

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 Mueller, second by Mooney, to add “Item 6. Review and consider request from Our Lady Queen of Martyrs to install banner at the northwest corner of Dunblaine and Southfield” to the Business Agenda.

Motion passed.

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

Motion passed.

### **COMMUNITY ANNOUNCEMENTS**

Anthony Dolan, Beechwood, thanked the Council for their swift action related to making the crossing at Beverly Road and Southfield Road. He asked that they focus on pedestrian safety.

### **PUBLIC COMMENTS**

Paul Kleppert Jr., Pebblestone, expressed his concern about the crossing at 13 Mile near the entrance to the Georgetown subdivision. He believes it is unsafe for children crossing to and from Bingham Farms Elementary.

### **CONSENT AGENDA**

Motion by Mueller, 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 September 3, 2019.
2. Review and file bills recapped as of Monday, September 16, 2019.
3. Set Public Hearing Date for Tuesday, October 15 to receive comments on Special Land Use Approval Request from Detroit Country Day School located at 22305 W. 13 Mile Road.

Roll Call Vote:  
Motion passed (7-0)

### **BUSINESS AGENDA**

**REVIEW AND CONSIDER REQUEST FROM KICK CANCER, INC. TO SOLICIT CHARITABLE DONATIONS AT VARIOUS BEVERLY HILLS INTERSECTIONS ON OCTOBER 30 TO NOVEMBER 2, 2019**

Administration received a request from Kick Cancer Inc. to solicit donations at several intersections in Beverly Hills from October 30 to November 2, 2019. Kick Cancer is a non-profit organization that will be executing fundraising events throughout Michigan to provide financial assistance for cancer patients, people in need, and contribute to research and development. Kick Cancer is asking to solicit donations at red lights at all 13 Mile and 14 Mile intersections. Their standard practice is to wear fluorescent, reflective vests and work only in daylight hours.

Motion by Hrydziuszko, second by Mueller be it resolved, the Village Council of Beverly Hills hereby authorizes Kick Cancer Inc. to solicit donations at the abovementioned intersections in Beverly Hills from October 30 to November 2, 2019 provided that a certificate of liability insurance naming the Village of Beverly Hills as an additional insured is submitted to the Clerk's Office prior to the collection.

Roll call vote:

Motion passed (7-0)

**REVIEW AND CONSIDER REVISIONS TO SOUTHEASTERN OAKLAND COUNTY WATER AUTHORITY'S ARTICLES OF INCORPORATION**

Administrative Staff and Legal Counsel for the Southeastern Oakland County Water Authority (SOCWA) have been working on revisions to the SOCWA Articles of Incorporation. The Articles of Incorporation were last revised in 1983. A set of revisions have been drafted, reviewed and approved by the SOCWA Board. Mr. Ryan has also reviewed the proposed revisions and found them to be in order. For the Articles of Incorporation to be revised requires approval of the governing bodies of all member communities. Council was provided a letter from the SOCWA Attorney, a memo detailing SOCWA operations and the revision process, a copy of the proposed revisions, a summary table of the sections that were revised and a copy of the current Articles of Incorporation. Administration reviewed these proposed revisions and recommend approval. This has also been provided to Southfield Township for the Township Board to consider these revisions at their regular October meeting.

Motion by Mueller, second by Hrydziuszko, that the Village Council approve the revised Articles of Incorporation for the Southeastern Oakland County Water Authority as presented.

Roll call vote:

Motion passed (7-0)

**FIRST READING 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**

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.

**REVIEW AND CONSIDER AUTHORIZING COUNCIL MEMBER JOHN MOONEY TO ENTER INTO DISCUSSIONS WITH SOUTHFIELD TOWNSHIP TO EXPLORE BEAUTIFICATION OF SOUTHFIELD ROAD**

Mooney requests authorization as liaison to Southfield Township to confer with Township officials and other stakeholders regarding the possible beautification of Southfield Road under the Township’s governance. It is anticipated that the Township and other stakeholders may not be in the financial condition to take large steps toward the improvement of the area; specifically the cemetery. However, an exchange of ideas and “vision” could result in action. That action may take

the form of contribution, altruism and volunteerism. It is possible that there could be some financial obligation on the part of the Village but it would be insignificant and within the Village manager's discretion level. Mooney seeks the authority to open discussions on behalf of the Village with Southfield Township or any number of its officials regarding Southfield Rd. beautification; to open discussions with other Southfield Rd. Stakeholders regarding the same; to confer with and direct Village officials regarding potential actions to be taken to achieve said beautification; and to spend no more than \$500.00 to prepare a plan for such improvement.

Mooney withdrew his request, as it was suggested that any collaboration between the Council and Southfield Township should be done by committee.

### **DISCUSS BEVERLY ROAD AND SOUTHFIELD ROAD INTERSECTION.**

Due to a recent series of accidents at the intersection of Beverly Rd. and Southfield Rd. the Village reached out to the Road Commission of Oakland County (RCOC) to discuss the safety of this section of road in general and this intersection in particular. Staff from RCOC met with representatives of Village Administration, Peddie, Hrydziuszko, and longtime Crossing Guard Mary Hebert. RCOC agreed to examine the following items and report back to Village Administration:

- Timing of the light at Beverly Rd. relative to the light at Dunblaine.
- Clearance time for pedestrians crossing Southfield Rd.
- Left turn only signals for this intersection.
- Signal upgrades/modernization to reduce or eliminate cross vision with Dunblaine signals.

