

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

Absent: 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, be it resolved, the agenda is approved as published.

Roll Call Vote:  
Motion passed (6-0)

### **COMMUNITY ANNOUNCEMENTS**

None.

### **PUBLIC COMMENTS**

Peddie read comments into the record from the following residents, who all expressed concern that a candidate for Village Council used the Groves High School email directory for political purposes:

Rosanne Koss; Tim Mercer; Thomas Nowland; Cynthia Brody, Ronsdale Drive; and Michael Zainea.

### **CONSENT AGENDA**

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

1. Review and consider approval of minutes of a regular Council meeting held September 15, 2020.
2. Review and file bills recapped as of Monday, September 28, 2020.

Roll Call Vote:  
Motion passed (6-0)

### **BUSINESS AGENDA**

#### **REVIEW AND CONSIDER APPROVAL OF NOLAN LAMPHERE’S EAGLE SCOUT PROJECT PROPOSAL**

At the September 17, 2020 Parks & Recreation Board meeting, Nolan Lamphere, Troop 1024, presented his Eagle Scout Project Proposal to the Board. The details of Mr. Lamphere’s proposal were provided to the Council and include the construction and installation of 13 bat houses and 2 barn owl houses at Beverly Park. Mr. Lamphere estimated the cost of the materials for the project would be \$225.00.

The Parks & Recreation Board recommended approval of this project.

Nolan's father, Jim Lamphere, spoke on his behalf during the meeting.

Motion by Mueller, second by Mooney, be it resolved, the Beverly Hills Village Council approves Nolan Lamphere's Eagle Scout Project to install 13 bat houses and 2 barn owl houses at Beverly Park. Be it further resolved, the Council authorizes a Village contribution not to exceed \$250.00 to cover the cost of materials. Funds for this expense are available in account #101-751-778.03.

Roll Call Vote:  
Motion passed (6-0)

**RECEIVE AND FILE GASB 74/75 INTERIM ACTUARIAL VALUATION FYE JUNE 30, 2020.**

This item was tabled from the September 15, 2020 meeting. A copy of the Village's Interim Actuarial Valuation for Other Post Employment Benefits (OPEB) was provided to the Council and Wilson gave an overview. This report is through the period of June 30, 2020. The Village received a full Actuarial Valuation report as of FYE 06/30/19. This Interim Report uses the data of that report and makes adjustments based upon changes in demographics, investment performance and expected future performance and costs. One significant adjustment reflected in this report is a reduction of the expected future rate of return on investments, or discount rate, from 7.75% to 7.35%.

As of June 30<sup>th</sup>, the Village has set aside 65% of all future projected OPEB liabilities. The Village's total OPEB liability, while up slightly over last year, is down over \$4.4 million from June 30<sup>th</sup>, 2018. Notably, the Village's annual costs for benefit payments have declined over the last two years by over \$120,000, an annual reduction of 13.7%.

Motion by Mooney, second by Mueller, to receive and file the GASB 74/75 Interim Actuarial Valuation Report for FYE June 30, 2020.

Roll Call Vote:  
Motion passed (6-0)

**REVIEW AND CONSIDER COST PARTICIPATION AGREEMENT WITH THE CITY OF SOUTHFIELD FOR 13 MILE ROAD RESURFACING PROJECT**

As Council is aware, the Village is the lead agency on the 13 Mile Road Resurfacing Project. We are Participating in this project with the City of Southfield and the Road Commission of Oakland County. As we have begun processing payments to vendors the City of Southfield has requested a Cost Participation Agreement between the Village and the City. The Village entered into a similar agreement with the Road Commission for their participation in the project.

The attached document has already been approved by City of Southfield. Exhibit "A" details the total cost of the project and the cost shares amongst the different participants. The Costs for the City of Southfield are higher than the Village's costs due to the extra sidewalk work on the Southfield portion of the right-of-way. Village Administration has reviewed the proposed contract and Exhibit "A" and

recommends approval. Approval of this agreement does not commit the Village to any additional costs or expenses.

Motion by Abboud, second by Mooney, the Village Council resolves to approve and authorize the Village President and Village Clerk to execute the Cost Participation Agreement between the City of Southfield and Village of Beverly Hills for the 2020 13 Mile Road Resurfacing Project from Evergreen to Southfield Road.

Roll Call Vote:  
Motion passed (6-0)

### **DISCUSSION ON FLOODING AND BACKUPS**

Wilson reported that the Village has received about 250 reports of basement backups from the August 28<sup>th</sup> rain event. He thanked HRC for putting the map together of impacted properties. He stated the impacts were widespread throughout the Village and it was not just one pocket or neighborhood that was affected. Wilson talked about the significant amount of rain the Village received in a 24 hour period, which was about four and a half inches, and in a one hour period, which was 2.88 inches. For comparison, that is more rain that would generally fall in one month. Wilson stated that administration has sent claim forms to residents who contacted the Village about any backups and that many forms have been completed and returned back to the Village. Those claim forms will then be sent to the Village's liability carrier, MMRMA. MMRMA will review the claims, make determinations, and coordinate directly with the individual homeowner.

