

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

Absent: Kecskemeti

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 recited by those in attendance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Mooney, second by Abboud, 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 regular Council meeting held May 2, 2023.
2. Review and file bills recapped as of Monday, May 8, 2023.

Roll Call Vote:

Motion passed (6-0)

BUSINESS AGENDA

REVIEW AND CONSIDER RESOLUTION OPTING INTO OAKLAND COUNTY’S URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAMS FROM PROGRAM YEARS 2024, 2025, AND 2026

Campbell provided an overview. The Village is in receipt of a request from Oakland County to pass a resolution opting into its Community Development Block Grant (CDBG) program for another 3-year period, as required by the U.S. Department of Housing and Urban Development (HUD). The Village has participated in a cooperative agreement with Oakland County for several years and has contracted with Next to carry out Yard Services and Minor Home Repairs for Beverly Hills residents through this program. The resolution language provided below is specifically designed to meet HUD requirements. A copy of the letter from the County was provided for reference.

Motion by O’Gorman, second by Hrydziuszko, be it resolved, the Beverly Hills Village Council opts into Oakland County’s Urban County Community Development Block Grant (CDBG) programs for the program years 2024, 2025, and 2026. Furthermore, the Beverly Hills Village Council resolves to remain in Oakland County’s Urban County Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the local Community to terminate the Cooperative Agreement.

Roll Call Vote:
Motion passed (6-0)

REVIEW AND CONSIDER RESOLUTION TO ADOPT UPDATED CREDIT CARD POLICY AND PROCEDURES FOR THE VILLAGE OF BEVERLY HILLS

Campbell provided an overview. When presenting the annual audit report to Council, our auditor, Plante Moran recommended updating the Village’s credit card policy. A resolution along with the proposed credit card policy and procedures was provided for the Council’s review and consideration.

Motion by Abboud, second by Hrydziuszko:

WHEREAS, Public Act 266 of 1995 requires all municipalities within the State of Michigan to formulate and maintain written policies when authorizing the use of credit cards for the purchase of goods and services for the official business of the municipality; and

WHEREAS, the Village of Beverly Hills desires to authorize certain Village employees to use credit cards for the purchase of goods and services for the official business of the municipality;

NOW, THEREFORE, BE IT RESOLVED that the Village Council does hereby adopt and establish the updated credit card policy and procedures, attached and incorporated to this resolution as Exhibit A, for the use of credit cards for the purchase of goods and services for the official business of the Village of Beverly Hills.

Roll Call Vote:
Motion passed (6-0)

REVIEW AND CONSIDER FILING APPLICATION WITH STATE INFRASTRUCTURE BANK FOR A LOAN FOR THE SIDEWALK CONNECTOR PROGRAM

Campbell gave an overview. To help finance the Village Sidewalk Connector program over the next several years, the Village has the opportunity to obtain a low-interest loan from the State Infrastructure Bank (“SIB”). Here is a description of the program from the SIB’s website:

The Michigan State Infrastructure Bank (SIB) loan program was established as a pilot program under Section 350 of the National Highway System Designation Act of 1995 (NHS Act). The NHS Act authorized the creation of the Michigan SIB loan program to provide loans to public entities for eligible transportation improvements...

The goal of the program is to address customer financing needs in a timely and flexible fashion. Applications will be accepted year around and will be evaluated by MDOT staff as quickly as possible. Potential borrowers are encouraged to talk with the SIB coordinator about possible projects before submitting an application.

The Administration spoke to the SIB's loan coordinator, Jessica Pierce. Ms. Pierce indicated that the Village's sidewalk Connector project will be eligible for an SIB loan. SIB financing will generally not exceed \$2 million, and the interest rate is currently below market rate. It is reevaluated on an annual basis. Before the current rate rises, if Council desires, we can apply for the loan at this time. According to Ms. Pierce, the loan can be utilized for construction and engineering costs associated with the project. The loan repayment period can be 20 years. We would likely request a shorter repayment period of 10 years. It will take up to 12 weeks for the SIB to process the loan request.

