

Present: President George; President Pro Tem Hrydziusko, Members: Abboud, Drummond, Mooney, and O’Gorman

Absent: Kecskemeti

Also Present: Village Manager, Campbell  
Village Attorney, Ryan  
Public Safety Director, Torongeau  
Director of Public Services, Johnston  
Deputy Manager, Blenkhorn

**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 Hrydziusko to add Business Item 13, Third Announcement of a Vacancy on the Cable Board

Motion passed.

Motion by Mooney, second by Hrydziusko, to approve the agenda as amended.

Motion passed.

**COMMUNITY ANNOUNCEMENTS**

None.

**PUBLIC COMMENTS**

Denise Liberty, 13 Mile Road, said she had issues with the proposed sidewalks on W. 13 Mile Road that are part of the TAP Grant Project. She would like to know specifics about the projects and who will be responsible for the maintenance and shoveling of these sidewalks.

**SPECIAL ORDER OF BUSINESS**

Congresswoman Rashida Tlaib appeared before Council to present a check for \$959,752 that was appropriated to the Village of Beverly Hills for a water main replacement project on Pierce Road.

**CONSENT AGENDA**

Motion by Mooney, second by O’Gorman, be it resolved, the consent agenda is approved.

1. Review and consider approval of minutes of a regular Council meeting held May 21, 2024.
2. Review and file bills recapped as of Monday, June 3 and Monday, June 17, 2024.
3. Review and consider approval of annual Municipal Credit and Community Credit Contract with SMART for FY 2024.
4. Resolution recognizing June 2024 as Pride Month in the Village of Beverly Hills.

Roll Call Vote:  
Motion passed (6-0)

**BUSINESS AGENDA**

**PUBLIC HEARING TO RECEIVE COMMENTS ON PC CASE 23-07-07, SPECIAL LAND USE REQUEST AT 19400 W. 13 MILE ROAD, APOSTOLIC CHRISTIAN CHURCH (NAZAREAN)**

Campbell provided an overview of the Special Land Use request. In July 2023, the Planning Office received an application for consideration of special land use approval for a 1,600 square foot expansion to the existing parking lot at the Apostolic Christian Church (Nazarean) Beverly Hills located at 19400 W. Thirteen Mile Road. The plans also include the removal and replacement of approximately 11,000 square feet of existing parking lot pavement, removal and replacement of four (4) trees, and the addition of one (1) new pole mounted light fixture in the parking lot.

The Planning Commission held a public hearing and considered this application at their August 23, 2023, meeting. Ultimately, a motion was passed to postpone a recommendation to the Village Council to allow the applicant time to revise the plans. Revised plans were subsequently considered at the March 27, 2024, Planning Commission meeting. A motion was passed recommending that Village Council approve the Special Land Use Request. Further, the following items were to be addressed by the applicant prior to final approval:

- Stormwater management plan must be submitted
- Removal of the 6’ screening wall requirement in favor of vegetative screening
- Approval from the Public Services, Public Safety, and Engineering Departments
- Landscape varieties be native and non-invasive

The applicant has submitted revised plans reflecting the above required changes and they are pursuing the required departmental approvals.

George opened the public hearing at 7:47 p.m.

Sam Cipkar, minister representing the church on 13 Mile Road appeared. He stated that the church and neighbors approved of the vegetative screening. He stated that the Church has been working on the project for quite a while and took the Planning Commission’s comments under consideration and proposed a revised plan that was approved.

No one else wished to be heard, so the public hearing was closed at 7:49 p.m.

**REVIEW AND CONSIDER PC CASE 23-07-07, SPECIAL LAND USE REQUEST AT 19400 W. 13 MILE ROAD, APOSTOLIC CHRISTIAN CHURCH (NAZAREAN)**

Motion by Mooney, second by O’Gorman, be it Resolved that the Beverly Hills Village Council approves the Apostolic Christian Church’s Special Land Use Request to expand the parking lot at 19400 W. 13 Mile Road with the following conditions prior to a permit being issued:

- A Stormwater management plan is submitted that meets the standards set forth in Chapter 30 of the Village Code Ordinances;
- That the applicant remove the 6’ screening wall requirement in favor of vegetative screening;

- That the applicant receive approval from Public Services, Public Safety and the Engineering Department;
- Landscape varieties be native and non-invasive.