Hebert was able to provide insight as to the difficulties that pedestrians have crossing this intersection and conflicts with other vehicles turning. RCOC was very receptive to the concerns. There was also discussion relative to larger scale infrastructure changes that would aim to calm traffic speeds in this area. The Village will continue to investigate these. Such projects would be expensive with costs shared between RCOC and the Village.

Public Safety Director Torongeau has also directed additional traffic patrols to this area, particularly around school times to catch or discourage speeders and red-light infractions. Administration will keep Council informed of any further developments relative to this matter.

Hrydziuszko and Peddie both agreed that the meeting was very productive and the RCOC was very receptive to the discussion and suggestions. A traffic study was suggested; however, it is possible the results would increase the speed limit. There was discussion about a traffic circle, but that is not under any true consideration at this time. There is also discussion about long term plans to make Southfield Rd. a boulevard, however that is not a feasible option at this time.

Dolan stated there is a push button at the Beverly Road crossing, but there are after market systems that can be installed to help with pedestrian safety.

James Delaney, Riverside, would like to see a left turn light at the intersection due to limited visibility in all directions. He also expressed his concern that there is limited action to be taken since Southfield Rd. is a truck route.

Administration will continue to engage with RCOC, and keep Council and residents updated on the progress.

**REVIEW AND CONSIDER REQUEST FROM OUR LADY QUEEN OF MARTYRS TO INSTALL BANNER AT THE NORTHWEST CORNER OF DUNBLAINE AND SOUTHFIELD**

A request has been received from Our Lady Queen of Martyrs to install an Oktoberfest banner on the west side of Southfield Rd. at Dunblaine in the same location that it has been for the past several years. They are proposing to install it on September 18, 2019 and remove it on October 7, 2019. This request has been approved by Administration.

Motion by Peddie, second by Hrydziuszko, be it resolved that Village Council approves the request from Our Lady Queen of Martyrs School to install an Oktoberfest banner on the west side of Southfield Rd. at Dunblaine in the same location that it has been for the past several years. They are proposing to install it on September 18, 2019 and remove it on October 7, 2019.

Motion passed.

**PUBLIC COMMENTS**

None.

**MANAGER'S REPORT**

**Public Safety Generator** – The generator replacement project at the Public Safety Department building has been successfully completed. The old generator was removed and the new one placed in the same location. Upon removal of the old generator the contractor was also able to make some needed repairs to the conduit that entered the building. Electrical power to the building was limited for a day while the new generator was brought on-line. Public Safety services were provided without interruption. The new generator has been tested and is working properly. Work is currently ongoing for the boiler replacement project. This project is proceeding well and should be completed by late September or early October.

**October Mayor's Association Dinner** – The Village of Beverly Hills, along with the cities of Berkley, Birmingham and Lathrup Village are joint hoists for the South Oakland County Mayor's Association Dinner in October. As one of the host communities, all members of the Village Council are invited to attend. The dinner will be held on the evening of Wednesday, October 9th. We are working on securing the location and a guest speaker for the evening. I will pass along more details once they are finalized.

**Fall Paving Work** – Village Administration has sought bids for the concrete replacement project in the Metamora subdivision off Lahser. Bids will be opened on Tuesday, Sept. 24th. If the bids are in order, Village Administration will bring them forward for review and consideration at the regular Council meeting of Oct. 1. The project is scheduled to be completed by mid November. This is a tight construction timeline, but one that we feel is manageable with decent weather. As late in the year as this project will be completed, there will be some restoration work that will need to be done next spring.

**Robertson Brothers** – The Planning Commission postponed a decision on the Robertson Brothers proposal for property on Southfield Road. Robertson Brothers had not submitted their modified site plan by the deadline, and will not be on the September Planning Commission meeting agenda.

**Deer in Beverly Hills** – There have been many complaints about the deer population in Beverly Hills. Rutkowski has attended a workshop as well as conducted research on options available to residents and Administration regarding this problem. Rutkowski listed several deer management options. Administration will continue to perform research and collect data on the issue.

Bill Eisenman believes that this problem needs to be addressed head on; the deer are doing large amounts of damage to people's property. The population of deer need to be reduced and collaboration with surrounding communities to prevent another infestation. He believes that human predation is the best solution.

Sharon Tischler, Southfield Township Clerk, reminded residents that there is a full time Animal Control officer that will handle any deer problems or remnants.

Shawn Mulicham, also believes this a real problem and creates a hazard for drivers. He believes that human predation is the best solution.

**Construction at Southfield and 14 Mile** – There is an ongoing construction project at this intersection that has several construction site ordinance violations. Administration is aware of the problems and has met with the owner of the construction company, as well as issued citations. The permit for this project was issued before the changes to the ordinance were made; however, Administration will hold them to the new standards. The situation continues to be monitored and handled as seen fit by Administration.

### **COUNCIL COMMENTS**

George thanked all the volunteers in the Village for their time and dedication to the Village and his belief that they are motivated with having the best interests of the Village at heart. He hopes that the Council and Administration are help accountable for consistency in the commitments they make.

Hrydziuszko reported the Planning Commission will be reviewing updates from their subcommittees at their September meeting.

Mueller invited residents to attend the Parks and Recreation meeting September 19 at 6:30 p.m. in Beverly Park.

Mooney reported that Birmingham Next thanks the Village for their continued support. He believes that the goal of the Boards and Commissions in the Village are to represent the best interests of the Village and work towards the goals of the Master Plan.

Abboud reported he would be attending the Michigan Municipal League conference in September.

Motion by Mooney, second by Nunez, to adjourn the meeting at 9:30 pm.

Motion passed.

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

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

**Elizabeth Lyons**  
**Recording Secretary**