According to Ms. Pierce, the first payment on the loan is due twelve (12) months after the loan is completed. Between the Village's portion of the TAP grant, any matching funds put towards Safe Routes to School, and engineering, the cost to the Village will exceed \$2 million. The Administration seeks Council approval to apply for a \$2 million loan with the SIB. The loan will not be accepted until the Council approves the terms of the loan presented by the SIB. A copy of the loan application is attached to this memorandum.

George stated the Village's costs for the sidewalk connector program are absorbed in the 24-25 proposed budget and that this is an option to expand the payments over time. He said it is an option he would like to explore.

Mooney asked why the Village would borrow money if it is already in the budget. He said he was concerned about paying interest over time if the Village already has the money budgeted.

George said taking a loan to pay for this program over time would free up money from the General Fund for roads or other projects.

O'Gorman confirmed that the Village would not be obligated to take the full amount if it is not needed.

White asked about the timeline of the project. Campbell stated that the Village would go out to bid early next year.

Motion by White, second by Hrydziuszko, the Beverly Hills Village Council authorizes Administration to apply for the State Infrastructure Bank loan to help finance the Sidewalk Connector Program.

Roll Call Vote:

Abboud – no

George – yes

Hrydziuszko – yes

Mooney – no

O'Gorman – yes

White – yes
Motion passed (4-2)

SECOND ANNOUNCEMENT OF VARIOUS BOARD/COMMISSION VACANCIES

Campbell gave the second announcement of various Board and Commission vacancies. The following is a list of board members whose terms expire on June 30, 2023. All of the members listed below have been notified of their term expiration and asked to submit an application if they are interested in reappointment. The members in parentheses are not seeking reappointment. Council agreed in November of 2008 to make these vacancies open to the public as well as the currently seated member.

Birmingham Area Cable Board
Christopher Dobies

Parks & Recreation Board
Molly Borgon
Matt Goodrich
Gregory Ross

Planning Commission
Charles Copeland
(Jonathan Hartzell)
(Andrea Wright)

Zoning Board of Appeals
Timothy Makar
(Jan Gatowski)
(Michael Bugenski)
(Jeffrey Buehner - Alternate)

All terms are for three years beginning July 1, 2023 and expiring June 30, 2026. All interested and eligible residents of Beverly Hills are encouraged to apply. Descriptions of each Board/Commission can be found on the Village website by selecting “Boards/Commission” under the “Government” tab. The deadline for applications is Friday, June 9, 2023. Applications are available on the Village website or by emailing the Village Clerk at krutkowski@villagebeverlyhills.com. A blank application was also included in the meeting packet.

This constitutes the second announcement of the vacancies with appointments scheduled to take place at the June 20, 2023 regular Village Council meeting.

SIDEWALK PILOT PROGRAM UPDATE

Campbell provided an update. Administration has looked at a few options for removing trip hazards from our sidewalks. You have already heard the proposal from Precision Concrete Cutting to remove 770 trip hazards from the area just South of 14 Mile between Pierce and Greenfield, for \$50,000. Here are additional options for the same area proposed at the April 24th Council meeting:

- Brick Headz Masonry Specialist was asked to submit a proposal for the same area. Brick Headz does sidewalk grinding. The proposal they submitted suggests grinding 600 trip hazards for \$48,229.
- Johnston also ran some numbers on what it would cost Comeau to take care of the same amount of trip hazards. Given that it takes roughly 40 minutes to grind 1 slab, and whether they would be utilizing one or two employees in a dump or pickup truck, Comeau’s bill for this project could range from \$42,000 to \$120,000.

We realize that the area to begin this pilot project is in question and is subject to change if needed. The scope of work in these proposals is relatively the same, with a budgetary amount of \$50,000 in place. Precision Concrete Cutting (PCC) has the best value for the village, taking care of 770 trip hazards.

