

Present: President Peddie; Members: George, Hrydziuszko, Mooney, and Mueller

Absent: President Pro-Tem Abboud; Member: Nunez

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

Peddie called the regular Council meeting to order at 7:30 p.m. at the Village of Beverly Hills municipal building located at 18500 W. Thirteen Mile Road and virtually via Zoom per Executive Order 2020-154. The Pledge of Allegiance was recited by those in attendance.

### **AMENDMENTS TO AGENDA/APPROVE AGENDA**

Motion by Mooney, second by Mueller, to amend the agenda to add item 1A. Discuss rain event.

Roll Call Vote:  
Motion passed (5-0)

Motion by Mooney, second by Mueller, be it resolved, the agenda is approved as amended.

Roll Call Vote:  
Motion passed (5-0)

### **COMMUNITY ANNOUNCEMENTS**

None.

### **PUBLIC COMMENTS**

None.

### **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 regular Council meeting held August 18, 2020.
2. Review and file bills recapped as of Monday, August 31, 2020.

Roll Call Vote:  
Motion passed (5-0)

### **BUSINESS AGENDA**

#### **DISCUSS RAIN EVENT**

Wilson provided an update on the recent rain event. Overnight and into the early morning hours of August 27-28 the Village experienced a significant rain event. Preliminary reports are of over 3.5 inches of rain falling overnight, with localized spots more than that. Later, it was reported from the 12 Mile and Greenfield rain gauge that 4.1 inches of rain fell between midnight and 4:00 a.m. For reference, 4 inches of rain is likely to fall in one month and we received that amount in a

few hours. Multiple roadways had standing water with some becoming impassable. Four (4) cars were trapped in high waters at the intersection of 13 Mile Rd. and Southfield Rd. The intersection had to be closed to allow the waters to recede and the vehicles to be removed. We were able to get the intersection reopened to traffic by 8:00 AM. Village staff continues to field multiple calls on standing water and water in basements. Public Services crews have been out examining the sewers and catch basins. We are not finding any evidence that the storm sewers were blocked or not functioning properly, but we are continuing to investigate. It likely that the rain event overwhelmed the system because of the large amount of rain that fell in such a short amount of time. We are making a master list of all homes that have called with flooding concerns. To date, the Village has received reports from just over 200 homes. All claims will be turned over to our liability insurance carrier.

Based upon evidence collected by our trash hauler, Wilson estimated that 250-300 homes were impacted by the rain event. We received calls from all areas of the Village, but the majority of reports were from east of Southfield Road. Wilson explained the two types of systems in the Village (combined and separated) and indicated that if a house is on the combined system, then it is possible that there was sanitary sewer back up in basement.

The Village has commissioned a study from Hubbell, Roth, and Clark (HRC) to find the cause and results of this event. The Village is providing all the reported addresses to HRC to plot on a map. The final report will include models of the functionality of the system with the rain data available and determine whether the sewer system functioned as anticipated or if it failed to function as designed, and if so, why. If the storm system failed to function as designed, then HRC will provide a recommendation on how to remedy it. The Water Resources Commission (WRC) investigated the system and there was no evidence of blockage. Wilson has asked HRC to investigate whether the 13 Mile Road construction project contributed to any of the system backups, although he believes it is unlikely. HRC's report will be made available to the public once it is complete.

Everyone who contacts the Village will receive a Public Act 222 of 2001 notice and a claim form. The claim form can be submitted back to the Village, which will then be sent to the Village's liability insurance carrier for review and processing and to determine any applicable compensation. Residents should also contact their own homeowner's insurance regarding a claim.

The Village contacted Car Trucking to do a special trash collection run on Saturday, August 29<sup>th</sup> to pick up material from the flood damage. Car Trucking collected over 70,000 pounds of material on Saturday. On their regularly scheduled route on Monday, they cleared over 200,000 pounds of material. For reference, they generally would collect 50,000-55,000 pounds on an average Monday. Wilson reminded residents that Car Trucking cannot take construction debris such as dry wall. He thanked Car Trucking for their recent efforts collecting the extra material.

