

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

Absent: Abboud

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 7:30 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**

Lee Peddie, Kinross, stated that while she was renovating her home, her lawnmower was stolen from the yard. She thanked the Public Safety Department for the extra patrols in her neighborhood once the incident was reported.

**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 regular Council meeting held October 3, 2023.
2. Review and file bills recapped as of Monday, October 9, 2023.
3. Set public hearing date for November 7, 2023 to receive comments on the use of Community Development Block Grant funds for Program Year 2024.
4. Set public hearing date for November 7, 2023 to review special land use request for 31535 Southfield Road.

Roll Call Vote:

Motion passed (6-0)

**BUSINESS AGENDA**

**REVIEW AND CONSIDER RENEWAL OF INSURANCE WITH THE MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY (MMRMA)**

Campbell provided an overview of the renewal of the Village’s Liability Insurance Policy. This policy will renew on November 1 of this year.

The terms of this policy are the same as the current policy: A self-insured retention of \$75,000 for liability and, for vehicle and physical damage a self-insured retention of \$15,000 per vehicle and \$30,000 per occurrence. The liability limit is \$10,000,000 with various other limits listed on page

3. There is also a stop loss policy that would limit all liability in any village fiscal year to \$150,000. The cost for retaining this stop-loss policy is \$5,050. The stop-loss policy is detailed on page 8. The total cost for the liability policy for one year is \$143,457. This is a slight increase over last year's premium of \$140,158. The total premium, stop loss cost, and retention fund contribution for this year is \$188,507. This is slightly up from \$185,074 last year or just under a 2% increase.

George commented on the stop loss policy and said that the Village has better than average losses.

Motion by Kecskemeti, second by Hrydziuszko, be it resolved that the Beverly Hills Village Council approve and authorize the Village Manager to sign the Michigan Municipal Risk Management Authority Liability and Property Insurance renewal effective November 1, 2023 through November 1, 2024 in the amount of \$188,507.00. Funds for these expenditures are available in accounts 101-248-935.00, 205-345-935.00, 592-540-935.00.

Roll Call Vote:  
Motion passed (6-0)

### **REVIEW AND CONSIDER ANNUAL CONTRACT WITH NEXT TO PROVIDE SENIOR SERVICES**

Campbell gave an overview. Next is a non-profit organization that works to identify and meet the needs of older adults by coordinating community resources to provide education, recreational and social programs. Next provides supportive outreach services and volunteer opportunities to seniors in the Village of Beverly Hills and greater Birmingham School District community. The Village of Beverly Hills does not provide the services provided by Next on its own.

Next has provided a contract for services for the period of July 1, 2023 through June 30, 2024. Next initially requested \$47,712.00 from the Village, which is an increase of roughly \$4,300 from last year. During budget discussions earlier this year, Administration and Council discussed providing an additional \$4,000 to help mitigate expenses that Next incurs for Yard Services (lawn mowing and snow plowing) that go above the Community Development Block Grant (CDBG) funding provided. The total amount of \$51,712.00 was included in the Village's annual budget. The annual contract and funding request was provided for Council's review. The contract has also been reviewed by the Village Attorney.

Motion by Mooney, second by O'Gorman, be it resolved, the Beverly Hills Village Council approves and authorizes Administration to execute the annual contract with Next for senior services in the amount of \$51,712.00 for Fiscal Year 23-24. Funds for these services are available in account #101-693-891.00.

Roll Call Vote:  
Motion passed (6-0)

### **REVIEW AND CONSIDER AMENDMENTS TO THE LOCAL PLANNING INFRASTRUCTURE GRANT AGREEMENT**

Campbell provided an overview. Oakland County entered into the Agreement for Local Fiscal Recovery Distribution in April of 2023, after Council approved the Agreement in 2022.

Subsequently, the County has submitted an amendment to the Agreement for the Council's review and consideration.

As Council may recall, local governments could receive up to \$100,000 in one to one (1:1) matching grant funds for critical infrastructure. The grant funding is coming from American Rescue Plan Act of 2021 awarded to Oakland County. Grant funding was approved for the decision support planning tool, the basement backup protection program planning, sanitary sewer planning, and water line verifications. Currently, the Village's Engineering Consultant is working on the decision support planning tool and completing the water line verifications. There will be discussion regarding the sewer planning and backup planning at a November Council meeting.

