

Present: President Peddie; President Pro-Tem Abboud; Members: George, Hrydziuszko, Mooney, Mueller, and Nunez

Absent: None

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

Peddie called the regular Council meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. The Pledge of Allegiance was recited by those in attendance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Mooney, second by Mueller, to approve the agenda as published.

Motion passed.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

None.

CONSENT AGENDA

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

1. Review and consider approval of minutes of a regular Council meeting held September 17, 2019.
2. Review and file bills recapped as of Monday, September 30, 2019.
3. Set Public Hearing Date for November 5, 2019 to receive comments on proposed 2020 Community Development Block Grant funding allocation.

Roll Call Vote:

Motion passed (7-0)

BUSINESS AGENDA

REVIEW AND CONSIDER REQUEST FROM OUR LADY QUEEN OF MARTYRS TO USE VILLAGE STREETS FOR THEIR OKTOBERFEST 5K ON OCTOBER 5, 2019

Administration received a request from Our Lady Queen of Martyrs School to use Village streets for their annual Oktoberfest 5K run on Saturday, October 5, 2019. The race kicks off their annual charity event. The map of the 5K route was provided.

Michael Hughes, Pastoral Associate at Our Lady Queen of Martyrs, thanked the Village for their continued support of this event.

Motion by Hrydziuszko, second by Mooney be it resolved that the Village Council of Beverly Hills hereby authorizes Our Lady Queen of Martyrs School to hold their annual Oktoberfest 5K Race and use the Village streets and sidewalks on Saturday, October 5, 2019 outlined on the attached map provided that they submit the required Certificate of Liability Insurance naming the Village of Beverly Hills as an additional insured for the date of the event.

Roll call vote:

Motion passed (7-0)

SECOND READING AND CONSIDERATION OF ORDINANCE NO. 370, AMENDING CHAPTER 41 OF THE MUNICIPAL CODE OF THE VILLAGE OF BEVERLY HILLS, “TRAFFIC,” SECTIONS 41.08 AND 41.09, “MICHIGAN VEHICLE CODE,” TO ADOPT SECTION 625(1)(C) OF THE MICHIGAN VEHICLE CODE BY REFERENCE AND TO PROVIDE PENALTIES FOR A VIOLATION OF THAT SECTION, PURSUANT TO PUBLIC ACT 7 OF 2012

Motion by Mueller, second by Mooney, that the Village of Beverly Hills Ordains:

Section 1.01. SHORT TITLE. This Ordinance shall be known as and may be cited as the “High BAC Amendment” to the 2002 Motor Vehicle Code Ordinance.

Section 2.01. STATEMENT OF PURPOSE. This is an ordinance to amend Chapter 41 of the Municipal Code of the Village of Beverly Hills, “Traffic”, Section 41.09, “Michigan Vehicle Code”, to adopt Section 625(1)(C) of the Michigan Vehicle code by reference and to provide penalties for a violation of that Section, pursuant to Public Act 7 of 2012.

Section 3.01. AMENDMENT TO SECTION 41.09. Chapter 41 of the Municipal Code of the Village of Beverly Hills, “Traffic”, is hereby amended at Chapter 41.09, “Michigan Vehicle Code”, Section 41.09 “Adoption of Code by Reference”, which shall now read as follows:

“Section 41.09 Adoption of Code by Reference. The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, as amended, is hereby adopted by reference. MCL 257.625(1)(C) of the Vehicle Code is specifically adopted by reference, pursuant to Public Act 7 of 2012.”

Section 4.01. AMENDMENT TO SECTION 41.08(b). Chapter 41 of the Municipal Code of the Village of Beverly Hills, “Traffic”, is hereby amended at Section 41.08(b), Violations, which shall now read as follows:

(b) Misdemeanor: The penalties provided by the Michigan Vehicle Code are adopted by reference. The Village of Beverly Hills may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days; provided, however, that a violation of MCL 625(1)(C) is punishable by one or more of the following:

- (i) Community service of not more than 350 hours.
- (ii) Imprisonment for not more than 180 days.
- (iii) A fine of not less than \$200.00 or more than \$700.00.

Section 5.01. SEVERABILITY. If any section, clause or provision of this Ordinance shall be declared to be inconsistent with the Constitution and laws of the State of Michigan and voided by

any court of competent jurisdiction, said section, clause or provision declared to be unconstitutional and void shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force.

