

Present: President George; President Pro-Tem Hrydziuszko; Members: Abboud, Kecskemeti, Mooney, O’Gorman, and Peddie  
All members participated remotely via Zoom from Beverly Hills, Michigan.

Absent: None

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

President George called the regular Village Council meeting to order at 7:30 p.m. virtually via Zoom due to the ongoing COVID-19 pandemic. The Pledge of Allegiance was recited by those in attendance.

**AMENDMENTS TO AGENDA/APPROVE AGENDA**

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

Roll Call Vote:  
Motion passed (7-0)

**SPECIAL ORDER OF BUSINESS: UPDATE FROM STATE REPRESENTATIVE KYRA HARRIS BOLDEN**

A representative was not present, so this item was tabled.

**COMMUNITY ANNOUNCEMENTS**

None.

**PUBLIC COMMENTS**

Katie Maxwell, Beverly Hills, stated that she was opposed to backyard chickens and listed health concerns.

Candace Buehner, Beverly Hills, asked for clarity as to what Council’s intent is regarding backyard chickens. She thinks a ballot proposal would be appropriate for this issue.

Karen Gilbert, Amherst, asked about the ordinance update process and how items get on the ballot. She was displeased with how anti-chicken folks were characterized in recent discussions.

**CONSENT AGENDA**

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

1. Review and consider approval of minutes of a special Council meeting held March 30, 2021.
2. Review and consider approval of minutes of a regular Council meeting held April 6, 2021
3. Review and file bills recapped as of Monday, April 12, 2021.
4. Review and consider Severance Agreement with Bob Fisher.

Roll Call Vote:  
Motion passed (7-0)

**BUSINESS AGENDA**

**REVIEW AND CONSIDER SUBCOMMITTEE’S RECOMMENDATION FOR APPOINTMENT ON THE BIRMINGHAM AREA CABLE BOARD**

There is one vacancy on the Birmingham Area Cable Board for a partial term ending June 30, 2021. Announcements of the vacancy were made at the March 16 and April 6, 2021 Village Council meetings. Applications were due April 12, 2021. The Village has received two applications to fill the vacancy.

A subcommittee met with the applicants on Tuesday, April 20, 2021 at 7:00 p.m. via Zoom. The subcommittee consisted of Councilmember Mooney (chair), President Pro-Tem Hrydziuszko, and Councilmember Kecskemeti.

Motion by Mooney, second by Hrydziuszko, be it resolved, the Beverly Hills Village Council appoints Ray Kamoo to the Birmingham Area Cable Board for a partial term ending June 30, 2021.

Roll Call Vote:  
Motion passed (7-0)

**REVIEW AND CONSIDER AWARDING PAVEMENT MARKING BID TO JV CONTRACTING, INC.**

The Village contracts out pavement marking services for centerlines, edge markings, and hand painting on Village roads. The previous contract for these services has expired. At the March 2, 2021 Village Council meeting, Council authorized Administration to obtain bids for a pavement marking contract. A request for proposals was published on MITN/Bid Net Direct. A public bid opening was held on April 5, 2021 and the Village received two bids. A bid tabulation is attached for Council’s review.

The low bidder was JV Contracting, Inc. in the amount of \$14,600.00. The proposal is attached and includes restriping the Beverly Park parking lot. Administration checked with references and recommends the Village Council award the contract to JV Contracting, Inc.

The Council briefly discussed the paint color to be used at the Beverly Park parking lot.

Motion by Abboud, second by Mooney, be it resolved, the Beverly Hills Village Council awards the pavement marking contract for 2021 to JV Contracting, Inc. in the amount of \$14,600.00. Funds for this project are available in account #101-440-932.03 (Public Services) and #101-751-778.03 (Parks).

Roll Call Vote:  
Motion passed (7-0)

**RECEIVE AND FILE REPORT FROM HUBBELL, ROTH, AND CLARK, INC. ON THE CONDITION OF RIVERSIDE BRIDGE**

Wilson provided an overview of the report submitted by HRC regarding the condition of Riverside Bridge and recommended addressing the issues sooner rather than later.