Roll Call Vote:

Motion passed (6-0)

**REVIEW AND CONSIDER SUBCOMMITTEES' RECOMMENDATIONS FOR VARIOUS BOARDS AND COMMISSION APPOINTMENTS**

Several board and commission members' terms expire on June 30, 2024. Announcements of these vacancies were made at the May 7<sup>th</sup> and May 21<sup>st</sup> Village Council meetings as well as published on the Village website, Facebook page, and in the weekly emails. Applications were due Monday, June 10, 2024.

Pursuant to Council policy, a subcommittee has been formed for each board/commission to review the new applicants and those members who wish to be considered for reappointment. Subcommittees met on Tuesday night prior to the regular Council meeting to interview applicants.

Motion by Hrydziuszko, second by Mooney, to appoint Eli Bayless, Janice Hausman, and Jennifer Ruprich to serve on the Parks and Recreation Board for a term beginning on July 1, 2024 and ending on June 30, 2027.

Motion passed.

Motion by O'Gorman, second by Hrydziuszko, to appoint Ahmad Jawad, Ashley Harper, Jeff Lucas to serve on the Planning Commission for a term beginning on July 1, 2024 and ending on June 30, 2027.

Motion passed.

Motion by Drummond, second by Mooney, to appoint Mark Barron, Zana Tomich and Derek Russaw to serve on the Zoning Board of Appeals for a term beginning on July 1, 2024 and ending on June 30, 2027.

Motion passed.

**PRESENTATION OF CYBERSECURITY ASSESSMENT BY UHY CONSULTANTS**

Norman Comstock of UHY Consultants presented a cybersecurity assessment for the Village of Beverly Hills. A copy of the presentation was included in the Council meeting packet.

**REVIEW AND CONSIDER PURCHASE OF SOFTWARE APPLICATIONS TO ENHANCE THE VILLAGE OF BEVERLY HILLS' CYBERSECURITY CAPABILITIES**

Blenkhorn gave an overview. In April of 2023, Village Council approved a bid by UHY Consulting, Inc. to conduct a cyber security assessment for the Village to determine our general cyber security posture, risk level, and possible ways of improving our overall security. UHY began conducting the assessment that summer, which included multiple staff interviews, reviews of

policies and procedures, as well as external and remote internal penetration testing at both Village Hall and the Public Safety Department.

The Village's overall assessment has been positive. The testing did identify some vulnerabilities within our networks, most of which have already been actively resolved by our IT provider, Robert Ferkel of Enterprise Computer Solutions, Inc. There are further steps required to get the Village at an increased security posture. UHY has provided Administration with a tiered list of recommendations to improve our security and Administration has consulted with our IT provider to form solutions that would address UHY's recommendations. These solutions include additional software, establishing a hardware refresh schedule, implementing cyber security training for staff, and implementing additional cyber security policies.

The estimated cost of these solutions is \$17,310. For a more detailed breakdown, please refer to the cost estimate enclosed. Funding is available in the 2024-2025 budget in account 101-248-948.06 (\$10,000) and account 205-345-948.06 (\$10,000), totaling \$20,000. Administration would like to thank Robert Ferkel for all of his hard work during this assessment. The process has left us pleased with the IT services we have been receiving.

Motion by Drummond, second by Mooney, the Beverly Hills Village Council authorizes Administration to procure the proposed software, hardware, and training as outlined in the enclosed cost estimate for the purpose of improving our cyber security posture, not to exceed \$20,000. Funding is available in the General Fund and the Public Safety Fund.