The original Interlocal Agreement and the proposed Amendments are attached for your review and consideration. The only additional requirement for the Village is to provide quarterly progress reports on the grant. The attached form that the Village must submit for updates is attached for reference.

O'Gorman asked and Campbell confirmed that the amendment does not change any financial obligations for the Village.

Motion by O'Gorman, second by Hrydziuszko, be it resolved that the Beverly Hills Village Council approve and authorize the Village Manager to execute the Proposed Amendment Interlocal Local Fiscal Recovery Fund Distribution Agreement between Oakland County and the Village of Beverly Hills as submitted.

Roll Call Vote:

Drummond – yes

George – yes

Hrydziuszko – yes

Kecskemeti – yes

Mooney – no

O'Gorman – yes

Motion passed (5-1)

## **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 Beverly Hills 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 or 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.

Kecskemeti commented on the land value being the match aspect of the grant.

George commented on the escrow option costing less out of pocket and that a land value transfer is not unique to the Village for these types of grants.

George Barnes, Wendbrook, said he moved to the location for the peace and quiet of the neighborhood. He thinks the quality of life will be destroyed by adding a public park on this street. He said he does not think Beverly Hills needs another park.

David Tillman, Vernon, said the subject property is in view from the rear of his house. He said he appreciates the Whites' desire to donate land for public use, however, he does not want to overlook a parking lot. He said the Council's vote was delayed last time because all members were not present and again tonight still are not all present.

In a motion by Hrydziuszko, and seconded by Kecskemeti:

WHEREAS, the Village of Beverly Hills supports the submission of an application titled, "Rouge River Acquisition," to the Michigan Natural Resources Trust Fund for acquisition of the of 8.32 acres of land for public outdoor recreation and habitat conservation park along the Rouge River at or about 30815 Wendbrook, Beverly Hills, Michigan 48025; and

WHEREAS, the Village of Beverly Hills is hereby making a financial commitment to the project in the amount of a minimum of Three Hundred Thirty-Three Thousand Four Hundred and 00/100 Dollars (\$333,400.00) in matching funds, in cash and/or force account; and

WHEREAS, on August, 7, 2023, Department of Natural Resources, on behalf of the Michigan Natural Resources Trust Fund, submitted a Land Acquisition Project Agreement.

NOW, THEREFORE, BE IT RESOLVED, the Village of Beverly Hills, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources and that the Village of Beverly Hills does hereby specifically agree, but not by way of limitation, as follows:

To appropriate all funds necessary to complete the project during the project period and to provide Three Hundred Thirty-Three Thousand Four Hundred and 00/100 Dollars (\$333,400.00) dollars to match the grant authorized by the DEPARTMENT.

To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times in perpetuity.

To utilize an escrow closing process for the property in accordance with the terms of this Agreement.

To regulate the use of the property acquired and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.

To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.

Roll Call Vote:

Drummond – yes

George – yes

Hrydziuszkowski – yes

Kecskemeti – yes

Mooney – no

O’Gorman – yes

Motion passed (5-1)

## **SECOND ANNOUNCEMENT OF A VACANCY ON THE PLANNING COMMISSION**

Campbell gave the second announcement of a vacancy on the Planning Commission. There is a vacancy on the Planning Commission 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](mailto: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 was included in this meeting packet. Applications are due Tuesday, October 31, 2023.

Appointments are scheduled to take place at the November 7, 2023 Regular Village Council meeting. This constitutes the second announcement of a vacancy on the Planning Commission.

### **PUBLIC COMMENTS**

Dick Maxwell, Walmer Lane, said that the development of a plan and the associated costs of Wendbrook should be presented as a separate millage, since this property was not included as part of the 2020 millage. He asked about the removal of old DTE poles since new poles were installed over four months ago.

### **MANAGER'S REPORT**

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

Coats for the Cold Coat Drive - The Village will be participating in Oakland County Sheriff, Mike Bouchard's, Coats for the Cold Coat Drive from November 1 to November 30, 2023. There will be a collection box set up at Village Hall, 18500 W. 13 Mile Road, to receive the donated coats.

Construction Update - The 2023 patching will be complete by the week of October 16<sup>th</sup>. We want to thank the residents for their cooperation and patience during a busy construction season that saw road improvements, the installation of a roundabout, and work by various utility companies. The Administrative staff understands the inconvenience and appreciates the understanding of Village residents.

