

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

Absent: None

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

ROLL CALL/CALL TO ORDER/PLEDGE OF ALLEGIANCE

President George called the regular Village Council meeting to order at 7:38 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

None.

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 joint Planning Commission/Council meeting held February 8, 2023.
2. Review and consider approval of minutes of a regular Council meeting held March 21, 2023.
3. Review and consider approval of minutes of Closed Session meeting held March 21, 2023.
4. Review and file bills recapped as of Monday, March 27, 2023.
5. Refer site plans for 31215 Southfield Road to the Planning Commission for review and recommendation.
6. Set public hearing date for May 2, 2023 to receive comments on the Fiscal Year 2023/2024 proposed budget.

Roll Call Vote:

Motion passed (7-0)

BUSINESS AGENDA

PROCLAMATION RECOGNIZING THE LAST FRIDAY IN APRIL AS ARBOR DAY IN THE VILLAGE OF BEVERLY HILLS

President George proclaimed the following:

WHEREAS in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, and

WHEREAS this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS Arbor Day is now observed throughout the nation and the world, and

WHEREAS trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, and

WHEREAS trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, and

WHEREAS trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS trees — wherever they are planted — are a source of joy and spiritual renewal.

NOW, THEREFORE, I, John George, President of the Village of Beverly Hills do hereby proclaim the last Friday of April as Arbor Day in the Village of Beverly Hills, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

REVIEW AND CONSIDER REQUEST FROM BEVERLY HILLS LIONS CLUB TO HOST WHITE CANE COLLECTION FROM APRIL 21 TO MAY 7, 2023

Administration received a request from the Beverly Hills Lions Club to host their annual White Cane Collection in the Village from April 21 – May 7, 2023. Solicitation would primarily occur at the Corners Shopping Center and Market Fresh, at 13 Mile and Southfield Roads. The Village Council has approved this request for the past several years. A certificate of liability insurance has been submitted to the Clerk’s Office.

Dennis Alberts was present on behalf of the Beverly Hills Lions Club. Alberts and his wife, Margaret, are the co-chairs of the White Cane Collection. He noted that funds raised during the White Cane Collection will be used to support activities related to the sight and hearing impaired. He stated that the Lions Club supports the Village of Beverly Hills by providing a scholarship opportunity to Beverly Hills students and hosting the Memorial Day Fun Run. The Lions Club also participates in the Halloween Hoot and the annual park clean up event. He noted that the club has already obtained permission from the property owners to solicit funds for the White Cane Collection. He said the club would appreciate the Council’s support and approval.

George stated that he appreciates all the good work the Beverly Hills Lions Club does for the community.

Motion by White, second by Mooney, be it resolved, the Beverly Hills Village Council authorizes the Beverly Hills Lions Club to solicit donations for their annual White Cane Collection from April 21 to May 7, 2023 within Beverly Hills and approves their request

to have the sign outside of the Village Office temporarily read: “Support Lions White Cane Collection April 21 through May 7, 2023” provided that a Certificate of Liability Insurance naming the Village as an additional insured is submitted to the Clerk’s Office.

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER AWARDING BID TO PROVIDE CYBER SECURITY SERVICES FOR THE VILLAGE OF BEVERLY HILLS

Campbell provided an overview of the request. In the fall of 2022, the Village Council asked the Administration to prepare a bid for cybersecurity services to be provided to the Village of Beverly Hills. The Village went out for an RFP at the beginning of 2023. A copy of the RFP is included for reference. The Village Administration received seven proposals from bidders across the country. Village Administration has reviewed the bids received for cybersecurity services. A copy of the Bid Tab was provided to the Council for reference.

Upon review of the related experience with and the emphasis the Village placed on said experience in the Request for Proposals (“RFP”), it was determined that several bidders did not have the experience required by the Village. Many of the bidders only listed experience with one or no municipalities. Other bidders failed to address certain items contained in the scope of work included in the RFP. There were several bidders that provided a sufficient amount of project, personnel and related work experience and references as required by the contract. Based on those reviews, UHY is the lowest and most responsive bidder that meets the Village’s requirements set forth in the RFP. The proposed bid from UHY was provided to the Council for review.