Administration would like to propose an alternative area (1B) to conduct the pilot. The area would consist of the sidewalks around 13 Mile and Rutland. These sidewalks are in need of maintenance due to the number of trees in the Right of Way and the fact there have been few slab replacements in the area. Again, we want to do a concentrated area instead of sending the crew to various troubled spots.

If Council wishes, we make this the area for the pilot project and a request a revised scope of work from Precision Concrete by the June 6, 2023 meeting. It may include all or only a portion of the area set forth in a map provided in the meeting packet. After receiving direction from Council, we will present the final proposal from Precision Concrete at the June 6, 2023 meeting.

George asked which area would be the best to begin. Campbell stated that the 1B area around 13 Mile and Rutland has more heaving than the area initially presented. Johnston stated that it would be the same amount of linear feet for \$50,000.

White asked about grinding and replacing slabs over 1.5". Campbell stated that the Village would have to gride anything over 1.5" and that PCC will not cut over 1.5".

O’Gorman asked whether the Village would get the same amount of sidewalk included if the area is revised. Johnston clarified that the linear feet is based on the amount of sidewalk that is cut.

Johnston and Campbell agreed that this area is worse than the area that was originally proposed, which was chosen geographically.

Administration will bring an updated proposal to Council for review at their June 6, 2023 meeting.

2023 ROAD REPAIR UPDATE

Campbell provided an update. Generally, in the past, the Village has alternated between concrete and/or a major road project and an asphalt repair project. Thus, this construction season the Administration is recommending a hot mix asphalt (HMA) repair on certain local roads throughout the Village. The Village has budgeted \$700,000 for the project’s total costs. With that funding, we anticipate being able to do patching repairs on at least 11 different local roads.

A map of the proposed streets to receive the patching services was provided along with the approximate areas where the patching will take place. The location for the patching is based on the newly completed PASER map provided in the meeting packet. Please be advised that the PASER Ratings for 13 Mile, 14 Mile, Saxon and Evergreen are provided by SEMCOG from 2021. Therefore, the 2023 PASER Map does not reflect work done on 14 Mile. The determination was also based on site visits by the Public Services Director. For reference, the 2018 PASER map was provided as well.

Administration plans on preparing the HMA repair bid for Council’s approval at the June 6, 2023 meeting, and that the Council approved the contract for the HMA services at the July 5, 2023

Council meeting. Administration provided photos showing a patch from three years ago in Bingham Farms and how the patching looks today for reference.

Mooney stated the HMA would be a band-aid on these areas.

Abboud confirmed that this project is asphalt only.

Mooney asked when the Greenfield roundabout will be completed so more attention can be paid to Pierce. Campbell stated that work should be completed around Labor Day.

DISCUSSION ITEMS

1. PARKS MAINTENANCE

The Council discussed parks maintenance.

Mooney went over a list of tasks that he thinks the Park Rangers should complete, such as adding woodchips to the path, cleaning disc golf tees and baskets, painting trash cans, repairing the sled hill stairs, weeding, and cleaning the bathrooms twice daily, to name a few. He suggested that the portable restrooms be moved closer to the baseball diamonds. He also suggested that debris be removed from the interior of the park now, since it is dry. He said he would like an expert opinion on the interior of the park and ideas on what could be done there. He also requested that there be sunshades for parents at the playground. He noted that Village Manager Campbell is the superintendent of the parks. Mooney said he might volunteer to paint the dugouts since he has a sentimental attachment to them.

George said he appreciates Mooney's time putting a list together.

O'Gorman asked about prioritization. Campbell stated that Johnston has experience with park maintenance and that they would work on prioritization.

The Council discussed potentially having a comment box or designated email address for suggestions.

Hrydziuszko commented on the importance of understory replanting. She said she and some volunteers hand pulled some small buckthorn during the park clean up event. She noted that there are some larger stumps that were not properly killed the first time around and need to be addressed. She said Beverly Park is finally at a point where most of the buckthorn is dead or can be easily pulled. She suggested planting native plants in the understory. She stated that the sled hill stairs can be tough to walk up when there is snow. She said they need to be more accessible and easier to clear.