Mooney suggested that the Village conduct a study of impacted properties.

George would like to talk about other things that can be done to help the system through peak times, such as aerating lawns and planting rain gardens.

Hrydziuszko suggested rain barrels and stricter guidelines in regards to the building code to help alleviate backups.

Ken Flaherty, 17166 Beechwood, stated he had about ten inches of water/waste in his basement. He claimed that the sewer backups did not occur as a result of an unusual rain event, rather they were caused by an improperly designed, constructed, maintained and operated combined sewage/stormwater system. He is concerned about property values in the Village going forward.

Patricia Schneider, 17116 Dunblaine, spoke on behalf of herself and her neighbor, Mr. Bartley. She stated the Village turned a blind eye to the sewer system issues. She expressed concern for elderly residents dealing with both the COVID-19 pandemic and basement backups.

Peddie read comments into the record from Michael and Colleen Wilberding, 32275 Verona Circle, which discussed the damage that occurred in their basement and their anxiety that it will happen again.

Peddie read comments into the record from Jim and Phyllis Williams, 19800 Riverside, which discussed the damage from the rain event and the amount of restoration that will be required. The letter urged Council to find a solution.

**DISCUSSION ON VILLAGE’S FUTURE CAPITAL NEEDS**

Wilson gave an overview of the Village’s future capital needs. He discussed capital improvements for roads, Public Safety Department vehicle expenditures, other capital improvements on Village buildings and lots, and capital park expenditures. He recommended setting funds aside for future capital projects.

Mooney stated it is a good investment to spend money on parks, roads, and the Public Safety Department.

Peddie read a comment from Tom Maxwell, 15921 Lauderdale, into the record, which inquired about capital park improvements/replacements for village wide parks.

**REVIEW AND CONSIDER REQUEST FROM THE PUBLIC SAFETY DEPARTMENT TO PURCHASE BODY CAMERAS AND IN CAR CAMERAS**

Lieutenant Chad Trussler spoke on behalf of the Public Safety Department, which respectfully wishes to purchase Body Cams (30) along with (6) in car video cameras at this time. We currently do not have body cams and the old in car cameras needs to be replaced, as that they are sometimes inoperable and spotty (over 14 years old). Three major professional companies were contacted, Axon, Watch guard and Getac. We received all three bids and re-verified the bids two weeks later.

- Bid #1 Axon was for \$193,486.70 with a five-year spread for cost.
- Bid #2 Watch Guard, \$224,365.80.
- Bid #3 Getac, \$183,481.00.

At this time we are requesting the Axon bid be accepted. They were not the lowest bid \$193,486.70 but are willing to work with us by spreading the cost over a five year period. After that period of time Axon will start over again with new equipment. The in car cameras will be integrated with the body cams at no cost. Axon is widely used by professional police agencies and are recognized as the top quality for in car cameras and Body cams. The funds are already budgeted in year 2020-2021 for radio’s and equipment under account 205-900-980-00.

We are also eligible to receive funds for reimbursement from MMRMA and possibly the Cable Board.

Trussler answered questions from the Council.

Motion by Abboud, second by Mooney, the Beverly Hills Village Council authorizes the purchase of 30 body cameras along with 6 in car video cameras by Axon. Funds are available in account number 205-900-980-00. The amount not to exceed the \$193,486.70 over a five-year period. The second lowest bid was deemed the best option and was selected per the Public Safety Department’s recommendation because Axon was willing to spread the cost out over a five-year period.

Roll Call Vote:  
Motion passed (6-0)

**DISCUSS GROUP EVENTS DURING COVID-19 RESTRICTIONS**  
**A. HALLOWEEN HOOT**

Molly Borgon, Pebblestone Court, Parks & Recreation Board Chairperson, spoke about the modified Halloween Hoot idea, Creepy Crawl, that the Board had been discussing and how they tried to make it COVID compliant. She provided an overview of the plan to have a drive thru event at Groves High School. She expressed her disappointment with the lack of communication between the Council and the Board regarding how this event could have proceeded.

Peddie acknowledged that everyone wants their lives to go back to normal, but that the hosting a Halloween event is not a risk that the Village should be willing to take during the COVID-19 pandemic.

Hrydziuszko, who was at the September Parks & Recreation Board meeting, stated that she thought the event would have been safe and thought that it was unfortunate that it will not be carried out.

