

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

Absent: Abboud and Kecskemeti

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

ROLL CALL/CALL TO ORDER/PLEDGE OF ALLEGIANCE

President George called the regular Village Council meeting to order at 7:35 p.m. in the Village Council Chambers located at 18500 W. Thirteen Mile Road, Beverly Hills, MI 48025. The Pledge of Allegiance was recited by those in attendance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

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

Motion passed.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

Larissa Richardson on behalf of Representative Rashida Tlaib, said that Tlaib sends her greetings. She said Tlaib’s Southfield office holds office hours every Tuesday and Thursday for the community and encouraged residents to reach out.

CONSENT AGENDA

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

1. Review and consider approval of minutes of a special Council meeting held September 18, 2023.
2. Review and consider approval of minutes of a special Council meeting held September 19, 2023.
3. Review and consider approval of minutes of a Closed Session meeting held September 19, 2023.
4. Review and consider approval of minutes of a regular Council meeting held September 19, 2023.
5. Review and file bills recapped as of Monday, September 25, 2023.
6. Review and consider Parks & Recreation Board’s recommendation to extend Beverly Park pavilion rental season from April to November 2024.

Roll Call Vote:

Motion passed (5-0)

BUSINESS AGENDA

REVIEW AND CONSIDER COLLECTIVE BARGAINING AGREEMENT WITH THE VILLAGE OF BEVERLY HILLS LIEUTENANTS AND SERGEANTS ASSOCIATION

Campbell provided an overview. In August of 2023, the Public Safety Command Union and the Village of Beverly Hills reached a tentative agreement for Collective Bargaining Agreement that expired in June of 2023. The Administration presented the tentative agreement to Council at the closed session on September 19, 2023. The Council directed the Administration to prepare the final CBA for ratification. The CBA was provided in the meeting packet.

A summary of the terms agreed upon in the tentative agreement and included in the CBA are set forth below:

- Three (3) year contract (ending June 30, 2026)
- Wages shall be the following percentages above the highest base wages of PSOs.

	7/1/2023	7/1/2024	7/1/2025
Lieutenant	+17%	+19%	+21.5%
Sergeant	+12%	+13.5%	+15%

- Economic improvements to mirror those provided to patrol officers:
 - 2% shift premium for employees whose home shift is the midnight shift; 2% bureau premium for employees assigned to the Detective Bureau, Fire Prevention Bureau, or any other special assignment that the employee is considered subject to being on-call.
 - FTO compensation will be increased to 2 hours of compensatory time for each full duty day as the training FTO (currently 1.5 hours of compensatory time).
 - The Employer contribution to the DC plan will be increased as follows (total increase of 1.5%, same as the PSOs):

1.0% increase retroactive to 7/1/23
0.5% increase effective 7/1/24

- Overtime rate will be double-time (2.0) if employees are forced to work a 12-hour shift.
- FTO compensation will be increased to 2 hours of compensatory time (currently 1.5 hours of compensatory time).
- Longevity increased by \$500 increments to \$1000 for 5 years of service; \$2000 for 10 years of service; \$2500 for 15 years of service; and \$3500 for 20 years of service.
- Language changes (disciplinary process, promotions, special assignments, and incorporating current policies regarding overtime, leave bank payouts, and long-term disability into the contract)

Motion by Hrydziuszko, second by Mooney, be it resolved that the Council for the Village of Beverly Hills approves and ratifies the tentative agreement between the Village of Beverly Hills and Michigan Association of Police as bargaining unit for the Beverly Hills Public Safety Lieutenants and Sergeants Association.

Roll Call Vote:
Motion passed (5-0)

SECOND READING AND CONSIDERATION OF PROPOSED ORDINANCE 387 TO AMEND THE VILLAGE CODE, CHAPTER 42, SECTION 42.12, GAMES IN STREETS

Campbell provided an overview. When the Village decided to place its charter and ordinances on Municode, there was some discussion about ordinances that needed to be updated. At that time, Ordinance 42.12, Games in Streets, was an ordinance that was mentioned by members of Council as an ordinance that could be updated. In addition, during conversations with the attorney for Municode while reviewing the Village ordinances, the attorney asked if Games in Streets had been updated or removed.

Based on these factors, the Administration scheduled a public hearing for September 5, 2023 to address these matters. The public hearing and first reading were tabled at the September 5, 2023 meeting and later held at the September 19, 2023 meeting. The Administration has proposed suggested changes to the Games in Streets ordinance for Council consideration in a First Reading. Council requested one point of clarification.

