

Present: President George; President Pro-Tem Hrydziuszko; Members: Abboud, Mooney, Kecskemeti, and O’Gorman

Absent: White

Also Present: Village Manager, Campbell
Village Clerk/Assistant Manager, Rutkowski
Village Attorney, Ryan
Public Safety Director, Torongeau
Public Services Director, Johnston

ROLL CALL/CALL TO ORDER/PLEDGE OF ALLEGIANCE

President George called the regular Village Council meeting to order at 7:30 p.m. in the Village Council Chambers located at 18500 W. Thirteen Mile Road, Beverly Hills, MI 48025. The Pledge of Allegiance was led by Oliver Drummond and Marcus Finnerty, Troop 1024, and recited by those in attendance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Mooney, second by Abboud, to amend the agenda to move Business Items #1 and #2 to the end of the Business Agenda as Items #9 and #10.

Motion failed.

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

Motion passed.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

Tom Maxwell, Lauderdale, commented on communications in the Village, noting the limited or lack of response from Council members. He commented on communication regarding the roundabout and gas main replacement project. He noted that there was limited capability to submit a comment via the Village’s website form.

David Tobaben, Orchard Way, said he was happy to see the contractors, GEI, cutting down buckthorn at the park, but was disappointed that all of the work was not completed. He said what had been done looks effective. He noted that getting rid of buckthorn is a precursor to restoring the forest. He said there are communication issues in the Village and the website function could be better.

CONSENT AGENDA

Motion by Mooney, second by Abboud, be it resolved, the consent agenda is approved.

1. Review and consider approval of minutes of a regular Council meeting held August 1, 2023.
2. Review and file bills recapped as of Monday, August 14, 2023.
3. Review and consider awarding bid to Hutch Paving of Warren for the 2023 HMA program.

Roll Call Vote:
Motion passed (6-0)

BUSINESS AGENDA

ACCEPT MICHAEL WHITE’S RESIGNATION FROM THE BEVERLY HILLS VILLAGE COUNCIL

Campbell gave an overview. Council member Michael White submitted his resignation from the Beverly Hills Village Council effective August 10, 2023. A copy of his resignation letter was provided in the meeting packet. Procedurally, the Council shall accept his resignation, announce the vacancy, accept applications to fill the vacancy, and appoint a councilperson within 60 days.

Motion by Hrydziuszko, second by Kecskemeti, be it resolved, the Beverly Hills Village Council accepts Michael White’s resignation from the Village Council effective August 10, 2023.

Roll Call Vote:
Abboud – no
George – yes
Hrydziuszko – yes
Kecskemeti – yes
Mooney – yes
O’Gorman – yes
Motion passed (5-1)

Abboud read a letter from resident Rosanne Koss, Kinross, regarding the resignation.

There was discussion between the Council and Village Attorney about the procedure for filling the vacancy as dictated by the Charter.

Mooney expressed disappointment with White’s resignation.

Mooney said he would like the interviews with Council candidates televised.

FIRST NOTICE OF A VACANCY ON THE BEVERLY HILLS VILLAGE COUNCIL

Campbell gave the first notice of a vacancy on the Beverly Hills Village Council. Michael White submitted his resignation from the Beverly Hills Village Council effective August 10, 2023.

Per the Village Charter: Vacancies in Councilmember offices shall, within 60 days after such vacancy occurs, be filled by appointment of the Village Council by a majority vote of the members of council then in office. The person appointed shall possess the qualifications for the office of councilperson and shall hold office until the next regular village election.

Applications to fill the vacancy for a term ending November 2024 will be accepted until 4:30 p.m. on Monday, September 11, 2023. Interested and eligible residents of Beverly Hills may submit an application to the Village Clerk at 18500 W. 13 Mile Road, Beverly Hills, MI 48025 or via email: krutkowski@villagebeverlyhills.com. Applications are available on the Village website and a copy was included in the meeting packet.

This constitutes the first announcement of a vacancy on the Beverly Hills Village Council.

The Council discussed the timeline around filling the vacancy.