Roll Call Vote:  
Motion passed (6-0)

**REVIEW AND CONSIDER AWARDING RIVERSIDE BRIDGE REHABILITATION PROJECT TO RAM CONSTRUCTION SERVICES**

Campbell provided an overview. The Village Council approved a proposal from HRC, the Village Engineer, to perform rehabilitation work on the Riverside Bridge on January 16, 2024. The Village went out to bid for these services with the bids closing on April 16, 2024. The Village received sealed bids from three reputable companies to perform the rehabilitation work on the Riverside Bridge. Attached for your review is a recommendation from HRC along with a corresponding bid sheet. The lowest bid was submitted by RAM Construction Services in the amount of \$173,597.00. Based on HRC's recommendation and the fact that RAM submitted the lowest bid, the Administration is recommending that Council award the contract for the Riverside Bridge Rehabilitation Project to RAM Construction services in the amount of \$173,597.00.

Motion by O'Gorman, second by Mooney, be it resolved, the Beverly Hills Village Council awards the contract for the Riverside Rehabilitation Project to RAM Construction Services in the amount of \$173,597.00. Funds for this project are available in account #202-900-988.75.

Roll Call Vote:  
Motion passed (6-0)

**REVIEW AND CONSIDER CHANGE ORDER WITH SCODELLER CONSTRUCTION FOR FY 2024 CRACK SEALING PROJECT**

Campbell provided an overview. The Village is continuing its crack sealing program for the Village of Beverly Hills. Sealing cracks in asphalt and concrete is a low-cost pavement preservation treatment. Cracks in pavement are inevitable and are going to develop as the pavement continues to oxidize and deteriorate. Approximately 75% cracks in pavement form into potholes within 3 years if they are not sealed. Crack sealing will extend the life of your asphalt pavement and prevent cracks from turning into larger cracks, craters, and dangerous potholes.

Previously, the Village received a substantial cost savings by utilizing and extending unit prices from those obtained in a bid process from a neighboring community, Keego Harbor. The contractor utilized by Keego Harbor and Beverly Hills is Scodeller Construction. The work will likely begin in late June and be completed by June 30, 2024, weather permitting.

A copy of the change order with Scodeller Construction to continue with the crack sealing at the same prices from 2023 was provided for review. Additional crack sealing will occur in this summer is FY 2025. A separate change order will be presented for the work in FY 2025. Funds are available in accounts 202-463-943.00 and 203-463-943.00 for crack sealing in FY 2024.

Motion by Abboud, second by Hrydziuszko, be it Resolved that the Beverly Hills Village Council approves the proposed Change Order with Scodeller Construction for Crack Sealing Program in the Village of Beverly Hills for FY 2024 with a total project cost of no more than \$50,000. Funds are available in accounts 202-463-943.00 and 203-463-943.00.

Roll Call Vote:  
Motion passed (6-0)

## **REVIEW AND CONSIDER APPROVAL OF IT SERVICES AGREEMENT WITH OAKLAND COUNTY**

Campbell gave an overview. The Village's five (5) year Intergovernmental Agreement with Oakland County for certain IT services is set to expire and needs to be renewed. Accordingly, a revised agreement for Information Technology (IT) Services between Oakland County and the Village has been provided for our review and consideration. The Village and Oakland County work collaboratively on many IT functions. The Courts and Law Enforcement Management Information Systems (CLEMIS) is a vital law enforcement tool operated by Oakland County allowing local agencies to share and access data. The Public Safety Department is a CLEMIS agency and uses this information daily in police operations. The Village Building Department also utilizes Geographic Information Systems (GIS) services through Oakland County for mapping, assessing, planning and zoning, and infrastructure records. Oakland County maintains ESRI software licensing that the Village also utilizes on a daily basis.

Village Administration and the Village Attorney have reviewed the agreement provided by Oakland County and find that the Agreement does a good and thorough job of memorializing the current state of IT services between the Village and County.

Motion by O'Gorman, second by Abboud, be it resolved, the Beverly Hills Village Council approves and authorizes the Village Manager to execute the Interlocal Agreement for Information Technology Services between Oakland County and the Village of Beverly Hills as submitted.

Roll Call Vote:  
Motion passed (6-0)

**REVIEW AND CONSIDER PARKS & RECREATION BOARD’S RECOMMENDATION TO CONTRACT WITH JH HART TO REMOVE TREES AND STUMPS FROM BEVERLY GREEN**

Campbell and Johnston provided an overview. Over the last several months, the Parks & Recreation Board has been discussing the development of Beverly Green. They have agreed that it will require a phased approach, the first of which includes pruning trees, removing dead trees, and grinding stumps in the park.

