

Present: President Mooney; President Pro-Tem Peddie; Members: Abboud, Delaney, Mueller, Nunez, and Oen

Absent: None

Also Present: Village Manager, Wilson
Village Attorney, Ryan
Public Safety Director, Torongeau

President Mooney 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 Oen, second by Peddie, to amend the agenda, adding Business Item 10. Discussion of Pending Litigation Regarding the November Ballot Proposal.

Motion passed.

Motion by Oen, second by Peddie to approve the agenda as amended.

Motion passed.

COMMUNITY ANNOUNCEMENTS

Rosemary Bayer, Dunblaine, announced that she is running for Michigan Senate, District 12, she has always felt compelled to be of service to the community. It is a lifetime commitment rooted in a family tradition of public service. As she has watched the problems caused by a lack of effective, honest government grow, she decided to be part of the solution.

She believes that Michigan can have a strong economy, a beautiful and healthy environment, a leading education system, a fair criminal justice system and safe, supportive communities for all our children and from my experience as an executive, entrepreneur and advocate for women, she has the right skills and experience to get in there and get to work for the District.

PUBLIC COMMENTS

Ann Ferguson, Auburn, spoke about her concerns about the need for a tree protection ordinance and some trees on her right away that may need removal.

Mooney advised her Administration would follow up with her regarding the trees located on the right-of-way.

CONSENT AGENDA

Motion by Oen, second by Peddie, be it resolved that the Council for the Village of Beverly Hills approve the consent agenda.

1. Review and consider approval of minutes of a regular Council meeting held August 21, 2018.

2. Review and file bills recapped as of Tuesday, September 4, 2018.
3. Review and consider recognizing September as National Recovery Month.
4. Review and consider 2019 Council meeting dates.
5. Refer request from Woodside Athletic Club, 22440 W. 13 Mile Rd. for site plan and special land use approval to the Planning Commission for review and recommendation.
6. Review and consider waiving sales restrictions at Beverly Park for Read in the Park.

Roll Call Vote:

Motion passed (7-0)

BUSINESS AGENDA

REVIEW AND CONSIDER ANNUAL FUNDING REQUEST AND CONTRACT FROM NEXT BIRMINGHAM FOR FY 2018/2019 IN THE AMOUNT OF \$37,257.00

Next works to identify and meet the needs of older adults by coordinating community resources to provide educational, recreational and social programs; 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.

The Village Council approved funding in the FY 2018/19 Budget for contract community action programs. Thirty seven thousand two hundred and fifty seven dollars (\$37,257) was allocated for Next. Next is requesting a contribution of \$37,257 to cover the funding of these important functions being provided to the community by the organization. A contract entailing the services provided is attached for Council consideration.

Greg Burry, Pierce, explained that not only does Next provide entertainment, they also provide meals, transportation, health programs, and outdoor work assistance.

Motion by Delaney, second by Abboud, be it resolved that the Council for the Village of Beverly Hills approves the funding request from Next in the amount of \$37,257 for the provision of senior services, further that Administration is directed to sign the contract document providing for this continuing community service. Funds are available in account #101-747-891.

Roll Call Vote:

Motion passed (7-0)

REVIEW AND CONSIDER ANNUAL FUNDING REQUEST AND CONTRACT FROM BIRMINGHAM BLOOMFIELD COMMUNITY COALITION IN THE AMOUNT OF \$1,800.00

The Birmingham Bloomfield Community Coalition (BBCC) provides services to reduce substance abuse by youth within the Village of Beverly Hills and the greater Birmingham Bloomfield community. These services center on reducing the access and use of tobacco, alcohol, marijuana and other dangerous drugs by teens. BBCC acts in similar fashion to a “community services” function, a service the Village of Beverly Hills does not currently staff on its own.