Motion by Mooney, second by Hrydziuszko, be it resolved, the Beverly Hills Village Council receives and files the report from Hubbell, Roth, and Clark dated April 12, 2021 regarding Riverside Bridge and it will be made available on the Village website.

Roll Call Vote:  
Motion passed (7-0)

Motion by Mooney, second by Hrydziuszko, be it resolved, the Beverly Hills Village Council instructs administration to facilitate the bid process to adopt the recommendations provided in the Hubbell, Roth, and Clark report dated April 12, 2021 regarding Riverside Bridge and requests a report on the progress be made not later than the second Council meeting in May.

Roll Call Vote:  
Motion passed (7-0)

**REVIEW AND CONSIDER PROPERTY ACCESS AGREEMENT AT RIVERSIDE PARK**

Earlier this year Administration applied for grant funding through our partnership with the Oakland County Cooperative Invasive Species Management Area (OC CISMA) for removal of Japanese knotweed (*Fallopia japonica*) at Riverside Park. Knotweed is an invasive species that aggressively outcompetes native plants. The plants can grow 3-10 feet tall and they limit the light available to other nearby plants. Knotweed also releases chemicals into the soil to limit the growth of competitor plants.

The OC CISMA Director notified Administration that Riverside Park has been selected to receive knotweed treatment and expects to have sufficient grant funding to complete the treatment this year.

The OC CISMA/Six Rivers Land Conservancy is in the process of obtaining quotes from contractors for the project and has requested access to Village property (Riverside Park, Parcel TH-24-02-151-017) for the purposes of treating invasive plant species and helping restore wildlife habitat. A copy of the access agreement is attached. Village Attorney Ryan has reviewed the agreement and has opined that it is appropriate for Village Council to authorize. If approved, the Village's liability carrier, MMRMA, will be notified of this project. Residents whose properties abut Riverside Park will be notified of the project as well.

Motion by O’Gorman, second by Hrydziuszko, be it resolved, the Beverly Hills Village Council authorizes Six Rivers Land Conservancy/OC CISMA to access Riverside Park (Parcel TH-24-02-151-017) for the purposes of treating invasive plant species and helping restore wildlife habitat and authorizes the Village Manager to execute the Property Access Agreement for Treatment of Invasive species as submitted.

Roll Call Vote:  
Motion passed (7-0)

**REVIEW AND CONSIDER RESTAURANT RELIEF PROGRAM REIMBURSEMENTS**

The Village of Beverly Hills has received three (3) requests for funds from local businesses as part of the Oakland Together Restaurant Relief Program. This program is intended to help local bars, restaurants and cafés offset some costs of fighting the spread of the COVID-19 virus. Funds can be used to reimburse expenses incurred adapting a storefront for new or expanded outside service and/ or for securing supplies used to safely re-open.

The Village has been awarded a total of \$9,149.00 as part of the program. We currently hold \$6,404.30 and are anticipating the remaining \$2,744.70 upon approval of our first report to Oakland County. A brief summary of the reimbursement requests and items was provided to the Council.

Motion by Abboud, second by Hrydziuszko, be it resolved, the Beverly Hills Village Council approves the Oakland County Restaurant Relief Program reimbursements for Brady’s Tavern in the amount of \$3,162.57, Beverly Hills Grill in the amount of \$3,687.40, and Michigan Beer Growler Company in the amount of \$2,299.03. Funds for these expenses are available in account # 101-248-748.05.

Roll Call Vote:  
Motion passed (7-0)

**REVIEW AND CONSIDER FISCAL YEAR 2020-2021 BUDGET AMENDMENTS**

Proposed FY 2020-2021 Village of Beverly Hills Budget Amendments were provided to the Council for review. There are General Fund amendments relating to the Restaurant Relief Grant. There is no net effect.