REVIEW AND CONSIDER CULLEN NELSON’S EAGLE SCOUT PROJECT PROPOSAL

Cullen Nelson, Troop 1024, Beverly Hills, presented his proposed Eagle Scout project. The Parks & Recreation Board recommended approval of his proposal to install butterfly puddling stations at Beverly Park and Riverside Park at their June meeting. Nelson is proposing to build and install 2 butterfly puddling stations, one in Beverly Park next to the current butterfly garden and one at Riverside Park near the water. Puddling stations are an important way butterflies get the proper minerals they need to survive. These stations will attract all sorts of butterflies and are made for all types and sizes. He plans on making the base out of stacked stones or bricks glued together because it looks good and provides a sturdy base, then on top of the base will be a shallow dish filled with sand, dirt, and water, along with flat small stones which provides the butterflies a place to stand. He will get volunteers to help out with the project like other members from his troop, friends, and family. His target time for installation is spring of 2024 but plans on possibly making them earlier (winter of 2023-2024). An estimated cost for each puddling station is \$110, or around \$220 total, depending on the base design choice. He said there is minimal maintenance required and the stations will be naturally refilled when it rains. If approved, the next steps are submitting the proposal to the BSA council. Nelson requested funding for his project.

O’Gorman encouraged Nelson to have some mosquito prevention and to share a maintenance plan with the Village. He thought the puddling stations were a good idea.

Hrydziusko said that it was a great idea to enhance the butterfly feature at the park. She suggested using recycled materials.

Mooney said Nelson had a nice idea and asked him which group is the best Boy Scout Troop in the country. Nelson stated that Troop 1024 is the best Troop.

George suggested providing a bucket so people at the park can help refill the station with water.

Motion by Mooney, second by Hrydziusko, be it resolved, the Beverly Hills Village Council authorizes Cullen Nelson to build and install butterfly puddling stations at Beverly Park and Riverside Park for his Eagle Scout project in an amount not to exceed \$500.00. Funds for this expense are available in 101-751-955.00 (Parks – Miscellaneous).

Roll Call Vote:
Motion passed (6-0)

REVIEW AND CONSIDER AUTHORIZING ADMINISTRATION TO PURCHASE A STRYKER PHYSIO-CONTROL AUTOMATED CPR CHEST COMPRESSION DEVICE, COMMONLY REFERRED TO AS A “LUCAS” DEVICE

Campbell provided an overview. The Public Safety Department has requested to purchase another Stryker Physio-Control Automated CPR Chest Compression Device, commonly referred to as a “LUCAS” device. We currently utilize a LUCAS device and we have saved multiple lives by quickly and effectively using it while responding to CPR incidents. The device, once applied, will

deliver consistent high quality “hands free” chest compressions. The automated compressions would then allow the officer to utilize their free hands to administer Narcan to an overdose patient or perform other lifesaving tasks. By purchasing this LUCAS device, it would allow us to double our ability to effectively respond to an opioid associated or a primary cardiac arrest incident.

The LUCAS device is manufactured by the Stryker Corporation, which is headquartered in Kalamazoo, MI. We have utilized the Stryker Corporations products and service with great success for the past three years. The quote for the purchase of a new LUCAS device is \$ 21,745.28. We also received a quote for two extended warranties (four years each), one for the new device and one for the device we already own. The two extended warranties are \$11,720.00.

The total of the two quotes from Stryker is \$33,465.28.

The funds for the purchase are available from the National Opioids Settlement FD Trust of \$35,000. Thus, the opioid funds will cover the cost of the device and the two extended warranties. The funds are in account no. 205-000-688.50

Alison and Richard Taubman, Turnberry, were present and Mrs. Taubman spoke about her experience with the LUCAS device. She said the LUCAS machine and the Public Safety Officers who responded to the call saved her life.

O’Gorman thanked Taubman for her comments.

Motion by Abboud, second by O’Gorman, be it resolved, the Beverly Hills Village Council approves the purchase of a LUCAS device and two extended warranties in the total amount of \$33,465.28 for the Public Safety Department. Funds for this expense are available in account 205-000-688.50.

Roll Call Vote:
Motion passed (6-0)

REVIEW AND CONSIDER RESOLUTION DESIGNATING REPRESENTATIVES FOR THE MERS ANNUAL CONFERENCE

Campbell gave an overview. The Municipal Employees’ Retirement System of Michigan is holding its annual conference on September 28-29, 2023 in Detroit, Michigan. The conference consists of meetings, general sessions, and breakout sessions where attendees may receive continuing professional education credits. Each member organization can send 1 officer delegate and 1 employee delegate to attend and have voting rights at the annual meeting. The officer delegate is a department head, and the employee delegate is selected by his/her eligible peers. An alternate officer delegate and an alternate employee delegate are also selected, should an appointed delegate be unable to attend.