There were also trees and limbs down and multiple wires down in various spots throughout the Village following the rain event. Public Safety personnel were on standby in areas with down lines to await DTE Crews to be making repairs. We are also continuously monitoring the levels of the Rouge River. Wilson thanked Comeau, the Public Safety Department, and the Village staff for their efforts during the aftermath of the rain event.

Hrydziuszko thanked administration for the updates and for the extra garbage pickup on Saturday.

George thought the extra garbage pickup was great.

**REVIEW AND CONSIDER AWARDING CONTRACT FOR THE VILLAGE OF BEVERLY HILLS 2021 CALENDAR PROJECT**

The Village of Beverly Hills creates a calendar that is mailed to each residence annually. The calendar serves as a useful resource for meeting dates, special events, refuse collection, information about local organizations, and important contact information.

The design and printing costs for past three years are listed below:

2020 Calendar	\$4,135.00
2019 Calendar	\$4,429.00
2018 Calendar	\$4,639.00

Postage is an additional expense and will cost approximately \$1,500.00. The Village has already budgeted \$9,000.00 for this project. Moreover, the Village Calendar expenses are offset by advertising revenue (approximately \$1,000.00).

A request for proposals for the 2021 Calendar Project was published on the Michigan Inter-governmental Trade Network (MITN/BidNet) on July 27, 2020. A public bid opening was held on August 24, 2020 at 11:00 a.m. in the Village Council Chamber. The Village received six sealed bids and they were opened publicly at that time.

The lowest bid was submitted by Dearborn Lithograph in the amount of \$4,134.00. Village Administration reviewed the samples, contacted references, and recommends awarding the contract to Dearborn Lithograph.

Per the bid specifications, the calendar will be printed and mailed on or before Friday, December 4, 2020.

A bid tabulation and quotes were provided to the Council for review.

Motion by Mueller, second by Mooney, be it resolved that the Beverly Hills Village Council awards the contract for the 2021 Calendar Project to Dearborn Lithograph in the amount of \$4,134.00. Funds for this project are available in account #101-747-881.00.

Roll Call Vote:  
Motion passed (5-0)

**REVIEW AND CONSIDER 2021 VILLAGE COUNCIL MEETING DATES**

The Village Council must annually adopt a meeting schedule and post it for the public. This schedule is also used in the Village calendar. The Village Council generally meets on the first and third Tuesday of the month at 7:30 PM. The proposed schedule is below:

**2021 Regular Village Council Meeting Schedule**

All meetings begin at 7:30 PM in the Village Council Chamber  
18500 W. 13 Mile Road, Beverly Hills, MI 48025

January 5	July 6
January 19	July 20
February 2	August 3
February 16	August 17
March 2	September 7
March 16	September 21
April 6	October 5
April 20	October 19
May 4	November 2
May 18	November 16
June 1	December 7
June 15	December 21

**2020 Joint Meeting Schedule**

Thursday, January 21 – Joint Council and Parks & Recreation Board Meeting  
Wednesday, February 10 – Joint Council and Planning Commission Meeting

Motion by George, second by Mooney, the Beverly Hills Village Council hereby adopts the meeting schedule for calendar year 2021 listed above.

Motion passed (5-0)

**UPDATE FROM PUBLIC SAFETY SUBCOMMITTEE**

Peddie provided an update on behalf of the Public Safety Subcommittee. The subcommittee has reviewed and would like to bring a recommendation forward to the Council for the purchase of body cameras. The subcommittee has reviewed and will be offering modifications to the existing Use of Force policy. She also reported that in addition to the Duty to Intervene already being stated in an officer’s Oath of Office, it will also be added to the general orders for all Public Safety Officers. The policy will state that a sworn officer has a specific duty to intervene if they see something occur that is in violation to the law whether it is a civilian or fellow officer. The subcommittee will continue to meet.

**RECEIVE AND FILE BUDGET FORECAST FOR GENERAL FUND AND PUBLIC SAFETY FUND**

Administration provided two versions of budget forecasts for the General Fund and Public Safety Funds. One version assumes passage of the millage renewal request that is on the ballot on November 3, 2020. The other is based upon implementation of the current sunset provision by which all General Fund, Library and Public Safety Operations revert to 11.00 mills.