In Major Roads and Local Roads there is an amendment increasing Act 51 revenue received from the State. There are amendments relating to the 13 Mile Federal Road Program to bring the accounts into line with project projections per the engineering firm Hubbell, Roth and Clark, Inc. There are amendments adjusting various other expenditures to expected values at year end. The effect of the amendments is a net of revenue and expenditure increase of \$257,567 in Major Roads and a net of revenue and expenditure increase of \$50,198 in Local Roads.

In the Capital Fund there are amendments relating to Public Safety equipment resulting in a net revenues and expenditures decrease of \$114,748.

In the Water Fund there are adjustments to penalty revenues and the CSO Maintenance Contract resulting in a net revenues and expenditures decrease of \$99,314.

These proposed FY 2020-2021 Budget Amendments have been reviewed by Village Administration and are recommended for approval.

Motion by Peddie, 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, Capital Fund and Water Fund, as reflected in the April 15, 2021 memorandum from Finance Director, Sheila McCarthy.

Roll Call Vote:

Motion passed (7-0)

**REVIEW AND CONSIDER PUBLIC SERVICES DIRECTOR EMPLOYMENT AGREEMENT**

The Village's FY 2021-22 budget includes the funding of the position of Public Services Director on a full-time basis. This position has been filled by Tom Meszler on a part-time basis since 2009 under the terms of the attached contract. Wilson reached out to Mr. Meszler to make him aware of the desire of Council to transition this position to full time as the current demands of this position cannot be met with a part time employee.

This transition will require the termination of the existing Employment Agreement. I have attached a copy of the 2009 agreement for your review. The contract has been forwarded to the Village Attorney and Labor Attorney for their review. Both are in agreement that the contract should be terminated prior to filling the position on a full-time basis.

For the position to be filled by July 1 the Village will need to begin the search process as soon as possible. The Public Services Director job description was provided for Council's review.

Motion by Kecskemeti, second by Mooney, be it resolved that the Village Council agrees to terminate the Employment Agreement between the Village of Beverly Hills and Tom Meszler for the duties of Public Services Director on a part-time basis as of June 30, 2021 as this position is transitioning to a full-time position.

Roll Call Vote:

Motion passed (7-0)

**REVIEW AND CONSIDER BEVERLY PARK BIKE TRAIL PROPOSAL**

At the January 21, 2021 Joint Council and Parks & Recreation Board meeting, the Parks & Recreation Board recommended the Council approve the then submitted request to extend the bike path and the request to add two new features to Beverly Park with the condition that all materials used must be natural. The Council tabled this item at their February 2, 2021 regular meeting. The item has now been brought back to Council for consideration.

An updated proposal from residents Brian Reemmer and Terrence Metz was provided for Council's review and both were in attendance to provide an overview and answer questions about the bike path.

The Council discussed construction, maintenance, insurance, inspections, and signage. They noted that no changes shall be made without approval from the Parks & Recreation Board and the Council.

Ryan recommended that there be proper supervision of construction and that MMRMA perform a risk assessment on the bike path once it is complete.

Motion by Hrydziuszko, second by O'Gorman, be it resolved the Beverly Hills Village Council approves the request to construct the bike path and new features at Beverly Park with the conditions that all materials used be natural, a Michigan Municipal Risk

Management Authority (MMRMA) risk assessment be performed at the completion of construction, and that appropriate construction standards are followed as supervised by the Parks & Recreation Board and Village Council.

Roll Call Vote:

Abboud – No

George – Yes

Hrydziuszko – Yes

Kecskemeti – Yes

Mooney – No

O’Gorman – Yes

Peddie – Yes

Motion passed (5-2)

**REVIEW AND CONSIDER RECOMMENDATION FROM THE PARKS & RECREATION BOARD TO HOST A PARK CLEAN UP ON SATURDAY, MAY 15, 2021**

At the past few meetings, the Parks & Recreation Board has been discussing how to safely host a park clean up event in light of the COVID-19 pandemic. They proposed a clean up that would entail picking up garbage and debris and weeding at Beverly Park and Riverside Park. If weather permits, there may be an opportunity to plant wildflowers at the parks as well. The Village would provide trash bags.