Motion by, Abboud, second by Hrydziuszko, be it resolved that the Beverly Hills Village Council hereby appoints Jeffrey Campbell as the officer delegate and Rob Ginther as the employee delegate to represent the Village of Beverly Hills at the Annual MERS Conference in Detroit, Michigan on September 28-29, 2023. Furthermore, the Council appoints Mark Stec as the alternate officer delegate and William Brewster as the alternate employee delegate, should an appointed delegate be unable to attend.

Roll Call Vote:
Motion passed (6-0)

REVIEW AND CONSIDER AUTHORIZING ADMINISTRATION TO SEEK BIDS FOR THE 2024 SEWER LINING PROJECT

Campbell gave an overview. Administration is recommending a sewer lining project that is to be completed in the fiscal year 2024. The Village has budgeted \$150,000 for total project costs. We will be able to rehabilitate approximately 3,500 feet of pipe, on Kirkshire, Amherst, Nottingham, Robinhood, and Crossbow with that funding. Sewer locations were selected based on inspections that were completed in 2016 that revealed pipe deficiencies.

HRC's proposal was included in the meeting packet which outlines their scope of service and project activities. An estimated \$30,000 is estimated for engineering cost for this project, \$120,000 of the budgeted amount will go towards pipe rehabilitation. Funding for this project is available in account no. 592-536-934.23

Kecskemeti asked about the process, maintenance, and life expectancy.

Brad Shepler, HRC, was in attendance and talked about the SAW Grant that the Village received several years ago that allowed for televising of the sewer lines. The worst three pipes were chosen. Material is inserted in the old pipe and once cured, it creates a new pipe/lining inside. He noted this is common technology to use in the field.

Johnston stated that 2 pipes are in the combined sewer area and 1 is not.

O'Gorman confirmed that putting the lining in does not limit the system's capacity.

Motion by Kecskemeti, second by O'Gorman, be It Resolved that the Beverly Hills Village Council approves the proposed Sewer Lining Project, and that Village Staff may go out to bid for sewer lining services. The total project cost shall not exceed \$150,000. Funds are available in account 592-536-934.23

Roll Call Vote:
Motion passed (6-0)

REVIEW AND CONSIDER AUTHORIZING FINAL PAYMENT FOR THE MARGUERITE AND HUMMEL WATER MAIN REPLACEMENT PROJECT

Campbell gave an overview. The final payment recommendation letter from Hubbell, Roth, and Clark, Inc. to D'Angelo Brothers, Inc. for work on the Marguerite and Hummel water main replacement project was provided for review and consideration. The final payment shall be made in the amount of \$9,021.30 and \$16,310.30 shall be released from the retainage fund.

George verified with Campbell and Johnston that the work was completed to the Village's satisfaction.

Kecskemeti asked if any comments or complaints were received from residents regarding this project. Johnston said no, he did not receive any.

Motion by Kecskemet, second by Hrydziuszko, be it resolved, the Beverly Hills Village Council approves the final payment to D'Angelo Brothers, Inc. for the Marguerite and Hummel Water Main Replacement Project in the amount of \$9,021.30 and \$16,310.30 shall be released from the retainage fund. Funds for this expense are available in account # 287-538-972.01 (ARPA funded project).

Roll Call Vote:
Motion passed (6-0)

REVIEW AND CONSIDER PUBLISHING AMENDED RESPONSES TO WENDBROOK FAQs

O’Gorman provided an overview. Council was provided with the proposed amended “Wendbrook Property Acquisition Update – FAQs, Amended - August 15, 2023” as prepared by subcommittee members George, Kecskemeti, and O’Gorman. O’Gorman went over the amendments. He suggested removing #5 since it was no longer relevant and removing comment on page 2 that references White as a Council member since he has since resigned. He said this was a first cut and the information should be published for the community.

Hrydziuszko said that it is important to get the first round of answers out to the residents since it has been months since the forum took place.

Abboud commented on the MNRTF process. He asked about the subcommittee members’ qualifications. He talked about public engagement during the process. He said he does not think this is for the greater good of the community.

Mooney commented on the homestead amount presented in item #6 and said the State Equalized Value (SEV) would be higher if developed. He commented on the cost of maintenance and asked about transactional costs. He said the Village would be losing money on the property every year if it remains undeveloped.

O’Gorman stated that the subcommittee did not have all of the transactional or appraisal costs available at this time.

Mooney said he did not think that all of the questions asked have been answered. He asked about a development plan. He said he does not want another nature preserve. He said he does not think the FAQs are ready to be published and that it should wait until the next meeting.

O’Gorman said he would like to put out the FAQs for residents and that it is a good first step.

George noted that per the project agreement, the Village would have two years to finish the acquisition.