Based on these findings, the Administration recommends awarding the cybersecurity contract to UHY at a total amount of \$44,300, subject to Village Attorney approval of a finalized service contract and providing the necessary insurance set forth in the RFP. The Service Contract must include all the provisions set forth in the RFP. It is anticipated that the contract will begin on or about July 1, 2023, after onboarding and setting up a schedule with the contractor and our IT provider. Campbell noted that this award would create a foundation and include the initial assessment and provide staff training.

George thanked Administration for putting the RFP together and recognized it was a lot of work. He stated that the Village would have the option for additional services after the company provides the initial recommendations.

O’Gorman inquired about the higher bids that were received. Campbell stated that the outliers provided bids that were above the scope of what the Village needs at this time. He also noted that UHY has been vetted by the State of Michigan and is part of MiDeals, which means that some items and services are listed at a fixed price.

Abboud commented on education for employees, penetration tests, and insurance. He asked if the Village’s IT contractor will be involved in the process. Campbell confirmed that the Village’s contracted IT personnel will be involved, especially during the onboarding process.

Mooney said awarding this bid for cyber security services will help protect Village residents, data, and operations. He commended the Administration for their work on this.

Kecskemeti agreed that this is important work. She asked whether Southfield Township would be part of this project. Campbell stated that the Township has its own protocols in place, plus it utilizes services from Oakland County, which has its own firewalls that protect against attacks.

Motion by Kecskemeti, second by Hrydziuszko, be it resolved, the Beverly Hills Village Council awards the Cybersecurity Services Proposal and Contract to UHY, Inc. in the amount of \$44,300 as outlined on the published bid tabulation, after review of the finalized contract by the Village Attorney and the bidder providing the insurance certificates required by the RFP.

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER NATIONAL OPIOIDS SETTLEMENT AGREEMENT

Campbell and Ryan gave an overview. The national opioid crisis has been discussed in the media in recent years. There were several lawsuits started against various manufacturers, distributors, and providers of opioid products. The State of Michigan joined several opioid lawsuits against various distributors and manufacturers. In January of 2022, the Village Council approved the release of settlement funds in two lawsuits against distributors McKesson, Cardinal Health and AmerisourceBergen and one manufacturer, Janssen Pharmaceuticals, Inc, and its parent company Johnson & Johnson (collectively, Janssen). As of this date, the Village has received monetary funds in the amount of \$15,883.80 from the settlements. The Village will continue to receive funds over a number of years.

Now, five more monetary settlements have been reached with the following parties: Teva, Allergan, CVS, and Walmart. The Michigan Attorney General is still finalizing a settlement agreement with Walgreens. The Village was forwarded the Master Litigation Agreement and four Participation Settlement Agreements with Allergan, Teva, CVS and Walmart. The Participation Settlement Agreements (Exhibit A) and Master Litigation Agreement (Exhibit B) were provided to Council for review.

The money we will receive from these settlements will be paid over a number of years and it is undetermined as to the exact amount the village will receive at this point. To receive the money the Village would need to execute the attached Settlement Participation Forms for each entity noted above. Like the monies received from the previous settlements, these funds cannot be used for general fund purposes, but will be used to address either the care, treatment, or public education programs dealing with opioids and opioid addiction.

This money, should it be accepted by the Village Council through the execution of these agreements would be placed in a special fund for only these purposes and by accepting the money the Village would release these entities from any further liability that would be taken by the Village for and on behalf of the Village on these issues.

It is unlikely the Village would engage in such an action against two large pharmaceutical and two large drug retail corporations and if it is deemed appropriate by Village Council, Ryan would suggest Village Council authorize the Village President and/or Village Manager to sign the Participation Settlement Agreements and accept these funds for the purposes indicated.

Kecskemeti asked if the funding received from the first settlement has been expended yet. Campbell stated it had not been spent yet, but could be used for equipment, response materials, and public education related to the opioid epidemic.

The Council discussed how the funding could be used for things such as purchasing Narcan, providing Narcan training for residents, or other educational opportunities.

Motion by O’Gorman, second by Mooney, be it resolved, the Beverly Hills Village Council authorizes the Village President and/or the Village Manager to execute the Participation Settlement Agreements as presented.