Section 6.01. SAVING CLAUSE. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 7.01. REPEALER. Any Ordinance conflicting with this Ordinance be and the same is hereby repealed.

Section 8.01. EFFECTIVE DATE. This Ordinance shall become effective 20 days following its publication in The Eccentric, a newspaper circulated within said Village.

Motion passed.

REVIEW AND CONSIDER ANNUAL CONTRACT AND FUNDING REQUEST FROM NEXT BIRMINGHAM FOR SENIOR SERVICES

Next is a non-profit organization that works to identify and meet the needs of older adults by coordinating community resources to provide educational, recreational, and social programs. Next provides supportive outreach services and volunteer opportunities to seniors in the Village of Beverly Hills and the greater Birmingham School District community. The Village of Beverly Hills does not currently provide these opportunities on its own.

Village Council approved funding in the Fiscal Year 2019-20 budget in the amount of \$38,375.00 for contract services for senior services. A contract with Next requesting funding and outlining the services it provides was attached for review.

Greg Burry, Next, thanked the Council for its continued support of Next and the services they offer. Next has over 1,800 members and provides an invaluable service to the Beverly Hills community. Mooney thanked Burry for attending and asked he extend their gratitude to the Next Board for all that they do.

Motion by Mooney, second by Mueller be it resolved, the Village Council of Beverly Hills approves the funding request from Next in the amount of \$38,375.00 and authorizes Administration to sign the annual contract with Next for senior services. Funds for these services are available in account #101-747-891.

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER RENEWING LIABILITY AND PROPERTY INSURANCE POLICY WITH MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY

Council will review and consider is the renewal of the Village's Liability Insurance Policy. This policy renews on November 1 of this year. The terms of this policy are the same as the current policy: A self-insured retention of \$75,000 for liability and, for vehicle and physical damage a self-insured retention of \$15,000 per vehicle and \$30,000 per occurrence. The liability limit is \$10,000,000 with various other limits listed on page 3. There is also a stop loss policy that would

limit all liability in any village fiscal year to \$150,000. The cost for retaining this stop-loss policy is \$4,559. The stop-loss policy was provided.

The total cost for the liability policy for one year is \$132,927. This is a slight increase of our premium for last year of \$130,480. Our carrier, Michigan Municipal Risk Management Authority (MMRMA) is also requesting a contribution to our loss retention fund of \$40,000 upon renewal. The total premium, stop loss cost and retention fund contribution is \$177,486. With the contribution of \$40,000 to our loss retention fund the Village will have approximately \$300,000 retained to cover losses. At this time, we do not have any reserves set aside against our retention funds.

Upon renewal, the Village will be eligible for a disbursement through MMRMA. Our disbursement for this year is \$89,819. Given the current strong position of our retention fund Administration recommends that the disbursement amount be allocated back to the General Fund. Village Administration has reviewed the liability insurance renewal and recommends approval at this time.

Motion by Abboud, second by Hrydziuszko, be it resolved, the Village of Beverly Hills Council approve and authorize the Village Manager to sign the Michigan Municipal Risk Management Authority Liability and Property Insurance renewal effective November 1, 2019 through November 1, 2020 in the amount of \$177,486.00. Funds for these expenditures are available in accounts 101.248.910.00, 205.345.910.00, 205.346.910.00, 592.540.910.00.

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER AWARDING CONTRACT TO HMC, LLC FOR THE 2019 CONCRETE ROAD IMPROVEMENT PROGRAM

The Village of Beverly Hills received bids on September 24, 2019 for the 2019 Concrete Road Improvement Program of which the major portion is for repair and replacement of concrete on Foxboro between Metamora Lane and Sleepy Hollow Lane. This will include drainage improvements, as well as surface improvements. Foxboro was chosen for replacement based on its low rating on the street rating assessment that was done approximately a year ago.

There were four bids received, copies of which were provided to Council, ranging from a low bid of \$285,813.33 to a high bid of \$388,004.00. HMC, LLC was the low bidder at \$285,813.33 for this project. HMC, LLC has not worked in the Village before so extensive research was done to vet this company's qualification and work quality. All information received indicates that this company is qualified to perform this work. The plan is to get the underground work and the pavement replacement completed before Thanksgiving with restoration done in the Spring of 2020.