Carol Mastroianni, Executive Director, spoke, sharing that as more teens are faced with stress, anxiety, bullying, and substance abuse, BBCC has continued to provide opportunities for young people to build themselves up from the inside out. One of the more popular programs is the Covey “7 Habits of Highly Effective Teens.” This program is offered to 9th and 10th graders and have our YAB teens lead it. This training provides a step-by-step framework for boosting self-image, building friendships, resisting peer pressure, achieving goals, and much more.

Even with reduced staff and funding, BBCC continues to provide timely, useful news, information, programs, activities, and events designed to keep parents, youth, schools, and other community members “in the know” and provide opportunities to participate in substance abuse prevention efforts. They bring the right people and resources together to weave sustainable prevention efforts into the fabric of the community. Their goal is to get to outcomes and ultimately to save kids’ lives and provide the brightest drug-free future for them.

Motion by Delaney, second by Oen, be it resolved that the Village of Beverly Hills Council approves the funding request of Birmingham Bloomfield Community Coalition in the amount of \$1,800 for the provision of substance abuse prevention services; further that Administration is directed to sign the contract document providing for this continuing community service. Funds are available in Account #101-747-890.03 Community Action: Contracted.

Roll Call Vote:
Motion passed (7-0)

PRESENTATION BY HUBBELL, ROTH & CLARK REGARDING PASER ROAD RATING SYSTEM

Brad Shepler and Colleen Hill-Stramsak representing Hubble, Roth & Clark (HRC), presented the Roadway Asset Management Plan. They provided background on the purpose of the assessment. It is required to submit AMP with a capital improvement plan to Michigan Transportation Asset Management Council (TAMC). Currently, Act 51 Funds must be split between major and local roads. Once AMP is approved, money can be shifted between funds.

The Asset Management Plan will rate the surface condition of 48 miles of non-federal aid eligible roads using the Pavement Surface Evaluation and Rating (PASER) system. The goal is to evaluate how to best allocate resources to maintain, preserve and improve roadway assets.

The process includes; assess current conditions, create a mix of fixes, estimate costs, and funding levels, predict future condition and develop performance measures and targets, conduct tradeoff analysis and identify candidate projects, set priorities and develop a multi-year program, and report results.

The rate of roadway deterioration is not constant. Conducting maintenance and rehabilitation can provide more value per dollar. Typically, maintenance and rehabilitation are no longer options when a road has reached a PASER of 2 or 1.

The PASER evaluation was conducted in May 2018, and does not include federal aid roads, which are rated by SEMCOG, MDOT and the RCOC every two years. Of the roads under the City's jurisdiction, within the Village of Beverly Hills, 10% are good, 54% are fair, and 36% are poor.

Based on these findings, the recommendations of HRC are as follows:

Work with the Oakland County Federal Aid Committee (FAC) to secure funding for major road projects. Investigate alternative treatment methods to most efficiently use the scarce funds available. Combine the suggested 5 Year Capital Improvement Plan with the Village's roadway familiarity to most efficiently use preventative maintenance, rehabilitation and roadway reconstruction to prolong the Village's roadway network investments. Submit the results of the Asset Management Plan to the TAMC.

Annually review and update the Asset Management Plan's 5 Year Capital Improvement Plan. Reassess the condition of the roadways in Beverly Hills, and record their respective PASER rating, to ascertain the effectiveness of implemented improvements. Regularly evaluate the budgeted amount of roadway funding and increase it as money become available to help increase the overall PASER rating of the Village's roadway network.

Establish goals based on the following performance measures: Changes in roadway PASER rating, Roadway service life per total cost of roadway, establishing a maximum roadway deterioration rate.

Council thanked Shepler and Hill-Stramsak for their work on this project.

Mueller stressed that the Village would not spend money simply in pursuit of a higher rating, it would be based on decisions that are fair and benefit residents.

Delaney inquired what the next steps would be in the process. Shepler explained the Village would work with HRC to develop a capital improvement plan, and determine which roads receive priority.

Dave McDonald, Foxboro Way, reported that his road was in terrible condition and unsafe. He believes planning is great, but immediate relief is needed.