Under the non-renewal option all funding for Baldwin Library operations are absorbed into the General Fund beginning in FY 2021-22. General Fund contributions to the Major and Local roads are held constant at the FY 20-21 level of \$200,000 per year. This is significantly lower than the Village’s standard contribution of around \$400,000 - \$500,000. General Fund contributions to the road funds have been the source of most of the road construction funding over the last decade. The budget forecast of the non-renewal scenario would result in less funding for road construction.

Under both scenarios both the General Fund and Public Safety Fund have positive balances in the first year (FY, 2021-22), however the balances under the non-renewal option are significantly smaller and deplete faster due to Headlee reductions under the non-renewal options. Under the non-renewal options there are also no funds set aside for park capital operations.

The assumptions used in both scenarios are listed and were kept constant across both charts to the extent possible. Wilson went over the charts below in greater detail and answered questions from Council.

<b>VILLAGE OF BEVERLY HILLS BUDGET FORECAST</b>						
<b>FISCAL YEARS 2020-21 THROUGH 2025-26</b>						
<b>Fiscal Year</b>	<b>20-21*</b>	<b>21-22</b>	<b>22-23</b>	<b>23-24</b>	<b>24-25</b>	<b>25-26</b>
Taxable Value	\$630,103,790	\$661,608,980	\$694,689,428	\$729,423,900	\$765,895,095	\$804,189,850
Public Safety Tax Revenue	\$5,515,932	\$6,549,929	\$6,739,877	\$6,932,445	\$7,127,420	\$7,324,561
Public Safety Total Revenue	\$5,769,837	\$6,749,929	\$6,939,877	\$7,132,445	\$7,327,420	\$7,524,561
Public Safety Expenses	\$5,815,325	\$6,018,861	\$6,229,522	\$6,447,555	\$6,673,219	\$6,906,782
<b>Public Safety Total</b>	<b>(\$45,488)</b>	<b>\$731,068</b>	<b>\$710,355</b>	<b>\$684,890</b>	<b>\$654,201</b>	<b>\$617,779</b>
<b>% of Expenses</b>	<b>-0.78%</b>	<b>12.15%</b>	<b>11.40%</b>	<b>10.62%</b>	<b>9.80%</b>	<b>8.94%</b>
General Fund Tax Revenue	\$1,169,933	\$1,389,379	\$1,429,671	\$1,470,519	\$1,511,877	\$1,553,695
General Fund Total Revenue	\$3,562,135	\$3,989,379	\$4,029,671	\$4,070,519	\$4,111,877	\$4,153,695
General Fund Expenses	\$3,005,644	\$3,110,842	\$3,219,721	\$3,332,411	\$3,449,046	\$3,569,762
<b>General Fund Total</b>	<b>\$556,491</b>	<b>\$878,537</b>	<b>\$809,950</b>	<b>\$738,107</b>	<b>\$662,831</b>	<b>\$583,933</b>
<b>% of Expenses</b>	<b>18.51%</b>	<b>28.24%</b>	<b>25.16%</b>	<b>22.15%</b>	<b>19.22%</b>	<b>16.36%</b>
<b>Park Millage Revenue</b>	<b>\$0</b>	<b>\$132,322</b>	<b>\$136,159</b>	<b>\$140,049</b>	<b>\$143,988</b>	<b>\$151,188</b>
						<b>Assumptions</b>
						Successful 11/2020 campaign for renewal of millage rates per 2010 Charter Amendment.
						.02 mills voter approved for parks millage.
						Taxable value increases of 3% annually.
						Headlee reductions of 2% annually.
						Expenses increase 3.5% annually.
						Non-tax revenue for PS and GF remain constant at \$200k and \$2.6M respectively.
						"Total" figures in bold represent annual expenses over revenues per fund.
						No projected annual park expenses to date.
						% of Expenses is annual fund surplus as a % of total expenses.
						Assumes maximum legal millage levy annually. This is subject to Village Council approval.
						*Current Fiscal Year.