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER AWARDED BID TO PAINT AND INSTALL NEW CARPET AT THE PUBLIC SAFETY BUILDING

Campbell provided an overview. The interior paint and carpet at the Public Safety Building is in need of replacement. The current surfaces have served well for many years but have become worn to the point that replacement is the best option. The Village has received two quotes from reputable contractors, Wm. Ellis Company, and Carlesimo Construction. Both have given us proposals with similar services, products and warranties.

Wm. Ellis Co. has proposed to remove and replace the current carpet with a durable high traffic product and paint the 1st and 2nd floors with a washable semigloss finish. They are the lowest bid at \$107,422.12. It is the Village of Beverly Hills staff’s recommendation to approve the Wm. Ellis Company agreement as proposed. Funds are available in account 205-900-977.00.

White stated that the carpet is glued down in the Public Safety Building, so it would require chipping. He clarified that the work will not impact operations for the Department.

Motion by Hrydziuszko, second by Mooney, be it resolved that the Beverly Hills Village Council approves the proposal from Wm Ellis Company to remove and replace the carpet and paint the walls, as agreed upon, at the Village of Beverly Hills Public Safety Building. The cost totaling \$107,422.12. Funds are available in account 205-900-977.00.

Roll Call Vote:
Motion passed (7-0)

SET BUDGET STUDY SESSION DATE

The Administration put two dates forth for the Fiscal Year 2024 Budget Study Session. The Finance Director and staff would suggest Wednesday, April 19 at 6:00 p.m. or Monday, April 24 at 6:00 p.m.

The Council agreed to schedule the Budget Study Session meeting for Monday, April 24, 2023 at 6:00 p.m. in the Village Council Chambers located at 18500 W. 13 Mile Road, Beverly Hills, MI 48025.

DISCUSSION ITEMS

George stated that the purpose of having discussion items on the agenda during this meeting is to move these items forward.

1. SAFE ROUTES TO SCHOOL (SRTS)/TAP GRANT (NEXT STEPS, COMMUNICATION TO COMMUNITY)

George stated that Administration had a meeting with HRC and MDOT. The Safe Routes to School kick-off meeting is coming up later this month, so there will be more to report after that meeting. He said he would like the two grant coordinators to communicate on these two grant projects. He said it would likely be a year of planning and engineering and the hope would be to put the construction portion out to bid next year.

Campbell stated that notices would go out to residents indicating where new sidewalks would be installed.

George said having the grant coordinator or engineer speak at an upcoming Council meeting would be beneficial.

Mooney said that he is not sure that the Council fully understands what SRTS allows. He asked if funding could go toward fixing current sidewalks. He said he would like a presentation about the limitations of the grants and then Council should make the decision on where the sidewalks are installed.

Hrydziuszko said, if her memory serves her correctly, SRTS funding would primarily go toward the east side, connecting schools and filling in gaps. TAP funding would connect major streets as a starting point.

The Council talked about having a presentation on these two grants by June.

Keckskemeti stated that the SRTS website lays out eligibility guidelines, which includes repairs. She said after the kick-off meeting, Administration should update the Village website to include more current information.

White said he would also like more background information about what was initially applied for.

George thanked the schools, teachers, and staff for helping obtain the SRTS grant.

Motion by Mooney, second by Abboud, the Beverly Hills Village Council directs Administration to schedule a presentation on the Safe Routes to School and Transportation Alternatives Program from the grant coordinators and, if necessary, the engineers, to include the requirements and costs associated with the grants, no later than the second Village Council meeting in June 2023.

Motion passed.

2. CURRENT SIDEWALK INVENTORY/GRINDING/REPLACEMENT ASSESSMENT

Campbell stated that by the next regular meeting Administration can present options on a sidewalk assessment, amount, and location to begin grinding.

Mooney noted that there are companies that can perform grinding.

Campbell said the priority would be right sizing the program for this year and then planning for future years.

3. 2023 ROAD REPAIR UPDATE

Campbell stated that Administration was waiting on the new PASER study data to evaluate necessary asphalt repairs. He said the study is scheduled to begin April 17, 2023, but that they could use the old ratings from 2018 in the meantime.

Mooney stated the red, or bad, roads have not gotten any better since 2018. He asked about the cost to complete all of the red roads.

George asked, based on the budget the Village has, how many roads could get repaired.