Don McDonald, Foxboro Way, expressed frustration with what he sees as a lack of repairs on local roads.

A full copy of the report is available in the Village office and on the Village website.

REVIEW AND CONSIDER RECOMMENDATION FROM THE PARKS & RECREATION BOARD TO RAISE PAVILION FEES FOR 2019

At their August 16, 2018 meeting, the Parks & Recreation Board reviewed the park opener fees for pavilion rentals. The park opener fee has been \$25 for over 20 years. It is a difficult position to fill due to approximately 150 rentals per season and two trips to the park for every rental. After

discussion the Board agreed to recommend a \$15 increase in the park opener fee from \$25 to \$40. The additional amount would be paid by the renter as a pass through to the park opener.

Motion by Mueller, second by Oen, be it resolved that the Village of Beverly Hills Council approves to increase the Beverly Park pavilion rental fee by \$15 for all rentals beginning with the 2019 season. The additional amount will be paid to the park opener.

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER PROPOSALS FOR DESIGNING AND PRINTING THE 2019 VILLAGE CALENDAR.

Each year the Village produces a calendar that is mailed to each residence and business in the Village. It is a valuable source of communication regarding meeting dates and times, trash rules and regulations, and organizations.

On Wednesday, August 29, 2018 at 10:00 am, six sealed bids were opened publicly for the 2019 Village Calendar project. Vendors were asked to quote on designing and printing the calendar based on the layout of the 2018 calendar with a quantity of 5,000.

For the 14th year we are offering businesses in the community and surrounding area an opportunity to advertise in the calendar. Any revenue generated from the sale of advertising space will help offset the cost of the calendar and increase communication between businesses and residents. Last year \$1,008 worth of advertising space was sold. Already this year \$1,638 has been committed.

The following summarizes the bids: Arbor Oakland Group \$7,955.00; Compton Press \$4,639.00; Dearborn Lithograph \$4,429.00; Hour Custom Publishing \$9,645.00; Indiana Printing & Publishing \$4,325.00; KB Offset Printing \$5,325.00.

Although Indiana Printing & Publishing provided the lowest bid of \$4,325, they are located in Pennsylvania. In an effort to support Michigan business, administration recommends Dearborn Lithograph to print the 2019 calendar. Dearborn Litho printed the 2012, 2013 and 2016 calendars.

Administration recommends awarding the Village of Beverly Hills 2019 Calendar project to Dearborn Lithograph in the amount of \$4,429.00 and mail calendars to each residence and business in the Village for an additional postage amount of approximately \$1,700.

Motion by Mueller, second by Oen, be it resolved that the Village of Beverly Hills Council awards the contract for printing the Village of Beverly Hills 2019 Calendar Project to Dearborn Lithograph in the amount of \$4,429.00. Funds for this project are available in account #101-747-881.

Roll Call Vote:
Motion passed (7-0)

ANNOUNCEMENT OF A VACANCY ON THE BIRMINGHAM AREA CABLE BOARD

A vacancy exists on the Birmingham Area Cable Board with a term expiration date of June 30, 2020. The Cable Board meets at 7:45 a.m. on the third Wednesday of each month in the Village Council Chamber. They advise the Village Council as to all matters related to Cable Television. The Board monitors performance of the franchisee and compliance with the franchise agreement and acts as liaison between residents and the franchisee.

Applications will be accepted until the vacancy is filled.

REVIEW AND CONSIDER APPOINTING REPRESENTATIVE TO THE MICHIGAN MUNICIPAL LEAGUE ANNUAL BUSINESS MEETING

Each year the Michigan Municipal League (MML) holds a Convention for Michigan government officials. This year's convention will be held September 20-22, 2018 in Grand Rapids. The annual business meeting will be held on Friday, September 21st for the purpose of electing trustees, voting on policies and resolutions and other business. Pursuant to the provisions of the MML Bylaws, we are requested to designate, by action of our Village Council, one of our officials who will be in attendance at the Convention to act as our official representative to cast a vote on behalf of Beverly Hills. They also suggest naming an alternate.