<b>VILLAGE OF BEVERLY HILLS BUDGET FORECAST</b>						
<b>FISCAL YEARS 2020-21 THROUGH 2025-26</b>						
<b>NO MILLAGE RENEWAL</b>						
<b>Fiscal Year</b>	<b>20-21*</b>	<b>21-22</b>	<b>22-23</b>	<b>23-24</b>	<b>24-25</b>	<b>25-26</b>
Taxable Value	\$630,103,790	\$661,608,980	\$694,689,428	\$729,423,900	\$765,895,095	\$804,189,850
Public Safety Tax Revenue	\$5,515,932	\$5,954,481	\$6,127,161	\$6,302,222	\$6,479,473	\$6,658,692
Public Safety Total Revenue	\$5,769,837	\$6,154,481	\$6,327,161	\$6,502,222	\$6,679,473	\$6,858,692
Public Safety Expenses	\$5,815,325	\$6,018,861	\$6,229,522	\$6,447,555	\$6,673,219	\$6,906,782
<b>Public Safety Total</b>	<b>(\$45,488)</b>	<b>\$135,619</b>	<b>\$97,639</b>	<b>\$54,668</b>	<b>\$6,253</b>	<b>(\$48,090)</b>
<b>% of Expenses</b>	<b>-0.78%</b>	<b>2.25%</b>	<b>1.57%</b>	<b>0.85%</b>	<b>0.09%</b>	<b>-0.70%</b>
General Fund Tax Revenue	\$1,169,933	\$1,323,218	\$1,361,591	\$1,400,494	\$1,511,877	\$1,553,695
General Fund Total Revenue	\$3,562,135	\$3,923,218	\$3,961,591	\$4,000,494	\$4,111,877	\$4,153,695
General Fund Expenses	\$3,005,644	\$3,630,842	\$3,757,921	\$3,889,448	\$4,025,579	\$4,166,474
<b>General Fund Total</b>	<b>\$556,491</b>	<b>\$292,376</b>	<b>\$203,670</b>	<b>\$111,046</b>	<b>\$86,298</b>	<b>(\$12,779)</b>
<b>% of Expenses</b>	<b>18.51%</b>	<b>8.05%</b>	<b>5.42%</b>	<b>2.86%</b>	<b>2.14%</b>	<b>-0.31%</b>
<b>Park Millage Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Assumptions</b>						
Beginning FY 21-22, 11.00 Mills split with 9.0 mills to Public Safety, 2.0 mills to General Fund						
Taxable value increases of 3% annually.						
Headlee reductions of 2% annually.						
Expenses increase 3.5% annually.						
Non-tax revenue for PS and GF remain constant at \$200k and \$2.6M respectively.						
"Total" figures in bold represent annual expenses over revenues per fund.						
Baldwin Library expenses included in General Fund Budget for FY 2021-22						
% of Expenses is annual fund surplus as a % of total expenses.						
Assumes maximum legal millage levy annually. This is subject to Village Council approval.						
*Current Fiscal Year						

Mooney asked whether, if the millage renewal does not pass, the Village could survive for the next few fiscal years without going into a deficit operating on just 11.00 mills for Public Safety, General Fund and Library. Wilson confirmed, but pointed out that there would be a significant reduction to road capital funding every year.

Mooney stated the lion’s share of the property taxes assessed goes toward Public Safety, but there is also a portion that goes to the General Fund. He stated there is a significant portion of the General Fund that is allocated by Council to road repairs, sewer repairs, rehabilitation, etc. Wilson agreed.

Mooney asked, would the Village be able to fund road repairs at the level it is now if the millage renewal does not pass in November? Wilson stated the Village would not be able to fund road repairs at the level it is now in the immediate future and eventually not at all if the current millage rate is not renewed.

Mooney asked if our contract with Baldwin Public Library would be at risk if the millage renewal does not pass. Wilson stated it would be a decision the Village would be faced with addressing in a few years, assuming the millage renewal did not pass.

Mooney stated it was reasonable to assume that the Village would be receiving less money from the state gasoline tax for road rehabilitation this coming year or into the future. Wilson agreed that based on the financial forecast and funding formula, monies from the state for roads will decline.