At the April 15, 2021 meeting, the Parks & Recreation Board passed a motion to recommend that Village Council allow the Board to host a park clean up at Beverly Park and Riverside Park on Saturday, May 15, 2021 from 9:00 a.m. – 11:00 a.m. The Board proposed that all participants bring their own gloves, tools, and water bottles. Social distancing and face coverings would be required.

Motion by Peddie, second by Hrydziuszko, be it resolved, the Beverly Hills Village Council approves the Parks & Recreation Board’s request to host a park clean up at Beverly Park and Riverside Park on Saturday, May 15, 2021 from 9:00 – 11:00 a.m. provided that all COVID-19 safety protocols and gathering guidelines are followed.

Roll Call Vote:

Motion passed (7-0)

**REVIEW AND CONSIDER RECOMMENDATION FROM THE PARKS & RECREATION BOARD REGARDING MEMORIAL DAY**

The Parks & Recreation Board has been discussing how to safely host a Memorial Day celebration during the COVID-19 pandemic. The Village Council also briefly discussed this topic at their April 6, 2021 meeting. The general consensus is that the traditional parade and carnival cannot take place during the pandemic due to the large crowds they draw, but there should be an effort to remember fallen military personnel. Both the Council and Parks & Recreation Board agreed that a Memorial Day wreath should be displayed at Beverly Park.

At the April 15, 2021 meeting, the Parks & Recreation Board passed a motion to recommend that, in honor of Memorial Day, the Village Council allow the Board to decorate the fence and pavilion at Beverly Park, distribute bike decorating kits to residents, and host a clothing drive with items to

be donated to Soldiers’ Angels, Detroit, a non-profit organization that supports veterans. Funding for this request shall not exceed \$500.00. Further, the Board is requesting that BCTV play previously recorded Memorial Day parades on local cable television for residents to enjoy on Monday, May 31, 2021.

The Board has volunteered to host several drop-off and pick-up sites throughout the Village for clothing donations and bike decorating kits as to prevent large gatherings.

Motion by O’Gorman, second by Mooney, be it resolved, the Beverly Hills Village Council approves the Parks & Recreation Board’s request to decorate Beverly Park for Memorial Day, distribute bike decorating kits to residents, and host a clothing drive for Soldiers’ Angels, Detroit, with expenses not to exceed \$500.00. Funds for this request are available in account #101-747-896.50 (Memorial Day). Be it further resolved, a Memorial Day wreath shall be placed near the flagpole at Beverly Park in remembrance of the men and women who lost their lives serving our country.

Roll Call Vote:  
Motion passed (7-0)

**REVIEW AND CONSIDER RECOMMENDATION FROM THE PARKS & RECREATION BOARD TO HOST CONCERT IN THE PARK ON JUNE 4, 2021**

Hrydziuszko provided an overview of the Parks & Recreation Board’s request. The Parks & Recreation Board is requesting Council’s approval to host a summer Concert in the Park on Friday, June 4, 2021 at Beverly Park beginning at 7:00 p.m. The Board held a successful concert event in June of 2019. They were unable to hold a concert in 2020 due to the COVID-19 pandemic.

At their April 15, 2021, the Parks & Recreation Board passed a motion to recommend the Village Council approve their request to have a Concert in the Park on Friday, June 4, 2021 at 7:00 p.m. with a performance by the Bob Mervak Band, not to exceed \$1,000.00, as allowable with COVID-19 restrictions. Part of the expense would include a stage rental from Oakland County Parks in the amount of \$550.00 (agreement attached). The band would receive \$400.00 to perform at the concert. All COVID-19 safety protocols would need to be followed during the concert, including social distancing and adhering to group gathering restrictions in place at the time of the event.