Speed Humps - HRC just completed the speed study on Weston and Saxon. This was done prior to the installation of the speed humps to ensure that the Village has meaningful data to measure the effectiveness of the pilot program. We will be reviewing and analyzing the data in the coming weeks. However, to ensure an effective pilot program and to make sure the humps are not damaged by the snowplows, we will be installing the speed humps in spring. It is anticipated the humps will now be installed by April 1, 2023.

Audit and OPEB Update - Plante Moran, the Village auditors, will appear before Council at the November 7, 2023 meeting to discuss the Fiscal Year 2023 Village audit and the audited Financial Statements. The auditors will include a brief overview of the GASB 74/75 annual actuarial valuation report as of June 30, 2023 prepared by Nyhart. This report updates the Net OPEB liability and funded ratio percentage for the Village Retiree Health Care Plan.

Robert Borgon - Robert (Bob) Borgon, former Councilmember and former member of the Birmingham Area Cable Board recently passed away. Mr. Borgon served as a distinguished Board Member, the Chairman, and the Executive Director of the Cable Board, making immeasurable contributions to the Cable Board. Mr. Borgon also used his expertise on Public, Educational, and Governmental Access Channels to chair the PEG Committee. He also hosted numerous broadcasts of community events, most notably, the Village's annual Memorial Day Parade. The Village of Beverly Hills Administration and employees would like to express our condolences to Mr. Borgon's family and recognize his service to the Village of Beverly Hills and our residents. Thank you, Mr. Borgon.

### **COUNCIL COMMENTS**

Drummond reported that the Zoning Board of Appeals has heard requests for variances on the allowed garage door frontage and said perhaps the Planning Commission could look into amending the Ordinance since 9' wide garages are now the norm due to larger vehicle sizes.

O’Gorman said he appreciates the comments and perspectives on Wendbrook. He said there is more conversation to be had regarding development and right now the Village is just talking about acquiring the property. He said that property values can increase around parks.

Keckskemeti said she is looking forward to the Halloween Hoot and that she is excited about the news of receiving the Spark Grant. She thanked Administration and the Parks & Recreation Board for working to get \$600,000 in grant funding for the playground.

Mooney sent his condolences to the family of Bob Borgon. He said he knew Borgon for nearly 40 years. Borgon was a member of the Birmingham Area Cable Board and represented our community more than adequately. Borgon was a key person on the PEG committee, especially when new providers came into the area. He said Borgon helped BASSC transform into Next. He said Borgon was devoted to Next and to public service. Mooney noted that he and Borgon often disagreed, but he thought that Borgon’s voice was one that needed to be heard on Council. He said Borgon was an extraordinary golfer and that he will be missed. He said he set a good example for his family and that his daughter Molly has followed in his footsteps in regard to public service. He read a letter on behalf of Councilmember Abboud about Borgon, who sent his sympathies. Mooney sent his condolences to the family of Matt Brady, who recently passed away. He said Brady was the former owner of Brady’s Tavern and helped transform the downtown area.

Hrydziuszko echoed the sentiments regarding the passing of Mr. Borgon. She said she would always see photos of Borgon and his family on great adventures. He did a lot for Beverly Hills and the Memorial Day festivities will not be the same without him. She said there is a Parks & Recreation meeting this coming Thursday where the Board will be discussing the Halloween Hoot.

George noted that an effort was made to get all of Council in attendance for the vote on the MNRTF acquisition agreement. He said there was a great turn out at the last Java & Jazz at Beverly Park. He thanked Administration and the Parks & Recreation Board for their work on the Spark Grant. He said that would allow for money to be used for other things in the park beyond the playground. He said he did not have a desire to spend parks millage dollars on Wendbrook. He said he is looking forward to the Halloween Hoot and thanked everyone who sponsored the event. He said he appreciates Bob Borgon’s contribution to the community, especially as MC for the Memorial Day Parade. He said the Groves vs. Seaholm football game will take place this weekend.

### **ADJOURNMENT**

Motion by Mooney, second by Hrydziuszko, to adjourn the meeting at 8:30 p.m.

Motion passed.

**John George**  
Council President

**Kristin Rutkowski**  
Village Clerk