Kecskemeti said the FAQs should have been published in a more timely manner. She said the project agreement allows for the Council and residents a two-year window to have discussions and solve this problem. She said it would be absurd to turn down a \$1 million donation and a \$1 million grant for this acquisition.

Abboud stated that he would be voting no on this item because he does not think that all of the questions are accurately answered.

There was discussion about updating the tax information on page 6 to include the non-homestead amount for accuracy.

Motion by O’Gorman, second by Hrydziuszko, the Beverly Hills Village Council authorizes publication of the Wendbrook FAQs to the community as submitted by the subcommittee with the modifications outlined for pages 2, 5, and 6.

Roll Call Vote:

Abboud – no

George – yes

Hrydziuszko – yes

Kecskeneti – yes

Mooney – no

O’Gorman – yes

Motion passed (4-2)

David Miller, Downing Place, referenced tax information provided by Southfield Township and noted that the estimated value was about \$703,000 for 2023.

INFORMATION ITEMS

UPDATE ON OPTIONS FOR PAYING FOR THE NEW PLAYGROUND EQUIPMENT AT BEVERLY PARK

Campbell provided an update. In March of 2023, Council approved the purchase of new playground equipment at Beverly Park. It was the understanding of Council that General Fund could loan the Park Fund monies to pay for the equipment. Thereafter, questions were presented whether that type of interfund loan was permitted.

After discussions between the Finance Director, the Village Attorney, and the Village auditors, Plante Moran, the auditors have determined that it is permissible for the general fund to enter into an agreement with the park improvement fund whereby the general fund would provide a temporary loan to finance a park project. The loan should be formally documented in an agreement and should incorporate a structured repayment plan and should incorporate reasonable interest terms. Included in the meeting packet was the email from the Rumzei Abdallah, one of our auditors at Plante Moran. Based on Council sentiments and other potential options (bank loan), the Administration believes this is the best way to finance the payment of the new playground equipment.

At the September 5, 2023 meeting, Administration will present a temporary loan agreement and restructured repayment plan with the proposed interest terms. Campbell thanked the Village Attorney and Finance Director for their assistance with this matter.

PUBLIC COMMENTS

David Miller, Downing Place, commented on transparency regarding Wendbrook and said that not a lot of people know about Wendbrook. He appreciates getting the FAQs out, even if he disagrees with some of the content. He said he is generally in favor of park land but would like to know

more about the costs. He thinks communication could be better about what Wendbrook could be. He thanked Hrydziuszko for sharing information on Facebook.

Karen Gilbert, Amherst, asked if someone from the MNRTF could speak to the community to help better understand the process and determine what Wendbrook could be. She commented on the Consumers project.

Andrew Drummond, Warwick, commented on the Council vacancy process and said that the previous vacancy procedures should be followed this time.

Molly Borgon, Pebblestone, said that acquiring Wendbrook could improve the quality of life. She said the park could be priceless. She stated that right now it is about acquiring the land and that possibilities for development later are endless. She does not want to see the Council turn down a \$1 million grant and a \$1 million donation. She would like to have a walkable park for residents on the west side. She said that Wendbrook presents a great opportunity for future generations.

Kent Anderson, Orchard Way, said he believes in and values quality of life. He said he believes fiscal responsibility lies with the Council. He said the Village needs to balance wants and needs. He would like to see a plan and sources of funding. He commented on trial projects that were not previously budgeted for.

Stephanie Jones, Beverly Road, said that a lack of transparency causes some of the push back. She said to consider the costs for elderly residents. She expressed concerns about security at Wendbrook and about a private Facebook page.

MANAGER'S REPORT

Park Events in August - Movie night in the Park will occur on Thursday, August 17, 2023 at dusk featuring the Super Mario Bros. movie. Kona Ice will be on site for Movie Night. The next Java & Jazz performance will take place on August 20, 2023 at the Beverly Park Pavilion. The show starts at 9 a.m. and wraps up at 12:00 p.m. The coffee for this event is sponsored by the Beverly Hills Lions Club.

Summer Tax Bills - Summer tax bills went out to residents and businesses in July. Please consider this the first reminder that summer tax bills are due back to Southfield Twp. by September 14, 2022. Both bills are payable to Southfield Township. In addition, please be aware that the Oakland County Clerk published a bulletin that misleading mailings are being sent out to area residents. Some County residents received a postcard with the heading County Deed Records and Home Warranty Division and there is a separate mailing with the heading "Third Notice" and references a state tax lien. Both mailings instruct residents to call a 1-800 number. The County bulletin notes these are not County authorized mailings and under no circumstances should residents send money. See the full bulletin at <https://content.govdelivery.com/bulletins/gd/MIOAKL-3696f0c>

Roundabout Construction Update - The curbs, sidewalk and other concrete work have been completed. It is expected that the final asphalt layers will be completed by August 18, 2023. The roundabout will not be open until August 25, 2023 as restoration work will be ongoing until the 25th.