The FY 19/20 budget for this project is \$600,000. Based on the low bid, the budget will have a balance of approximately \$300,000. We have researched the bid prices as submitted for concrete patching compared to other recent bids received in other communities by HRC and found them to be very reasonable. There are many areas in this same subdivision that require concrete patching.

Administration spoke to the contractor and he is willing to extend his price into the Spring of 2020 to do additional patching in this subdivision, therefore; it is recommended that we utilize the

balance of this budget for patching in this subdivision in the Spring of 2020. Administration recommends that the Village of Beverly Hills Council award the project to HMC, LLC for the 2019 Concrete Road Improvement Program. Funds for this project are available in 203-451-810.03.

Nunez inquired on recourse for the Village if there are completion problems with the contractor. Wilson explained that a bond verification is required at the time of bid, and that bond would then be secured prior to project start date and would be held if the work were not completed.

Motion by George, second by Hrydziusko, be it resolved that Village Council award the 2019 Concrete Road Improvement Program to HMC, LLC in the amount of \$285,813.33 and an additional \$300,000.00 in patching for this subdivision.

Roll Call Vote:
Motion passed (7-0)

PUBLIC COMMENTS

None.

MANAGER'S REPORT

Cub Scout Pack 1049

The Village was happy to host Cub Scout Pack 1049 from Bingham Farms Elementary at the Village Offices and Public Safety Building for a tour and discussion about local government on Tuesday, October 1st.

FY 2018-19 Audit and OPEB Reports – Village Administration, especially Finance Director McCarthy, has been working with the auditors to wrap up the 2018-19 Audit report. We anticipate having the full audit report presentation to Council at our regular meeting of October 15. As a part of this report the Village is updating the Other Post-Employment Benefits (OPEB) actuarial report. This has taken a bit longer than anticipated as the Village is ahead of many other municipalities in the funding and paying for retiree health care benefits.

As Council may recall, in a previous budget year, the Village began utilizing existing Retiree Health Care assets to pay for current costs. This was done by paying all benefit costs from the Retiree Health Care Trust Fund while making fixed annual contributions to that fund. The fixed annual contribution was established at \$400,000 split between the General Fund and the Public Safety Fund. Our OPEB auditors are examining all the data to determine the adequacy of this fixed amount through at least 2040. The Village was able to make the change in how these costs were met due to the aggressive pre-funding of these liabilities in previous years and the fact that retiree health care benefits of this type have been “closed” to new hires as of 2013. Employees hired after 2013 now have individual retiree health care accounts to utilize upon retirement to cover health care costs. Along with annual audit results, Village Administration will review the results of the OPEB audit with Council as soon as they are available.

Public Safety Boiler Replacement – The boiler replacement project at the Public Safety Building is proceeding well. Public Safety Administration was able to secure grant funding from Consumers Energy in the amount of \$4,678.20 to help offset the costs of these improvements. I have included a copy of the grant award letter for your review.

Mayors Association Dinner – Council members should have received their invitation to the October South Oakland Mayors Association Dinner on Wednesday, October 16th. The Village is jointly hosting this event along with the cities of Birmingham, Berkley, Lathrup Village and Royal Oak Township. Newly appointed Oakland County Executive Dave Coulter has agreed to be the guest speaker at this event.

Vehicle-Deer Crashes

Clerk Rutkowski was able to work with SEMCOG to create a map of reported vehicle crashes involving deer over the last 5 years. The majority of the crashes occurred near the 13 Mile and Lahser intersection, which is in close proximity to the river.

COUNCIL COMMENTS

Hrydziusko reported the Planning Commission subcommittees continue to make progress, and the tennis court updates at Detroit Country Day School were approved.

Mueller invited residents to attend the Parks and Recreation clean up event on Saturday, October 5 in Beverly Park. He thanked Administration for the completion of the crosswalk at Evergreen and Groves High School.

Nunez expressed his concern about the rate of progress at the BP Gas station renovation. Wilson reported that some work has been done, and Administration continues to closely monitor the project.

Abboud reported on the various committees he represents the Village at and updated that the finance committee continues to meet to develop a plan for the millage proposal in 2020.

Motion by Mooney, second by George, to adjourn the meeting at 8:14 pm.

Motion passed.

Lee Peddie
Council President

Kristin Rutkowski
Village Clerk

Elizabeth Lyons
Recording Secretary