

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
Public Safety Director, Torongeau
Village Attorney, Ryan

Peddie called the regular Council meeting to order at 7:30 p.m. virtually via Zoom per Executive Order 2020-48. The Pledge of Allegiance was recited by those in attendance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

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

Roll Call Vote:
Motion passed (7-0)

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

None.

CONSENT AGENDA

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

1. Review and consider approval of minutes of a regular Council meeting held April 7, 2020.
2. Review and file bills recapped as of Monday, April 13, 2020.
3. Set public hearing date for May 19, 2020 to receive comments on the 2020/2021 proposed budget.
4. Set public hearing date for May 19, 2020 to receive comments on Special Assessments to be added to the tax roll.

Roll Call Vote:
Motion passed (7-0)

BUSINESS AGENDA

REVIEW AND CONSIDER APPROVAL OF MICHIGAN DEPARTMENT OF TRANSPORTATION CONTRACT FOR 13 MILE ROAD CONSTRUCTION PROJECT

The Village held the bid opening for the 13 Mile construction rehabilitation project scheduled for 2020. The bid prices came in higher than the original engineers estimates. This increase can be attributed to market uncertainties due to the ongoing COVID-19 outbreak. Upon review of the low bid by Ajax, Inc and in comparison with the other bids, it was determined to be in the Village's best interest to move forward with the low bid. Attempting to rebid the project would like delay to completion of the project and would not necessarily guarantee better prices.

MDOT, through federal funds, is providing just over 80% of the cost of the project and would have to agree to the additional costs. The remaining funding is being split between the Village and the City of Southfield along with the Road Commission for Oakland County. MDOT has provided a contract for our review and consideration that would approve their funding of \$1,748,132.50.

Initial projections had MDOT contributing just under \$1.4 million to this project. After bids came in higher than anticipated, the Village was able to work with MDOT to obtain additional funding to largely offset the higher bid prices. This was possible as the original MDOT contribution was under the limit of 81.85% for funding of local projects. The increased MDOT contribution of roughly \$350,000 helps offset the bid price that was roughly \$390,000 over the construction estimate.

Village Administration is revising the recommended FY 2020-21 budget to reflect an increased contribution to cover our portion of the costs. Again, both the City of Southfield and RCOC have agreed to proceed at the lowest bid price.

Motion by Hrydziusko, second by Nunez, be it resolved, the Beverly Hills Village Council approves and authorizes the Village Manager, Chris Wilson to execute the Michigan Department of Transportation Contract No. 20-5104 as submitted.

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER APPROVAL OF TEMPORARY MUTUAL AID AGREEMENT FOR FIRE AND POLICE DEPARTMENT SERVICES WITH THE CITY OF BIRMINGHAM

In response to the Covid-19 Outbreak and the demands being placed on our public safety services, the City of Birmingham and the Village entered into a Temporary Mutual Aid Agreement. Per the terms of this agreement the Village has been sending one (1) Public Safety Officer to Birmingham Fire Department daily to work as a firefighter. This has freed up manpower within the Birmingham Fire Department (BFD) to allow them to run three (3) ambulance units instead of the customary two (2). In return, BFD has been providing automatic fire response to the Village in the event of a fire run and has served as backup ambulance service to our current agreement with Alliance. This agreement has been beneficial to both parties in providing adequate fire response to both entities, allowing BFD to focus greater resources on medical calls for service and ambulance transport and also to relieve some of the Village's traditional fire mutual aid departments who have also experienced very high volumes of medical first response calls. There is no cost to either party for this agreement.

The agreement was drafted by the City of Birmingham after negotiations between BFD and Public Safety Administration. City Manager Joe Valentine and Manager Wilson were also part of those discussions. Mr. Ryan has reviewed the agreement and given his approval. The agreement was signed on Saturday, March 28th and implemented on Monday, March 30th. Wilson signed the agreement on behalf of the Village per his authority under the Emergency Services Ordinance (Chapter 9). The agreement remains in place at this time. Per the terms of the Emergency Services Ordinance, Wilson is bringing this agreement before the Council for review and consideration.

Motion by Abboud, second by Mooney, be it resolved, the Temporary Mutual Agreement for Fire and Police Department Services Between the City of Birmingham and the Village of Beverly Hills is hereby approved and ratified.

Roll Call Vote:

Motion passed (7-0)

DISCUSS MAY 5, 2020 MEETING FORMAT

Wilson led the discussion regarding the May 5, 2020 Village Council Meeting format. With Executive Order 2020-15 Governor Whitmer suspended various rules and procedures regarding attendance and participation in public meetings of local governing bodies in the State of Michigan. This order allowed for the use of video conferencing and tele conferencing for local governing bodies, elected officials and members of the public and media in response to the COVID-19 outbreak.

EO 2020-15 expired on April 15, 2020. Governor Whitmer has issued Executive Order 2020-48, in effect extending the duration of the relief provided in EO 2020-15 until May 12, 2020. Further the existing Stay Home Order remains in effect until April 30th. Were that order in whole or in part be extended beyond April 30th, as seems probably at this time, it is likely that Village would need to continue to use the relief provided under the EO to hold meetings via videoconference.

Even were the Stay Home order modified to allow public access to the Village Hall for the May 5th meeting, social distancing guidelines make conducting such a meeting in our Council Chamber impractical for all of Council and the public, as we saw at our meeting of March 17th. Accordingly, it was the expectation of Village Administration that we would proceed with a plan for holding the meeting of May 5th remotely, unless otherwise directed by Council or barring a change in the current outbreak conditions. Similar considerations will have to be made for the May 19th meeting as well.