The Council discussed possibly holding the concert on the sled hill with a generator.

Motion by Kecskemeti, second by Mooney, be it resolved, the Beverly Hills Village Council approves the Parks & Recreation Board’s request to host a Concert in the Park on Friday, June 4, 2021 at 7:00 p.m., as allowable by COVID-19 health, safety, and gathering restrictions, with expenses not to exceed \$1,000.00, Further, the Council authorizes Administration to execute the Facility/Property Use Agreement with Oakland County Parks. Funds for this expense are available in account 101-747-894.00.

Roll Call Vote:  
Motion passed (7-0)

**PUBLIC COMMENTS**

None

## **MANAGER’S REPORT**

**FY 2021-22 Budget Public Hearing** – There will be a Public Hearing on the budget for FY 2021-22 on Tuesday, May 4<sup>th</sup> at the regular Village Council Meeting. Village Administration is making modifications to the draft budget per the discussion of the April 13<sup>th</sup> budget workshop. The FY 2020-21 Budget Amendments on this agenda for review and consideration will be included in that revised draft. If there are any other questions or concerns on the budget for Fiscal Years 2021-22 or FY 2022-23 please reach to me or Finance Director McCarthy. Thank you to the Council and all the staff for their work on this budget document.

**Water Quality Report** – The 2020 Consumers Annual Report on Water Quality is included at the end of the packet and is available on the Village website. A copy of this report is also being included in the May Villager Newsletter.

**Residential Curbside Chipping** – Comeau Equipment has presented Village Administration with a proposal for curbside branch chipping. Chipping would be provided for branches from 2 inches in diameter to 6 inches in diameter. Branches less than 2 inches would still be bagged as yard waste. Branches would be stacked, not bundled, at the curbside for collection and chipping.

Comeau is recommending providing this service on a weekly basis from April to November, and then on call or as needed from December through March. Comeau would bill us at their regular hourly rate and does not anticipate the need to hire any additional personnel to provide this service. It is anticipated that collection would be 1-2 days after typical trash and yard waste collection so as not to interfere with these services. If there is no objection from the Council, Village Administration can work with Comeau to implement this service.

**Fees for Unpermitted Work** – At the last Council meeting it was requested that Village Administration look into fines or fees for Building Department permits that are acquired after work has been performed and/or completed. Planning and Zoning Administrator Lloyd has investigated the matter with SAFEbuilt and the Village Attorney. The Village currently has provisions allowing for up to two times the regular permit fee to be applied to permits pulled after work has begun. As this is in the existing fee schedule it can be implemented with just better coordination between Code Enforcement and the Building Department on locations where work has commenced without a permit. Mr. Lloyd is working on that and will see that it is implemented. There are some questions as to the allowability of such fees per recent guidance provided by the State of Michigan. If Village Administration confirms that this such a fee structure is not allowed we will require the contractor to pay the standard fee but charge a re-inspection fee for every inspection that is required to be performed on that site. In either case, there will be a financial impact to being caught performing work without a permit. Hopefully this along with more time being allocated to unpermitted work will address the issue.

## **COUNCIL COMMENTS**

Kecskemeti thanked Wilson for helping resolve a bridge and debris issue with EGLE south of 13 Mile Road.

Abboud stated that he is looking forward to the May 4<sup>th</sup> public hearing and consideration of the annual budget. He noted some upcoming MML and SEMCOG webinars. The Senior Advisory

Council is reporting that the vaccination rates are improving statewide. He gave an updated on Next's new committees. He welcomed Mr. Kamoo to the Birmingham Area Cable Board.

Hrydziusko reminded residents to lock their vehicles and houses. She suggested flying the Pride flag during the month of June.

George commented on the public comments practice of the Village and stated that comments submitted are included with the official record, but not always read during the meeting.

**ADJOURNMENT**

Motion by Mooney, second by Abboud, to adjourn the meeting at 9:28 p.m.

Roll Call Vote:

Motion passed (7-0)

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

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