revisit the tree ordinance because there have been concerns over clear cutting lots.

Abboud stated that the SEMCOG General Assembly meeting will be held October 14, 2021. He reported on his attendance at the MML Convention on September 22-24 in Grand Rapids. The theme of the Convention was Trust and Belonging. He also attended the Elected Officials

Academy Board of Directors meeting where they recommended various ways to obtain credits for the different EOA levels. He encouraged residents to check on their neighbors during storms. He stated October is Cancer Awareness Month and sends his blessings to all those who are struggling.

Mooney gave a history of Village finances from around the time when Manager Wilson was hired. He stated that Wilson worked diligently to help get the millage renewal passed during the recession. He stated that Wilson's presentations and efforts were remarkable and eventually the millage passed in 2010. He said Wilson played a key part in helping to save the library and maintain the Public Safety Department at a decent level. In short, Wilson helped make the Village fiscally sound and reduce debt, specifically in its retirement and health care obligations. He thanked Wilson for helping make Beverly Hills one of the safest communities in Michigan and his work to help secure dash cams and state of the art technology for the Public Safety Department. He applauded Wilson for being hands-on working in the parks, hanging signs during the pandemic, and even assisting with garbage collection. He thanked Wilson for everything he has done for the Village of Beverly Hills.

Hrydziuszko stated that the Movie in the Park has been rescheduled for Saturday, October 9th. She echoed Mooney's sentiments regarding Mr. Wilson. She said Wilson has taught her a lot and he leaves big shoes to fill. She appreciates his friendship and hard work. While she is sad to see him go, she is happy for him and his family.

George stated that he will miss Wilson's humor. He hopes to obtain as much institutional knowledge from Wilson as he can while he is still at the Village. He noted that he is attending the meeting virtually via Zoom because he was in contact with someone who tested positive for the coronavirus, does not have symptoms, but is playing it safe.

ADJOURNMENT

Motion by Mooney, second by Abboud, to adjourn the meeting at 8:25 p.m.

Motion passed.

John George
Council President

Kristin Rutkowski
Village Clerk