PUBLIC COMMENTS

Bill Kondak, Churchill Drive, Parks & Recreation Board Member, suggested cancelling the 2020 Memorial Day Parade and Carnival in the interest of public safety.

MANAGER'S REPORT

Village Operations During Stay Home Order – The Village has continued operating on a limited and modified basis since the last Council meeting. Village Hall remains closed to the Public. Water bills are still being accepted and processed. All mail is being received and opened. Bills are being paid. Trash, Recycling and Yard Waste collection are all continuing uninterrupted. As of today, Village Hall will remain closed and Village staffing limited through at least Friday, May 1st. We await any extensions or modifications to the Stay Home order before making plans to re-open and fully staff the building. The Stay Home Order is currently in place through April 30th. I do not anticipate the order to be modified in such a way that would allow normal operations to continue at the expiration of the current order. Village Administration will begin preparations for eventual reopening the building to the public and normal staffing while maintaining proper social distancing. This will require modifications and accommodations on our part as well as the public's. When this can and will occur is still unknown. I would not anticipate this being possible until mid-May at the absolute earliest, and that seems overly optimistic at present. However, things can change quickly. Monday, June 1st might be a more realistic target date for a return to normal

municipal operations. Whatever the date, we will be prepared to return to normal operations when it is safe and allowed. I would like to thank the office staff for their efforts to maintain operations to date. Their efforts to “keep the lights on” will pay dividends when we do return to normal operations. I would also like to thank the public for their understanding and flexibility during this time.

Landscaping Services – There has been a lot of confusion around the status of landscaping and lawn services under the existing Stay Home Order. I may have contributed to some of that confusion at the last meeting and apologize. The State has provided some additional guidance on this matter. Through April 30th, residents are allowed to mow their own grass and do their own yard clean up but cannot have these services provided by an outside contractor. This is the guidance that we are now providing all who ask about this issue. Residents should not be using contractors to mow their lawns at this time. Contractors are not to be mowing private lawns. I anticipate this provision of the order will be revisited by the April 30th deadline and we will abide by any revisions or extensions at that time. The Village will not be issuing any citations for long grass while this regulation remains in effect. In addition, in solidarity with our residents and landscaping contractors we will not be cutting the grass on Village grounds through April 30th.

Ballot Language – At the meeting of May 5th, I anticipate having on the agenda for a second reading proposed ballot language for a renewal of the terms of the 2010 Charter Amendment. I have attached a copy of the resolution of March 17th with proposed ballot language. Council had previously made suggestions regarding the language and format of this proposal. Mr. Ryan was able to communicate with staff at the Office of the Attorney General and make such modifications as was allowed. The proposed ballot language can still be modified if Council so chooses. Mr. Ryan has informed me that he has presented the language per the March 17th resolution to the AG’s office and received “preclearance” of this language, should that be the language Council wishes to move forward with.

Budget Workshop – As a reminder we will have a budget workshop on Tuesday, April 28th at 7:00 PM via Zoom. Village Administration will be putting out a revised FY 2020-21 budget prior to this meeting.

On-line Payments – The Village has continued to make progress with installation of an on-line payment processing program. The program has been installed by our software provider BS&A. We will need to do some further staff training and coordination with our bank. This is made a little more difficult with the limited schedules that staff is currently working. Nevertheless we are aiming for a date of May 1st or soon thereafter to begin accepting on-line payments.

2020 Census – As of Friday, April 17th, the Village has a response rate for the 2020 Census of 75.5%. This is almost 20% higher than the average of all Michigan communities. Our response rate ranks us 3rd amongst all municipalities in the State of Michigan, and 49th nationally. Our friends and close neighbors in Berkley are close behind us at 75.2%. Berkley is still making an concerted effort to increase their response rate and thereby pass us. We will not allow this to happen. Plus, we are currently tied in third place with East Grand Rapids. The fine people of EGR have just edged us out many times on various state rankings and, frankly, we owe them one. No, I am not overly competitive. Thanks to our residents on their, once again, impressive participation in the decennial census and we will continue to work to push that rate even higher.

Memorial Day – The Lions Club has notified the Village that they have cancelled their annual 5K run on Memorial Day. Oakland County Parks and Recreation has notified us that have cancelled all rentals through May, which would include the items we normally rent from them for this day. I do not believe that the Parks and Recreation Board has officially cancelled the event as of yet, but it seems most improbable that it will be possible to hold the parade and carnival at this time. Perhaps if an event or parade could be held at a later date, I would humbly suggest that a parade of our area doctors and nurses would be in order, along with perhaps the graduating seniors of the Class of 2020.

Upon receiving input from the Council, Wilson canceled the Memorial Day Parade and Carnival in the best interest of public health and safety. Sponsors will be contacted regarding donation refunds.

COUNCIL COMMENTS

George asked everyone to stay safe to continue to flatten the curve.

Nunez reminded everyone to be smart, be kind, and take everything one day at a time.

Mooney provided a link to Oakland County’s website for residents to search COVID-19 cases by Zip Code: <https://www.oakgov.com/covid/casesByZip.html>

Abboud thanked front line workers and asked people to stay safe.

ADJOURNMENT

Motion by Peddie, second by Mooney, to adjourn the meeting at 8:18 pm.

Motion passed.

Lee Peddie
Council President

Kristin Rutkowski
Village Clerk