The Council discussed putting an interactive map on the website that shows construction schedules and which roads have been complete.

Administration will present findings at the May 16, 2023 Village Council meeting.

4. TREE INVENTORY/TRIMMING/REPLACEMENT PLAN

The Council discussed a tree maintenance plan.

George stated that at some point, there was a tree inventory conducted.

Campbell said that there is immediate maintenance that needs to be performed following the recent storms. He said the best practice is to fix sidewalks and then plant trees. He said Administration could have a scope of work prepared by the May 16, 2023 Village Council Meeting.

Mooney said he would like the Village to conduct an inspection of current trees in the right of way. He said some trees pose a real danger to people and property. He suggested a subcommittee be formed to brainstorm ideas for a tree replacement program.

Hrydziuszko said that she received a degree in Forestry. She said that they may be able to find students to catalog the trees in the Village. She noted that having diversity of species is important. She referred to the City of Ferndale's tree program, where residents can choose to pay for a tree and the planting in front of their house. She emphasized that trees must be properly planted in order for the program to be successful. She said she will reach out to see if there are students or programs available to assist the Village in these efforts.

O'Gorman noted that the City of Berkley has a similar project.

5. SIGNAGE SUBCOMMITTEE

George provided an overview. He said that there are several signs that need repair or replacement, such as entrance signs at the Village Hall, welcome signs, and the sign on 13 Mile Road.

The Council discussed different types of signage. They also talked about whether to use the oval design or the newer Village logo in the design. They agreed there should be consistency throughout the Village.

Abboud, O’Gorman, and White agreed to serve on a signage subcommittee.

Motion by Mooney, second by Hrydziuszko, the Beverly Hills Village Council hereby forms a signage subcommittee consisting of members Abboud, O’Gorman, and White who shall present a recommendation to Council by the first meeting in June 2023 regarding digital signs at the Village Office and Beverly Park, placing “Village of Beverly Hills” lettering on the south side of the Village Office, and entrance signs throughout the Village.

Motion passed.

PUBLIC COMMENTS

Cathy Kuhlman, Meadow Lane, stated that her subdivision has not been included in the proposed sidewalk maps and asked that it be considered going forward. She said her children attend Bingham Farms Elementary School and she does not want this section of the Village to be forgotten. She said she appreciates the work Council has done on the sidewalk grants. She said she supports a potential tree program as discussed and would like to have a tree planted in front of her house.

MANAGER’S REPORT

Curbside Chipping and Street Sweeping - DPW completed chipping related to the February and March 2023 storms. Monthly curbside chipping is scheduled to begin the week of April 24th. The Administration wishes to thank Village residents for their patience as we collected all the branches and limbs from the yards. The Village is still conducting assessments and maintenance of trees in the Village right-of-way. If you have concerns or questions about a Village tree, please call the Village offices, and we will review the concern and respond accordingly.

The Village’s Street Sweeping contractor will begin sweeping major local roads on April 3, 2023 and finish the entire village on April 4, 2023.

Good Friday - The Village Office will be closed on Friday, April 7, 2023 in observance of Good Friday. Trash collection will not be interrupted.

Update on Water Project and Road Projects - The replacement of the water main along Marguerite and Hummel should be completed, weather permitting, by April 4, 2023. This project was funded by the American Recovery Plan Act at no costs to the residents.

The Greenfield Roundabout construction is scheduled to begin this month. However, we have been informed that the road closures will not begin until June, after the 2022-2023 school year has ended. A pre-construction meeting took place April 4, 2023. The project should be completed by September 15, 2023.

The Village is meeting with our consulting engineer and ASI to discuss addressing all issues related to the 14 Mile Road construction on April 10, 2023. He stated that the Village has held back approximately \$500,000 from ASI. The Village Manager will report back to Council and the residents the plan of action and timeline to address issues and the completion of the project.

Park Clean Up - Join members of the community on Saturday, May 6th for the annual park clean up event! Residents may sign up at https://www.signupgenius.com/go/9040f44a4af2fa46-park#/. Please contact Kristin Rutkowski at krutkowski@villagebeverlyhills.com at Village Hall with any additional questions or concerns. The event begins at 9 a.m. at Beverly Park.