Public Services Director Johnston obtained several quotes from reputable contractors, all of whom could provide the services for around \$14,000.00 and presented the options to the Parks & Recreation Board at their May meeting. The Board recommended that the Village Council award the project to JH Hart. The Village currently has an agreement with JH Hart in place, so they will honor their hourly rate to perform the work in an amount not to exceed \$14,000.00.

There was discussion about the different phases of the project.

Motion by Hrydziuszko, second by O’Gorman, be it resolved, the Beverly Hills Village Council awards the contract for tree pruning, tree removal, and stump grinding at Beverly Green to JH Hart in an amount not to exceed \$14,000.00. Funds are available in the FY 24-25 budget from Account 208-900-974.02.

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

**REVIEW AND CONSIDER APPROVAL OF VILLAGE OF BEVERLY HILLS GENERAL INVESTMENT POLICY**

Campbell provided an overview. A General Investment Policy is a written investment policy and serves as a working document that directs the investment activities of a Village and attempts to protect the Village from potential losses stemming from unsuitable investment practices. This investment policy will apply to all financial assets of the Village and any new fund established by the Village. Investment objectives shall meet the following criteria: safety, diversification, liquidity and return on investment.

The following resolution was offered by Drummond, and seconded by Abboud:

WHEREAS, as a requirement of provisions of Public Act 196 of the Public Acts of Michigan of 1997, which required governing bodies of local governmental units to adopt investment policies in accordance with Public Act 20 of the Public Acts of 1943 (the “Act”).

WHEREAS, the Council deems it in the Village's best interest to create a policy to invest the Organization's funds in a manner which will ensure the preservation of principal while providing the highest investment return with maximum security, meeting the daily cash flow requirements of the Organization and conforming to all federal and state statutes governing the investment of funds.

NOW THEREFORE, BE IT RESOLVED, that the policy attached to this resolution as Exhibit A shall govern the Village's General Investment Policy.

Roll Call Vote:  
Motion passed (6-0)

**REVIEW AND CONSIDER APPROVAL OF BUDGET AMENDMENTS FOR FY 2024**

Campbell provided an overview of the proposed budget amendments. In the General Fund there are various revenue and expenditure amendments adjusting to projected actuals. The net effect of the amendments is a net fund increase of \$62,010.

In the Major Road Fund there is an amendment decreasing the village wide Asphalt resurfacing budget from \$700,000 to \$635,000 after consulting with HRC. There are amendments in both the Major Road Fund and Local Road fund adjusting to projected actuals. The net effect of the amendments is a net fund increase of \$24,300 in Major Roads and a net fund decrease of \$7,000 in Local Roads.

In the Public Safety Fund there are amendments for final delinquent property taxes to be received. There are various amendments to decrease expenditures because of the open PSO positions throughout the year. The budget for 2 cars was removed. The cars will be purchased in FY25. The budget for building improvements was decreased. Spending will also occur in FY25. The net effect of the amendments is a net fund increase of \$382,602.

In the Park Improvement fund there is an amendment adjusting the budget for a transfer in of \$350,000 down to -0-. There are also amendments adjusting the level of capital spending to actuals. There will be no further spending beyond current year to date totals. Any additional expenditure on the park playground equipment will occur in FY25. The net effect of the amendments is a net fund decrease of \$26,354.

In the Capital Fund there is an amendment increasing the budget for the TAP grant sidewalks. This \$30,000 increase is due to additional design engineering. The effect of the amendment is a net fund decrease of \$30,000.

These proposed FY 2024 Budget Amendments have been reviewed by the Village Administration and are recommended for approval.

Motion by Hrydziuszko, second by Abboud, be it resolved that the Village of Beverly Hills Council authorizes Village Administration to transfer or adjust monies reserved in the General, Major Roads, Local Roads, Public Safety Fund, Park Improvement Fund and Capital Fund as reflected in the June 13, 2024 memorandum from Finance Director, Sheila McCarthy.