Mooney stated that it takes a lot of time, effort, supervision, and volunteers to keep the park looking good. He said movies and concerts should be held by the sled hill.

George commented on deadfall vs. dead stack, noting that some of it could be removed.

Jane Figueiredo, Allerton, said she appreciates that the Village removed buckthorn along Allerton and wondered what would be planted in its place. She recommended planting an annual grass. She stated that her sister has two buckthorn pulling tools that work great.

Kathy Lorencz, Warwick, said there is so much work to be done, and is done, at the park, which is amazing. Regarding buckthorn, she suggested focusing on one area. She asked how long the buckthorn project has been going on and how long will it continue.

Kent Anderson, Orchard Way, said a simple preventative maintenance program should be applied to parks. He said there should be daily, weekly, etc. tasks and accountability.

Tim Luke, Nixon, said he did not hear anyone bring up drainage during the discussion. He suggested bringing dirt in to level the park or drain water into the pond. He said drainage should be a priority.

Hrydziuszko noted that drainage improvements had been looked into and the cost is very high. She also said that dirt should not be dumped over or on tree trunks or roots.

Mooney noted that the water table is very high in some areas of the park.

Karen Gilbert, Amherst, said a parks maintenance plan was included in the MNRTF grant application and asked why it was included and why it is not being followed.

Pamela Rijnovean, Evergreen, stated that Comeau has been contracted by the Village since 1961 for Department of Public Works services and the department is paid over \$770,000. She said Comeau should be doing this maintenance and asked about exactly what they do. She suggested painting the buckthorn stumps to identify them.

2. COMMUNICATIONS

The Council discussed communications.

Mooney stated that communication with the community is difficult and that efforts are made to keep residents up to date. He talked about communication with Council from Administration. He noted that day-to-day operations are under the purview of the Village Manager, but that certain situations should be communicated to Council. He said the manager should be answering to the Council and communicating important issues to them. For example, he said the Council did not know about work on the “retention ponds” where the ice rinks were at Beverly Park or that the SafeBuilt staffing contract was terminated. He said the community event for the Wendbrook discussion was not approved by Council and thinks it should have been. He reminded everyone to adhere to the Charter and Open Meetings Act. He said the Council felt misguided on the playground financing. He requested more cost/benefit analyses of programs, such as the curbside chipping program. He thinks monthly reports from the manager to Council is a good idea. He said he recognizes that there is a small staff with lots to do.

George agreed that many things are under the manager’s purview, but it would be nice to receive better communications. He suggested over-communication rather than under. He recognized that communication is difficult, especially with Public Safety issues and scheduling.

Hrydziuszko said there is always an opportunity for improvement with communication and it is easier to follow expectations when they are in writing.

Mooney stated that common sense stuff should be communicated. He said he does not think there are bad intentions. He said he is trying to be instructive, not aggressive.

3. WENDBROOK NEXT STEPS

George gave an overview of the Michigan Natural Resources Grant for the acquisition of the Wendbrook property.

O’Gorman said that community members expressed concern about transparency regarding the potential acquisition, so he wanted to put together a different type of forum to get information out. He said that everyone seemed to agree with this idea at a previous meeting, so it was scheduled for May 20, 2023 at the Beverly Park pavilion. He said he has a consolidation of information that has been presented so far. He said perhaps the title “community forum” was a bit misleading, which he apologized for. Also, he said if a formal motion was required prior to scheduling the discussion, then he apologizes for that as well. He noted that this discussion was not meant to replace any sort of Council decision. He apologized for the delay in getting the materials distributed to the rest of Council, as he was dealing with personal matters and it set him back several weeks.

Mooney expressed concern over the proposed community forum, thinks scheduling it should have been formally documented, and questioned its legality.

There was discussion about the timeline, transparency, communications, and procedures.

George and O’Gorman emphasized that the goal of this was to improve communication with the residents, provide more information, and receive feedback.

O’Gorman stated that there were not any nefarious motives. He noted that he would not have asked for the forum to be publicized if he was trying to be secretive about it.