Mooney reiterated that the ability to keep our roads at the repair level that we have been doing is threatened if the millage rate is not renewed. He stated the possibility of the library contract is threatened if the millage rate is not renewed. He also stated that it is likely the Village will be in a deficit in a few years if the millage rate is not renewed. Wilson agreed with his assessment.

Mooney asked if it were a possibility that there would be a reduction in personnel, specifically in the Public Safety Department, if the millage is not renewed. Wilson confirmed that reductions in staff would be on the table if budget cuts had to be made.

Mooney concluded that in order to maintain the level of service that the residents currently receive, then the millage rate should be renewed.

Motion by Peddie, second by Mooney, be it resolved, the Village Council receives and files the Budget Forecast for General Fund and Public Safety Fund.

Roll Call Vote:

Motion passed (5-0)

## **RECEIVE AND FILE REPORT ON STATE REVENUE SHARING AND ACT 51 FUNDING**

Due to the economic impact of the COVID-19 epidemic the State of Michigan has been making revisions to their economic and budget forecasts. Wilson provided a report relative to budget forecasts for the purpose of analyzing our future revenue sharing and ACT 51 road funds.

For Revenue Sharing, the State Budget forecast has been revised to include an expected reduction of 4% for the current Fiscal Year (ending 9/30/20) and 11% and 7% for Fiscal Years 21 and 22, respectively. When formulating the Village budget, we anticipated a 20% drop in revenue sharing (both constitutional and statutory) for FY 2021 with funding levels returning to normal for FY 2022. As currently projected, state revenues (and presumably revenue sharing) are projected to decline by 22% over the three-year period of Fiscal Years 20-22. These projections are based on a number of factors subject to change, most importantly overall economic growth and Federal Stimulus. For the current FY, Federal Stimulus payments were responsible for revenue losses not being worse than they were. At this point I think the one-time 20% revenue sharing losses are a good estimate and would not recommend wholesale changes at this time. It appears that the impact may be spread over a longer period than just FY 20-21 and if so, adjustments to future years can be made as needed. As a reference, Constitutional revenue sharing payments for FY 2020-21 were estimated to be approximately \$750,000. For FY 2021-22 these payments were estimated to be \$936,000. Statutory revenue sharing estimates were \$29,586 for FY 2020-21 and \$36,982 for FY 2021-22.

Act 51 revenue estimates, after falling significantly in the early months of the pandemic, have recovered but have not quite returned to pre pandemic levels at this time. I have included a worksheet as provided by the Department of Treasury. Based upon this estimation, the Village is projected to receive just over \$1 million if ACT 51 funds for the state's FY 2021. This would

slightly exceed the \$956,000 in ACT 51 monies the Village budgeted for Major and Local Roads in FY 2021-22, which was based on an assumed 20% reduction in ACT 51 funding.

Motion by Peddie, second by Mooney, be it resolved, the Village Council receives and files the report on State Revenue Sharing and Act 51 Funding.

Roll Call Vote:  
Motion passed (5-0)

### **DISCUSSION ON PUBLIC MEETINGS AND PUBLIC HEARINGS UNDER COVID-19 EXECUTIVE ORDER**

Wilson began the discussion on conducting public meetings and public hearings during the coronavirus pandemic. The Village has been dealing with the issue of conducting regular Public Meetings and Public Hearings under the terms established in Executing Order 160, indoor gatherings are currently limited to ten (10) persons. As it relates to the Village's Council Chambers, adherence to social distance guidelines functionally limits the number of people who can be in the Chambers at any one time to 10-12, depending on how they are arranged. For the duration of the Stay Home Order, the Village Council met via online platform Zoom, as was and is currently allowed by Executive Order. The Village's Planning Commission and Zoning Board of Appeals have continued to meet via this format.

For the Public Hearing to pass the Village budget, Village Administration provided a device at the Village Hall that was connected to the Zoom meeting so that anyone who wished to make a comment could do so in person. The Village President, as Chair of the meeting was present to take the comments. In addition, the device was connected to and participating in the Zoom meeting so that all participants could see and hear the speaker and that speaker could do the same. The doors to the Village Hall were open to anyone who wished to attend.