Ryan gave the second reading of the proposed ordinance.

Motion by Hrydziuszko, second by Mooney, be it ordained the Beverly Hills Village Council approves Ordinance 387 to amended Section 42.12 of the Beverly Hills Municipal Code, Games in Streets:

Section 1.01. That Village of Beverly Hills Ordinance Chapter 42, Section 42.12, Games in Streets, for the Village of Beverly Hills is hereby amended to read as follows:

42.12 GAMES IN STREETS. No person shall affix or leave a sports apparatus, including, but not limited to, a basketball hoop, hockey net, or soccer goal ten (10) feet from the recognized street surface. No apparatus shall obstruct any Village sidewalk.

PENALTIES. Any person, firm or corporation violating any of the provisions of this Ordinance shall be responsible for a civil infraction, and upon conviction thereof, shall be fined no less than five hundred dollars (\$500.00) for each such offense, or such fine in the discretion of the court, together with the costs of such prosecution. Each day that a violation of this Ordinance continues shall be a separate offense.

Enforcement. In addition to ordering the defendant determined to be responsible for a civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce, or enjoin violation of this Chapter.

Section 2.01. SEVERABILITY. If any section, clause or provision of this Ordinance shall be declared to be inconsistent with the Constitution and laws of the State of Michigan and voided by any court of competent jurisdiction, said section, clause or provision declared to be unconstitutional and void shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force.

Section 3.01. SAVING CLAUSE. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 4.01. REPEALER. Any Ordinance conflicting with this Ordinance be and the same is hereby repealed.

Section 5.01. EFFECTIVE DATE. A public hearing having been held by the Village Council on September 19, 2023, the provision of this Ordinance shall become effective 20 days following its publication in The Birmingham-Bloomfield Eagle, a newspaper circulated within said Village.

Roll Call Vote:

Motion passed (5-0)

REVIEW AND CONSIDER MICHIGAN NATURAL RESOURCES TRUST FUND PROJECT AGREEMENT FOR THE WENDBROOK PROPERTY ACQUISITION

Campbell provided an overview. In February of 2022, the Village of Beverly Hills submitted an application to the Michigan Natural Resources Trust Fund for an acquisition grant to purchase property located at 30815 Wendbrook in Beverly Hills, MI. The project is entitled the Rouge River Acquisition. The application requested that the MNRTF issue an acquisition grant amount of \$1,500,000 with the Village providing a match of \$500,000 to cover a proposed purchase price of \$2,000,000. The proposed Beverly Hills match was to come from the current owner of the property, Mike and Martha White.

In December of 2022, the MNRTF approved a grant of \$1,000,000 dollars to fund the purchase of the River Rogue Acquisition Project. The required match from the Village of Beverly Hills is \$333,400 dollars under the grant. The Whites have stated that they will donate the grant match of \$333,400 and the remaining \$666,600 to the Village of Beverly Hills for the purchase of the property.

On August 7, 2023, the DNR forwarded a Project Agreement to the Village of Beverly Hills with its standard terms and conditions for an acquisition. The Project Agreement is attached to this memorandum. In addition, the Project Agreement requires that the Village include a legal description and boundary map. A legal description and boundary map is attached to this memorandum. The Agreement sets forth the grant amount provided by the MNRTF and the Village's required match. It also states that the Village must choose a closing option at the signing of this Agreement. The closing options are:

- Utilizing a Grant Reimbursement Process
- Utilizing an Escrow Closing Process

The Grantee shall also immediately make funds available to meet the match, complete a 40 year title search, an environmental assessment, and obtain two (2) appraisals prior the purchase of the property. Under the Agreement, the acquisition must be completed by August 31, 2025. The Agreement sets forth conditions and requirements related to the purchase of the property.

Please be advised that the Agreement may be cancelled by the DNR with a 30-day notice to the Village, due to Executive Order, budgetary reduction, or other lack of funding. The Village may terminate the Agreement at any time for any reason. Both parties can also mutually cancel the

agreement at any time as well. The DNR requires that the Agreement is approved by resolution. The proposed resolution was provided for review and consideration.

O’Gorman asked about the deadline for submitting the resolution and agreement. Campbell stated that the DNR would like the documents by the end of October.

There was discussion about tabling this item since two members of Council were absent from this meeting.

Motion by O’Gorman, second by Hrydziuszko, the Beverly Hills Village Council tables the item to consider the MNRTF Project Agreement for the Wendbrook property acquisition until a special session can be held due to two absences on the Council.