Mueller apologized that communications were not better. He expressed concern over the risk during the COVID-19 pandemic. He was concerned about crowd control and placing that responsibility on the Public Safety Department. He does not want anyone to get sick and is looking out of the health and welfare of the public, so is not in support of a Halloween event this year. He stated that at the September Board meeting, there were not enough details worked out to make a recommendation to the Council. He took the concept to members of Council and halted the planning of the event once he determined that there would not be sufficient support of a Halloween event.

George was concerned about how poor the communication was around having a modified event. He said the default each year is that the annual events happen without going to Council for approval each time. He believes Council owes the Parks & Recreation Board an apology for how it was handled.

Mooney stated that the modified event and location was not brought to Council for approval. He said the Board had a wonderful idea, but that we are in the middle of the worst pandemic and does not want anyone to get sick. He had several concerns over safety, social distancing, enforcement, and traffic control.

Peddie said that everyone will learn from this and will do better going forward.

Abboud thanked Borgon for her service on the Parks & Recreation Board.

## **B. TREE PLANTING**

The Board discussed the ReLeaf Michigan tree planting grant event and the COVID-19 safety protocols they have in place. ReLeaf has been successfully hosting tree planting events in several communities.

Mueller suggested a temperature screen for participants.

Motion by Peddie, second by Hrydziuszko to approve moving forward with the tree planting event scheduled for October 17, 2020, with the safety protocols in place.

Roll Call Vote:

Abboud – No  
George – Yes  
Hrydziuszko – Yes  
Mooney – Yes  
Mueller – Yes  
Peddie – Yes

Motion passed (5-1)

**C. OTHER VILLAGE SPONSORED EVENTS**

George thinks that during the pandemic, no other event should move forward without prior Council approval.

Peddie emphasized that we are in a pandemic and we have not run into the same issues in the past with event planning. She encouraged better communication.

Mueller concurred with George's suggestion that until further notice, every Village sponsored event needs Council approval.

**PUBLIC COMMENTS**

None.

**MANAGER'S REPORT**

**13 Mile Road Construction Update** – Concrete curbing and driveway work is ongoing on the north side of the project. As a result of this work, the east driveway to the Village and Township offices is closed. Traffic to the Village or Township office will need to enter and exit through the Chelton St. driveway. From the last meeting with all contractors we have an anticipated re-opening to all traffic of Saturday, October 24<sup>th</sup>. Per the current schedule all lanes would be opened to traffic and pavement markings would be in place. Based upon the progress on concrete work this week I feel this date is achievable, but this is still weather-dependent.

**Consumers Energy Gas Line Project** – Consumers Energy has an ongoing gas line replacement project in various places on the west side of the Village. The Village is not directly involved in this project. Consumers is working to replace some of their infrastructure in the road right-of-way. The Village does have regular contact with the project manager for Consumers and can respond to issues. If residents have a concern relative to this project, they can contact the Village offices.

**Fiscal Year 2019-20 Audit** – The auditors have provided Village Administration with a first draft of the audit for Fiscal Year Ending June 30, 2020. Village Administration anticipates a final report and presentation to Council by the meeting of October 20<sup>th</sup>.

**Offices Open** – Village Offices will not be closed on Monday, October 12<sup>th</sup> for Columbus Day. There will be no interruption in trash service.

**Assistant to the Village Manager** – Karrie Marsh's last day with the Village is this Friday. She has been an instrumental part of the team and we thank her for her service to the Village.

**COUNCIL COMMENTS**

George appreciates the good activity on the Code Enforcement reports, especially in regards to buckthorn removal. In terms of communication, he thinks all around the Council could do better. He wants to be sure they are doing the best things for the community.

Hrydziuszko wished Marsh the best of luck in her new endeavor and stated that she had always been a joy to be around. She thanked Administration for putting speed signs around the village.

Mooney appreciates hearing different points of view. He said the Council does support the Parks and Recreation Board and does not think the members should take this incidence as an insult.

Abboud wished Marsh all the best and thanked her for her service. He updated the Council on the Senior Advisory Council and SEMCOG meetings. He expressed his gratitude to the outgoing Executive Director of SEMCOG, Kathleen Lomako. He talked about the MML virtual conference sessions he attended. He stated that Senator Bayer is holding a webinar on October 14<sup>th</sup> at 9:00 a.m. He expressed sympathy for people who have lost anything valuable in the flooding event. He thinks applying for the DIA Inside/Out program is a good idea. He encouraged everyone to vote on November 3<sup>rd</sup> and stated that there is the millage renewal proposal on the ballot. He explained that he voted against the tree planting event because he is concerned that people could be carrying the virus without realizing it.

**ADJOURNMENT**

Motion by Peddie, second by Mooney to adjourn the meeting at 11:01 p.m.

Motion passed.

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

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