This did necessitate limiting the number of board members who could be present in the room and participating in the meeting, both to attendance limits per the EO and excessive audio feedback from multiple devices being in the same room on the same meeting. Attendance and participation in the budget hearings was admittedly limited, but I feel this system is viable and meets the conditions for public participation while being compliant with all applicable Executive Orders. Anyone who wanted to comment via Zoom could also still do so. Having fewer Board Members or members of Village staff in the building provides greater access to the public and helps maintain proper social distancing and other existing restrictions.

As existing restrictions are modified or lessened other opportunities may present themselves. However, as long as the 10-person indoor limit as established by EO 2020-160 remains in effect, this appears to Village Administration to be the best method by which to conduct a public meeting with a large number of participants.

Hrydziuszko commented that it is sometimes difficult to hear the meeting via Zoom, especially while people are wearing masks. She suggested sharing the meetings live on YouTube. She asked her fellow Council members whether, with the capacity regulations in place, it is more important to have all the Council members in the council chambers or have the opportunity to allow more members of the public in the room.



George suggested using other technology, such as motion sensing cameras.

Mueller thinks it is important that the Council can hear the residents and that the residents can hear Council. He would like to see technology improvements. He stated that the public can also mail and email comments prior to the meeting. He would like more communication surrounding the meetings.

Mooney suggested utilizing the Smart Board for public participation or other technology, such as a cell phone for public comment. He thinks the Council should remain in council chambers. He would like administration to contact IT providers for more options.

Wilson clarified that anyone can stream the council meetings live through the Village website. They are also available to watch live on local cable television. He clarified that Zoom is a better option for the public to use if they wish to participate in the meeting remotely, but that cable television or the live stream online are good options for observing the meetings.

## **PUBLIC COMMENTS**

None.

## **MANAGER'S REPORT**

**13 Mile Construction Project** – The 13 Mile construction project continues progress well. Preliminary projections call for traffic to be completely restored before October 15<sup>th</sup>. To date, there is nothing to suggest that we will not meet that deadline. As we get closer to the end of the project, we will attempt to firm up a date when traffic will be fully restored. Currently, construction crews are coordinating with the Public Safety Dept. on the restoration of the driveway approaches to the Public Safety Building. At no time will this work interfere with access to the building or response time of Public Safety personnel.

**Code Enforcement** – SafeBuilt is in the process of hiring an employee to perform Code Enforcement for the Village. It is anticipated that this individual will begin on September 8<sup>th</sup> or shortly thereafter. As I notified Council earlier, current Code Enforcement Officer Dan Gosselin will be retiring at the end of November after a total of 45 years of employment in the Village of Beverly Hills. This timing should allow a good transition of duties for Code Enforcement and other inspection services. The Village has been working with SafeBuilt to acquire in field technology to assist in Code Enforcement and record keeping.

**Lead and Copper Testing** – The Village has completed our round of lead and copper testing for this year. We conducted thirty (30) tests throughout the Village. Of the 30 tests, 29, including the two known lead service leads that we currently have, tested at a level of less than 1 part per billion (1PPB), The other remaining test came in at 13 PPB. The current standard for all tests is an average of 15 PPB or less. The Village was significantly under this standard. We have been in contact with the residents of the home that tested at 13 PPB and will continue to do follow up tests at the Village's expense to determine if this reading was a one-time occurrence or if further investigation is warranted.

## **COUNCIL COMMENTS**

George reminded people who are hiring contractors to do work on their homes to check references first. He thanked administration for the work they did to coordinate the response to the recent rain event.

Hrydziusko reported the Planning Commission elected new officers. Andrew Drummond is the Chairperson, Robert Stempien is the Vice Chairperson, and Robert Ruprich is Secretary. She asked for clarification on water shut off notifications.

**ADJOURNMENT**

Motion by Peddie, second by Mooney to adjourn the meeting at 9:03 p.m.

Motion passed.

**Lee Peddie**  
**Council President**

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