Motion by Abboud, second by Oen, that the Beverly Hills Village Council appoints Rock Abboud as the official representative of the Village of Beverly Hills to attend the Michigan Municipal League Annual Business Meeting to be held September 21, 2018 in Grand Rapids, Michigan.

Roll Call Vote:
Motion passed (7-0)

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 5 §5.03 AND §5.04; CHAPTER 14 §14.30 AND CHAPTER 42 §42.02, 42.03, 42.04, 42.07(6), 42.12, 42.18 AND 42.20 REGARDING PENALTIES IN THE MUNICIPAL CODE

Tom Ryan conducted the first reading, and explained that previously Zoning Violations had been de-criminalized, and this revised language will classify the violations a civil infractions.

A copy of the proposed ordinance changes are available at the Village office.

REVIEW AND CONSIDER RESOLUTION FOR GOVERNMENTAL AGENCIES FOR THE MICHIGAN DEPARTMENT OF TRANSPORTATION

As Village Administration begins preparations for the 14 Mile reconstruction project we have determined that the official detour route for west bound traffic will incorporate Telegraph Rd. As Telegraph is under the jurisdiction of the Michigan Department of Transportation (MDOT) the Village will be required to get a permit from MDOT to use Telegraph as a detour route. Obtaining such a permit requires a resolution registering the Village as a Governmental Agency and listing any agency that would have the right to apply for such a permit on our behalf. This is not something the Village does regularly as we do not normally have impact on roads under MDOT jurisdiction.

The attached resolution is the required form from MDOT to establish the Village as a Governmental Agency. As HRC will be our engineer on this project it would be appropriate to assign them as a representative to apply for these permits on our behalf.

Motion by Abboud, second by Delaney, be it resolved that the Village of Beverly Hills Council approves the Performance Resolution for Governmental Agencies form 2207B for the Michigan Department of Transportation for the purpose of issuing the Village an Individual Permit for Use of State Highway Right of Way and that Hubbell, Roth and Clark, Inc. be authorized to apply for such permits on behalf of the Village.

Roll Call Vote:
Motion passed (7-0)

DISCUSSION OF PENDING LITIGATION REGARDING THE NOVEMBER BALLOT PROPOSAL

Ryan reported that August 14, 2018 was the State mandated deadline to file any ballot proposals for the November 2018 election. The Parks Millage language was signed by the Governor on July 25, 2018 and mailed by the Village Clerk on July 31, 2018. On August 27, 2018, Oakland County informed Administration that the ballot language for the Village was not received and therefore could not be placed on the November ballot. In a signed affidavit the clerk attests that the language was signed and mailed via the US Postal Service on July 31, 2018. On August 31, 2018 the County maintained they were unable to locate the mail and took the position that the envelope was not received.

Ryan has filed a complaint on behalf of the Village to have the case heard before a judge prior to the September 13, 2018 final ballot approval date.

PUBLIC COMMENTS

Karen Gilbert, Amhurst, reported that she witnessed a goat walking in her rear yard. She expressed concern about allowing farm animals in the Village, and asked that residents be updated if a public hearing on the issue was scheduled.

MANAGER'S REPORT

FY 2017-18 Audit – The auditors were on site the week of August 20th – 24th to do the field work for the annual Village audit. Village Administration was able to provide the auditors with all the required information for them to complete their field work that week. Tentatively, the auditors are scheduled to make the audit presentation to Council at the regular meeting of October 16th. The auditors did report to Village Administration an issue with the purchase of the two new patrol vehicles for Public Safety. The purchase of these two vehicles was budgeted for FY 17-18 and the purchases were processed through accounts payable and approved by Council. However, capital purchases of that amount should receive separate Council approval at a meeting. Village Administration has already revised our purchase policy and will require a copy of minutes of a Council meeting to be attached to any invoice in excess of \$5,000.