Roll Call Vote:
Drummond – yes
George – yes
Hrydziuszko – yes
Mooney – no
O’Gorman – yes
Motion passed (4-1)

George asked the Clerk to get Council’s availability to schedule a special session for the following Tuesday, Wednesday, or Thursday.

Mooney said the decision should be made during a regular, televised meeting.

George said that he was trying to accommodate everyone’s schedule and availability.

ACCEPT ANDREW DRUMMOND’S RESIGNATION FROM THE PLANNING COMMISSION AND FIRST ANNOUNCEMENT OF A VACANCY ON THE PLANNING COMMISSION

Campbell gave an overview. Andrew Drummond previously held a seat on the Beverly Hills Planning Commission, but with his recent appointment to the Village Council, a vacancy was created on the Commission. The vacancy is for a partial term ending June 30, 2024.

The Planning Commission generally meets on the fourth Wednesday of the month at 7:30 p.m. The Planning Commission advises the Village Council regarding the proper physical development of Beverly Hills. The Commission recommends ordinances or amendments to existing ordinances. It also makes recommendations on zoning changes, site plan developments, and special approval uses.

All interested and eligible residents of Beverly Hills are encouraged to apply to become a member of the Planning Commission. 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). A copy of the application is included in this meeting packet. Applications are due Tuesday, October 31, 2023.

Motion by Mooney, second by Hrydziuszko, the Beverly Hills Village Council accepts Andrew Drummond's resignation from the Planning Commission and makes the first announcement of a vacancy on the Planning Commission for a partial term ending June 30, 2024.

Motion passed.

PUBLIC COMMENTS

George Barnes, Wendbrook, said he wants to be sure that he is at the meeting when the Council considers the project agreement for Wendbrook. He stated that he has lived on that street since 1978. He said there are other parks in the Village that people can reasonably access. He does not think that a park should be on a residential street and was concerned about increased traffic and noise.

Marlisa Meah, Billington Ct., thinks Wendbrook would be better used for developed houses and an increased tax base. She said Beverly Hills has enough parks, but not enough senior citizen housing.

Suzanne Grimm, Vernon, offered to give other residents more background information on the Wendbrook property. She said the owners' intention is to preserve the land. She said she thinks it will be good for the community.

Mike Garvey, Amherst, said that the DNR money will evaporate if the Village does not go through with the park at Wendbrook. He asked if the DNR could pull the money if the Village does not progress the way that they envision.

Amru Meah, Billington Ct., asked if residents missed the opportunity to vote on how Wendbrook should be developed.

David Tillman, Vernon, said his house backs up to Wendbrook and it is a gorgeous piece of property, which is one of the main reasons he purchased it. He loves the nature and peace in the area. He thought that it would remain zoned as it is. He does not think a parking lot should be built because it would result in more vehicles and more noise. He said it would change the character of the neighborhood. He said he moved to Beverly Hills to get away from the noise and could not have reasonably anticipated that this project would move forward when he first purchased his home.

MANAGER'S REPORT

Java and Jazz - The final Java and Jazz of the season will be held on Sunday, October 15, 2023 from 9:00 a.m. to 12:00 p.m. featuring the Ryan Bills Trio. Thank you to the Beverly Hills Lions Club for sponsoring the coffee for this event.

Beverly Hills Lions Club Fall Festival - The Beverly Hills Lions Club is holding their annual Fall Festival at the Beverly Park pavilion on Sunday, October 15th from 1:00 to 4:00 p.m. The event is open to the public. Free cider and donuts will be available along with activities for children.

Halloween Hoot - The Halloween Hoot will be held at Beverly Park on Saturday, October 28, 2023 from 6:00 to 8:00 p.m. We have received an overwhelming response this year and we are looking

forward to seeing all of the decorated treat stations! Thanks to our sponsors, this event is free to attend.

Columbus Day - The Village Offices are open on Columbus Day and Trash/Recycling Pickup will not be delayed the week of October 9th.

COUNCIL COMMENTS

Hrydziusko commented on the mill pond at Riverside Park and the possibility of putting in a windmill and aerator, which may be coming before Council to approve at an upcoming meeting.

George asked about getting an opinion from Administration and the Attorney on the aerator apparatus depending on whose property it would be placed. He went over the acquisition grant guidelines. He thanked Administration for their work on negotiations with the command unit.

ADJOURNMENT

Motion by Mooney, second by Hrydziusko, to adjourn the meeting at 8:18 p.m.

Motion passed.

John George
Council President

Kristin Rutkowski
Village Clerk