SOCRRA Operations Update - Attached to the report was a summary of SOCRAA's Summary Operations Update for the 2022/2023 presented to the Board Members last week. The Summary details the amount of material handled by SOCRRA in 2022 and 2023 for all member and non-member communities. The amount of materials (trash, compost and recyclables) processed was down 1.3% from 2021/2022. The actual revenue was \$411,303 (+1.5%) above the projected budget. The total revenue for 2022/2023 was \$27,770,498. The revenue was \$120,000 lower than the revenue in 2021/2022. The revenue from the sale of recyclables was down because of significantly lower commodity prices (e.g., plastic, paper, etc.). The expense information is preliminary due to the fact that some items have not been received. The operational expenses were \$1.3 greater than budgeted. Net income before depreciation was \$1.9 million, which was \$952,000 below budget.

Experience Beverly Hills - The Village of Beverly Hills recently participated in the Southeast Michigan Council of Governments' (SEMCOG) Experience Southeast Michigan video series (formerly called Shop Local). In the video, the Village of Beverly Hills along with several different businesses showcased some of the Village's options in retail, dining, and recreation. Please take the time to shop Beverly Hills and experience Beverly Park or one of our many small businesses.

The Village would like to thank SEMCOG for producing the video and we would like to give a huge thank you to the following participating businesses: Beverly Hills Grill, Brady's Tavern, Market Fresh, Michigan Beer Growler Company, Michigan Coffee & Creamery Company, Premier Pet Supply, Village Pharmacy, and Wanna Cookie? The video is available on the Village website and YouTube: <https://www.youtube.com/watch?v=1wpQUKrZ52Y>

Abboud thanked Administration for their work getting information to him and residents regarding the Goddard School.

Mooney asked about water line verifications and sidewalk inspections.

COUNCIL COMMENTS

O'Gorman thanked Alison Taubman for her comments regarding Public Safety and the LUCAS machine. He commented on the challenges with the online form responses. He thanked White for his service to the community. He said what White has done is probably in his and the Village's best interests. He said the FAQs were pared down to be digestible and relevant. He wanted the answers to be complete and concise.

Keckskemeti thanked those who attended the meeting. She said a lot of good work is happening in the Village, especially the sewer lining project. She said she was proud of the Scouts for attending the meeting. She apologized for missing the last meeting as she was at the Track & Field Junior Olympics in Iowa. She said she was sad to see White resign and that he was more than we deserved. She appreciates his service. She cautioned against making assumptions about people's intentions. She asked for a summary of criminal activity that has occurred at the parks.

Abboud thanked the Public Safety Department for everything they do day in and day out. He said he takes his oath of office very seriously. He said he thinks the discussions around Wendbrook are creating a hostile work environment and does not think it is healthy.

Mooney said he is good at returning emails that he receives from residents. He said Mr. White had an interest in the Wendbrook property. He thinks that the family’s contribution is very kind, but that they received some bad advice. He said the Village used to receive more media coverage. He said the meeting to select the new Council member should be broadcast. He commented on pocket parks and the procedure to turn a right of way into a park. He wants to stay true to the millage promises. He said he would like to see something done with the Riverside bridge and pond.

Hrydziuszko thanked White for serving the community in the time that he did. She said this community is better having him in it. She warned against “outrage addiction” before having information about a topic. She cautioned against speculations and asked that people take a step back first.

George noted that he attended the Goddard School’s Grand Opening and it is a spectacular addition to the downtown plan and the tax base. He said that the White family are generous people. He said a lot of the speculation is frustrating and that he would like to not have to talk about Wendbrook at every meeting. He noted that Six Rivers drew up a concept plan of what Wendbrook could be as part of the application requirements. He said that cost estimates now would increase by the time it came to developing the property. He noted that he would like to solve problems. He thinks the FAQs are a good faith effort. He said that infrastructure planning is critical and he wants to be thoughtful in the approach.

ADJOURNMENT

Motion by Abboud, second by O’Gorman, to adjourn the meeting at 11:02 p.m.

Motion passed.

John George
Council President

Kristin Rutkowski
Village Clerk