Hrydziuszko said the community forum is one way to get information to residents who cannot attend Council meetings on Tuesday nights. She said residents have been asking for this information.

There was discussion on whether to move forward with the community discussion on May 20th as planned, to reschedule it, or cancel it.

Abboud objected to holding the community forum.

O’Gorman said the information he plans on presenting is not opinionated. His goal is to serve as an unbiased moderator at the forum. He said if the Council pulls it now, it may cause more confusion.

George asked Ryan if there was any sort of law violation. Ryan stated that he would need more time to look into this.

Claudette Buck, Glencoe, thinks the public forum is too little, too late. She said if O’Gorman is in support of Wendbrook, then his opinions will come through in the presentation. She said a public forum should have been held before the grant was applied for and that residents do not have enough

information about it. She said she is opposed to the acquisition of Wendbrook. She said Beverly Park is a mess. She expressed concerns over transparency and funding Wendbrook. She thinks opposing views should be included at Saturday's presentation.

Karen Gilbert, Amherst, asked why the Village Attorney has not provided an opinion on Wendbrook.

Campbell stated that they were trying to avoid any appearance of impropriety.

Gilbert continued, noting that there is a debate over public interest. She said she has communicated with DNR staff and Six Rivers staff and that they are all very nice and answered her questions. She talked about active vs. passive recreation sites.

Greg Kessler, Beverly Road, stated that the chain link fence at Beverly Park is ugly and collects trash. He noted the fence along Beverly Road is damaged. He asked why the Village would spend money on a new park. He said the Council's responsibility is to uphold the Charter. He said they should be getting a legal opinion from the Village Attorney. He said he is opposed to the purchase of Wendbrook and would be in favor of litigation to stop it.

Dale Wolicki, Amherst, said there has still been no decision on whether the Village will follow the Charter. He said the Council cannot waive the Charter and this decision should be put to a vote.

Kent Anderson, Orchard Way, asked if terms of the grant were available and known regarding parking, the building, and toilets. He said proper planning should be done.

George said there is still a lot of time for decision making and improvements. He thinks funding could be sourced for the remaining \$500,000 from outside of Village funds.

Nancy Beale, Sheridan, said she was asking for a plan and asking for more communication, and was expecting it to be more than O'Gorman hosting a forum. She asked if there will be a budget for Wendbrook before Council votes on it. She expressed concern about funding the Beverly Park playground. She was also concerned about funding for Wendbrook, the condition of the existing house, and lack of sidewalks in the area. She suggested a subcommittee consisting of people in the community be formed before spending money on this. She said she would like to see nice ranches for seniors developed at the property instead.

Kathy Lorencz, Warwick, said the first step should be to get a legal opinion.

Jane Figueiredo, Allerton, agreed with Kessler regarding the chain link fence. She said that her son became an addict at a very young age and she was concerned that a small park at the Wendbrook location would attract nuisance and needles, and would require extra patrolling.

O'Gorman asked for the sense of Council on whether he should move forward with the forum on May 20th.

Mooney said he would be happy to attend the forum. He said it is already advertised. He said he is not objecting the forum, but thought it was done inappropriately.

Motion by Abboud to cancel the forum on May 20, 2023. There was no support.

Mr. White asked to be recused from the discussion and vote relating to Wendbrook.

Motion by Mooney, second by Hrydziuszko, Mr. White is recused from the discussion and decision regarding Wendbrook.

Motion passed.

Motion by Mooney, second by Hrydziuszko, the Beverly Hills Village Council authorizes moving forward with having a community forum at the Beverly Park pavilion to discuss Wendbrook, assuming Mr. White is not present.

Roll Call Vote:

Abboud – no

George – yes

Hrydziuszko – yes

Mooney – yes

O’Gorman – yes

White – recused

Motion passed (4-1)

Abboud stated he will be out of town on May 20th.

Council agreed to provide any feedback to Mr. O’Gorman on the PowerPoint presentation by Friday morning.