Roll Call Vote:  
Motion passed (6-0)

Motion by Mooney, second by Abboud, to amend the agenda to add the First Announcement of Vacancy of Alternates for the Zoning Board of Appeals

Motion passed.

**FIRST ANNOUNCEMENT OF A VACANCY ON THE ZONING BOARD OF APPEALS**

Campbell gave the first announcement of a vacancy on the Zoning Board of Appeals for a partial term. Due to the untimely passing of Jon Oen, there is a full-member vacancy on the Board for a partial term ending June 30, 2025.

The ZBA meets the second Monday of the month at 7:30 p.m. as necessary. The ZBA hears appeals of applicants who request exceptions from or official interpretations of the Zoning Ordinance. Members must decide whether or not a physical hardship or practical difficulty exists, which justifies the granting of a variance.

All interested and eligible residents of Beverly Hills are encouraged to apply to fill the vacancy on the ZBA. 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).

**THIRD ANNOUNCEMENT OF A VACANCY ON THE BIRMINGHAM AREA CABLE BOARD**

Campbell gave the third announcement of a vacancy on the Birmingham Area Cable Board for a term ending June 30, 2027.

**FIRST ANNOUNCEMENT OF VACANCIES FOR ALTERNATE MEMBERS ON THE ZONING BOARD OF APPEALS**

Campbell gave announcements of alternate vacancies on the Zoning Board of Appeals, one full term, expiring June 30, 2027 and one partial term expiring June 30, 2026.

**PUBLIC COMMENTS**

None.

**MANAGER'S REPORT**

Community Discussion for the Beverly Park Master Plan 2050 - Earlier this year, the Village retained SmithGroup, a professional planning and design firm, to serve as the Village's consultant in preparing a long-term plan for Beverly Park. SmithGroup led a community discussion about the future of Beverly Park. The agenda included a presentation of an assessment of existing park facilities and some preliminary ideas, and an opportunity for the public to provide input on how to improve the park. The discussion was well attended. The Administration would like to thank the residents who came to the pavilion and participated. Your input will be important in crafting the plan going forward.

Concert in the Park - Our Concert in the Park series returns on Friday, June 14, 2024! Each show begins at 7:00 p.m. at Beverly Park and a food truck will be on site during the performance! The concerts are free to attend and fun for the whole family. We recommend bringing a lawn chair or blanket to sit on. A list of the scheduled performances and food trucks are below.

Friday, June 14 featuring The Hood  
Smoke Ring BBQ Food Truck

Friday, July 12 featuring Northgate Drive  
Sonny's Hamburgers Food Truck

Friday, August 9 featuring Cliff Erickson  
The Great Greek Food Truck

Memorial Day - Thank you to all of the sponsors, volunteers, participants, and staff who made the 41<sup>st</sup> annual Memorial Day Parade/Carnival/Ceremony a great event! If you missed the parade and would like to watch it online, please visit the Village website.

Fireworks Regulations - As a reminder, fireworks can be legally used in Michigan on the day before, day of and day after recognized holidays until midnight. For this July 4<sup>th</sup> season, fireworks could be used on the days of Wednesday, July 3<sup>rd</sup>, Thursday, July 4<sup>th</sup>, or Friday, July 5<sup>th</sup>. Please be safe and considerate of your neighbors in the use of fireworks.

Quarterly Report - The quarterly report for Public Services was included in the meeting packet for review.

### **COUNCIL COMMENTS**

O’Gorman thanked Board and Commission members for their service to the community.

Abboud said he will be attending SEMCOG’s General Assembly meeting on June 27<sup>th</sup>. He said he is currently working on his Level 4 Ambassador training for MML. The MML Convention registration is now open. He reported that Next will be having a Golf Classic Fundraiser in September. He congratulated everyone who was appointed or reappointed to a Board or Commission. He said it was nice seeing the volunteers at the Volunteer Appreciation Dinner last month.

Mooney thanked the Board and Commission members for their dedication to the Village. He also recognized volunteers Matt Roberts, Karen Gilbert, Mike Garvey, and Mr. and Mrs. Tobaben, who volunteer at Beverly Park. He said Administration should always be understanding of residents. He said he is in favor of making Beverly Hills a walkable community.