OPEB Report – As part of the audit process the Village received an update (Interim Actuarial Valuation) of our OPEB report from last year. This interim update is required as a part of the

GASB 74 and 75 updates. The update was performed by Nyhart from Indianapolis, the same firm that did the last report. There were significant material updates in the current report, which is for the FYE June 30, 2018. The previous report (FYE June 30, 2017) reported a total OPEB liability of \$14,916,871. The actuarial value of assets was reported at \$6,141,787. The net OPEB liability was \$8,775,084 for a funding ratio of 41.2%. These calculations were based upon an expected rate of return of 6.00%. Per Nyhart, this 6% rate was used as a conservative estimate as they did not have, at that time, adequate information from MERS as to an appropriate discount rate, or expected rate of return. Since the original report, Nyhart has confirmed a discount rate of 7.75% from MERS for the assets in the Retiree Health Funding Vehicle. Nyhart updated the Village's calculations for FYE 2018 based upon this rate of 7.75%. The result was a decline in our total OPEB liability to \$10,373,098. Our assets had grown to \$6,936,321 leaving a net liability of \$3,436,777. This was a reduction in our overall liability of over \$5 million over the previous year. The OPEB funding ratio increased from 41.2% to 66.9%. The Village's total OPEB expense for FY 17/18 was reported at \$102,557 which is down from \$698,749 in FY 16/17.

The change in the expected rate of return was not the only reason for the improvements in the Village's position relative to retiree health care funding. The Village has also benefitted from annual increases in health care premiums that have been below previous estimates. Nyhart will be providing Village Administration with a proposal for the recalculation of annual OPEB contributions going forward. Based upon the revised valuation it was their opinion that the Village is at risk of contributing too much to this fund if we do not make future changes in contribution levels. As expenditure levels for retiree health care have been set in the budget for the current fiscal year I do not anticipate changes to our contributions in this budget year. Obviously, this will have a significant impact on the budget for FY 19-20 and ongoing years, particularly in the Public Safety Fund.

Construction Updates:

13 Mile Concrete Repair – The contractor has completed the concrete work along 13 Mile just west of Evergreen. All lanes have been reopened to traffic. There is some restoration work that will need to be completed. This restoration work will not interfere with traffic. The contractor on this project, Great Lakes Contracting, was very amenable to adjusting the schedule as Village Administration worked with Groves High School to minimize the impact this project on athletic and other events prior to the start of the school year.

Consumers Gas Main Replacement – Consumers Energy continues with gas main replacement projects throughout the Village. The most significant of these is the project at 13 Mile and Lahser. This project has reduced traffic to one lane in each direction at the intersection and is currently causing significant backups at peak travel times. Public Safety is planning to monitor this intersection during the first week of school and to aid traffic flow as needed. Consumers has also submitted permits for other gas main replacement projects at the intersections of Saxon and Beaconsfield and Kirkshire between Greenfield and Edgewood going north along the Madison easement/edge of the water tower property. Village Administration is reviewing these permit applications. Consumers is also planning a project that will impact the intersection of Evergreen and 14 Mile.

14 Mile Rebuild – The Village is out to bid on the project for the reconstruction of 14 Mile from Lahser to the west Village limits. The Village is coordinating any potential detours and closures with Birmingham Public Schools. Depending on bid prices and the progress of other projects in the Village we may go forward with this project in the late fall or early spring.

COUNCIL COMMENTS

Mueller invited residents to attend the Read in the Park Event, Saturday September 22 from 1-4 pm. More information about the event is located on the Village website.

Delaney commended Public Safety for their quick response and hard work contacting a recent fire.

Mooney reminded residents that Summer and Village taxes are due at the Southfield Township office by Friday, September 14, 2018.

Motion by Oen, second by Mueller, to adjourn the meeting at 9:15 p.m.

Motion passed.

John Mooney
Council President

Chris Wilson
Village Clerk

Elizabeth M. Lyons
Recording Secretary