Motion by Mooney, second by Hrydziuszko, the Beverly Hills Village Council waives the pavilion rental fee for the Wendbrook community forum on Saturday, May 20, 2023 from 9:00 to 11:00 a.m.

Roll Call Vote:

Abboud – no

George – yes

Hrydziuszko – yes

Mooney – yes

O’Gorman – yes

White – recused

Motion passed (4-1)

PUBLIC COMMENTS

None.

MANAGER’S REPORT

Memorial Day Parade/Carnival - The 40th Memorial Day Parade will take place on Monday May 29, 2023. The parade begins at 11:00 a.m. There are still volunteers needed to assist with the Memorial Day Parade and Carnival. Please click on the link below to sign up to volunteer: <https://www.signupgenius.com/go/9040f44a4af2fa46-memorial1#/>

Music in the Park - Java and Jazz returns for its third year. The 2023 season kicks off on Sunday, May 21st from 9 to noon featuring the Ryan Bills Trio. All performances occur at Beverly Park, 18801 Beverly Road, in the pavilion. Free coffee and breakfast treats are provided. On Friday, June 2, 2023 at 7:00 p.m., the Concert in Park summer series begins. The June 2nd show will feature One Foot in the Groove. The concert is free, family friendly, and there will be food trucks on site for the public.

Village Wide Garage Sale - The Village Wide Garage Sale is scheduled for June 2nd through the 4th. Garage sale permits are required and can be purchased for \$3 at the Village Office during regular business hours, Monday-Friday 8:00 am to 4:30 pm. A list of participating addresses will be shared on the Village website and in the weekly email blast prior to the Village Wide Garage Sale to help you plan your route!

Public Services Quarterly Report – Included with the packet was a Quarterly Report from the Public Services Director with several attachments that provide updates on road, water and sewer, and other public works projects.

Mooney inquired about fundraising for the playground.

COUNCIL COMMENTS

White said he was pleased to see HRC already out surveying for the sidewalk project.

Abboud congratulated the Greening Scholarship Award winners Lea Milanini and Emerson Lagrou. The awards will be presented at the Groves High School awards ceremony. He thanked everyone who submitted an application. He noted his term on SEMCOG's Executive Committee begins in July. He sent condolences to the family of Dr. Green. He said Next is looking for a long-term solution for their facility. He said the sign subcommittee is scheduled to meet in June.

Mooney said in the 1980s Council meetings would go to 11:30 p.m. and there was a lot of name calling back then. He said disagreements are ok. He is concerned with procedures. He said there is about to be an increase in the cost of water in the community of \$1.4 million. He wished the Village had gone for an infrastructure millage last November. He stated his colleagues are not being malicious and that they are trying to act in the best interests of the community. He said the Village is moving in a good direction in a lot of areas.

Hrydziuszko stated that the next Parks & Recreation Board meeting is Thursday, May 18 at the Beverly Park pavilion. She said there will be discussion items on Memorial Day and dog parks in the Village at that meeting if anyone is interested. She said sculptures are being installed at Village parks as part of the Sculptures in the Parks program. She commented on buckthorn eradication and noted that when the Village began the project, they were told it would be about a ten-year plan. As reference, the City of Novi is doing a similar project and they are in their tenth year. She asked where the Village will be at year ten. She said she respects everyone's opinions and takes them into account when making decisions. She said we have a representative government and she works hard for the voters that put her in this position. She said she believes acquiring the Wendbrook property would be the right choice for the Village and will consider new information as it is presented.

George said that there are still volunteer opportunities open for the Memorial Day Parade. He commented on public comments vs. having a dialogue. He asked that the Wendbrook presentation information be put on the Village website. He said there is a sign at Beverly Green with a QR Code that links to more information about the roundabout plans. He commented on material distribution in the community and said that the USPS does not approve of people placing materials in mailboxes.

ADJOURNMENT

Motion by Abboud, second by Hrydziuszko, to adjourn the meeting at 11:42 p.m.

Motion passed.

John George
Council President

Kristin Rutkowski
Village Clerk