Hrydziuszko said she has heard a lot of positive feedback about the speed humps in the Village. She thanked the volunteers who applied for Board and Commission terms. She thanked everyone who came to the last Java & Jazz event at Beverly Park. She suggested that the lawn maintenance crew use a weed whacker along the Beverly Park fence line instead of a mower to prevent damage.

George suggested native planting along the fence line once the fence at Beverly Park is replaced. He congratulated the parents whose children recently graduated from Berkshire Middle School. He noted that the June 4, 2024 Council meeting was canceled due to a lack of quorum because 3 members were at the graduation and 1 member was out of town. He said the Memorial Day Parade was great. He said there was a great turn out at both the Concert in the Park and the last Java & Jazz. He thanked the volunteers who serve on Boards and Commissions. He noted the Beverly Park 2050 Vision subcommittee is working with the SmithGroup to gather feedback from residents. He said he attended the Groves Convocation to hand out the Greening Scholarships. He thanked Congresswoman Tlaib for attending the meeting and delivering a check for a future water project. He would like a quarterly update on the sidewalk project soon. He thanked Administration for their hard work.

**CLOSED SESSION PER MCL 15.268(e) TO CONSULT WITH ATTORNEY ON PENDING LITIGATION**

The following resolution was offered by Mooney, with support from Hrydziusko:

WHEREAS, at the regular Village Council Meeting held on Tuesday, June 18, 2024 Village Council desires to go into closed session to discuss specific pending litigation with the Village Attorney.

NOW, THEREFORE, BE IT RESOLVED that the Village of Beverly Hills hereby agrees to meet in Closed Session, as permitted by the Open Meeting Act MCL 15.268(e) at the Regular Meeting held on Tuesday, June 18, 2024, at 9:40 p.m. at the Village of Beverly Hills, 18500 W. Thirteen Mile Road, Beverly Hills, Michigan, 48025. The purpose of the Closed Session is to discuss the following specific pending litigation:

Jamil-Tellow v. Palm & Village of Beverly Hills, Case No. 2023-203676-NI, pending in the Oakland County Circuit Court;

Korchak v. Village of Beverly Hills, Case No. 2023-198436-NO, pending in the Oakland County Circuit Court;

Aylward, et al v. Village of Beverly Hills, et al, 23-202350-NZ, pending in the Oakland County Circuit Court;

Beverly Hills Racquet & Health Club, Ltd. v. Village of Beverly Hills Zoning Board of Appeals, Court of Appeals No. 361202, Lower Court No. 21-190294 -AA, pending in the Michigan Court of Appeals;

Fad Tellow v. Palm & Village of Beverly Hills, Case No. 2023-204658-NI, pending in Oakland County Circuit Court;

to consult with the Village Attorney and attorneys from MMRMA, regarding trial or settlement strategy in conjunction with the above-named lawsuits, which if this session was held in an open meeting would have a detrimental financial effect on the litigation or settlement position of the public body.

Roll Call Vote:  
Motion passed (6-0)

The Council took a brief recess.

The Closed Session began at 9:47 p.m.

The Regular Meeting resumed at 10:35 p.m.

Motion by Mooney, second by Hrydziuszko, to amend the Closed Session Resolution to include discussion about Fad Tellow v. Palm & Village of Beverly Hills, Case No. 2023-204658-NI, pending in Oakland County Circuit Court.

Motion passed.

The amendment is reflected in the above resolution.

Motion by Mooney, second by Hrydziuszko, be it resolved, the Beverly Hills Village Council authorizes the settlement of Fady Tellow v. Palm & Village of Beverly Hills, currently pending in Oakland County Circuit Court under Case No. 2023-204658-NI.

Roll Call Vote:  
Motion passed (6-0)

## **ADJOURNMENT**

Motion by Mooney, second by Hrydziuszko, to adjourn the meeting at 10:40 p.m.

Motion passed.

**John George**  
**Council President**

**Kristin Rutkowski**  
**Village Clerk**