Edgar W. Pugh, Jr. - Edgar Pugh, former Councilmember, former Village Council President, former Parks and Recreation Board member and Chair, current Board member of NEXT and former President of NEXT died on Friday, March 24, 2023. Former Council President Pugh is survived by his wife of 57 years Sharon Pugh, his daughters Deborah Pugh, and Diana Moak (also his law partner) and three grandchildren.

The Village of Beverly Hills Administration and employees would like to express our condolences to Mr. Pugh's family and recognize his service to the Village of Beverly Hills and our residents. To quote Councilmember John Mooney, "Ed was a leading advocate for the improvement of the Village. He and Sharon have owned three different homes in Beverly Hills. He has been instrumental in making the Village the wonderful place to live for four decades. He was dedicated to volunteerism at NEXT and the Birmingham Optimists." Thank you, Mr. Pugh, for your service.

Hrydziuszko stated that there has been an increase in large truck traffic on Evergreen and inquired about what sort of enforcement takes place. Campbell said he would follow up with RCOC.

O'Gorman asked about the status of the sign to be installed at Beverly Green. Campbell said the sign with the QR code and concept design is scheduled to be installed at Beverly Green next week, weather permitting.

COUNCIL COMMENTS

White thanked and recognized the Department of Public Works for all of the work they have done in response to the storms and on infrastructure projects.

Keckskemeti commented on an email that was sent out by Berkshire Middle School regarding cybersecurity and recognized the great work that was performed by the Public Safety Department in response to that.

O'Gorman said he would like to better understand the Village's approach and response to school violence. He talked about the overwhelming amount of school shootings that have occurred in the nation. He paid respects to Edgar Pugh and said he appreciates his service and commitment to the Village.

Abboud commented on a few state bills regarding transportation, technology, and infrastructure. He said he was elected to the SEMCOG's Executive Committee last week. He extended his condolences to the family of Edgar Pugh and noted that Pugh served on the Next Board of Directors. Pugh's Celebration of Life recently took place and Abboud said it was a wonderful ceremony and that Mr. Pugh will be missed.

Mooney congratulated Abboud on his election to SEMCOG's Executive Committee. He said Abboud does a great job representing Beverly Hills throughout the region. He sent his condolences to the Pugh family. He said Ed Pugh was a former member and then chair of the Parks & Recreation Board. He said Pugh was instrumental in improving recreation that was provided to the children

in this community back in the 1980s. He said Pugh provided a lot to the community and helped change the Village for the better. He was elected to Council in the 80s and served as President Pro-Tem and then Council President. He said Pugh insisted that the Council meetings be broadcast. He said that Pugh helped make Evergreen Road and the bridges safer. He said Pugh faced a confrontational Council in the 80s and played an extraordinary role in collaboration. He also helped with the millage renewal at a time when the Village was facing bankruptcy. He credited Pugh with helping transform the Village to the modern era, which included new fire apparatus and a new Public Safety building. Pugh was a Next Board Member and eventually served as Board President. He said Pugh also regularly offered free legal advice to seniors. He talked about Pugh's work providing scholarship opportunities through the Optimists. He also participated in the YMCA Princess Program with his daughters. He was a great mentor and friend. He will be sorely missed.

Hrydziusko said she only knew Ed Pugh through her interactions with him on social media, but she could tell he was a kind man. She said his positive outlook stood out to her. She said he did a lot for her and the community when she was a kid that she did not even realize at the time. She thanked Pugh for a lifetime of service and sent her condolences to his family. She noted that the Eagle Scout Flag Box is in the Village Hall lobby and residents can drop off retired flags in the box. She thanked Public Safety for helping maintain and enforce traffic speeds, especially as it warms up. She said the Village is looking for volunteers for Memorial Day and there is a Sign Up Genius link available online.

George said the annual park clean up event will take place on Saturday, May 6th and asked all interested volunteers to attend. He said there would be a Birmingham Lacrosse mulch sale on May 6th. He offered his condolences to Ed Pugh's family. He said, as a Council, we stand on the shoulders of the people who came before us and it is important to honor their service. He said Pugh had a legacy of service to the community.

ADJOURNMENT

Motion by Mooney, second by Abboud, to adjourn the meeting at 9:43 p.m.

Motion passed.

John George
Council President

Kristin Rutkowski
Village Clerk