

Present: President Peddie; President Pro-Tem Abboud; Members: George, Hrydziuszko, Mooney, Mueller, and Nunez
Hrydziuszko participated remotely from Beverly Hills, Michigan.

Absent: None

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

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 due to the ongoing COVID-19 pandemic. 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.

SPECIAL ORDER OF BUSINESS: UPDATE FROM REPRESENTATIVE KYRA HARRIS BOLDEN

State Representative Kyra Harris Bolden attended remotely via Zoom. She provided an update on recent Senate bills, the Supreme Court ruling that struck down the Governor's Executive Orders after April 30th, criminal justice reform, and the state budget. She encouraged residents to contact her office or email her at kyrabolden@house.mi.gov with any concerns.

PUBLIC COMMENTS

Peddie read comments from the following residents:

Jennifer Kohl, 30249 Cedar Hollow, regarding Council procedures.

Anonymous, Beverly Hills, regarding the Open Meetings Act.

Tracy Kecskemeti, 17233 Kirkshire, regarding basement backups and the collection system.

Ken Flaherty, 17166 Beechwood, spoke via Zoom about sewage backups, Public Act 222 claims, and wearing seatbelts.

Phil Schmitt, Riverside, spoke in support of Mr. Mooney. He stated there was no way that the Halloween Hoot could have happened this year. He thanked Mr. Mooney for his work on Beverly Park.

James Delaney, Riverside, stated for full disclosure that he is a candidate for Council. He spoke about his concerns regarding Village ratings and political attacks. He also talked about the qualifications of the members of the Public Safety subcommittee.

Lori and Mike Weiner, Devonshire, spoke in support of Mr. Mooney and about his passion for Beverly Park. They stated he inspires others to get involved with the parks.

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 October 6, 2020.
2. Review and file bills recapped as of Monday, October 12, 2020.
3. Review and consider renewing liability and property insurance policy with Michigan Municipal Risk Management Authority.

Roll Call Vote:

Motion passed (7-0)

BUSINESS AGENDA

RECEIVE AND FILE FISCAL YEAR 2019-20 AUDIT FROM PLANTE MORAN

Martin Olejnik, Rumzei Abdallah, and Jake Schramski from Plante & Moran attended the meeting remotely via Zoom. They presented the audit findings for the Village for the fiscal year ending June 30, 2020. The audit report contained required communications with those charged with governance, other recommendations and related information, and legislative and informational items. The PowerPoint presentation showed a breakdown of the Village's revenues and expenditures. Overall, the Village is in good financial standing. The pension obligations are 81% funded and OPEB obligations are 65% funded. The entire report will be made available on the Village website.

Wilson thanked McCarthy for her extra efforts on the audit this year.

McCarthy thanked Plante & Moran. She stated the audit was done virtually this year and it went well.

Motion by Peddie, second by Mooney, be it resolved. the Beverly Hills Village Council receives and files the fiscal year 2019-2020 audit report from Plante Moran.

Roll Call Vote:

Motion passed (7-0)

SET ORGANIZATIONAL MEETING FOR NOVEMBER 10, 2020

Wilson stated that after each Village election, the Council has traditionally held an Organizational Meeting on the following Tuesday for the purpose of formally swearing in newly elected Councilmembers and selecting the positions of Village President and President Pro-Tem. For this year, that meeting would be held on Tuesday, November 10th. There is some concern as to whether the election will be certified by the State of Michigan prior to November 10th. While the results of the Village election will be known by then, it is possible that delays in the counting of absentee ballots or recounts in other state or federal races could postpone certification of election results by the Secretary of State. It was recommended that if Council does wish to hold the Organizational meeting on November 10th then it should be scheduled at this time.

There was further discussion about including a provision in the resolution to allow the Council President and Village Manager to cancel or reschedule the organizational meeting, should the election results not be certified by November 10th.

Motion by Abboud, second by Mooney, be it resolved that the Village Council schedules an Organizational Meeting for Tuesday, November 10th at 7:30 PM in Council Chambers for the purpose of swearing in Council Members elected in the election of November 3, 2020 and choosing the positions of Village President and President Pro-Tem for the period through November 8, 2022. Be it further resolved, if the election results are not certified by November 10, 2020, then the Council President and Village Manager are authorized to cancel that meeting and reschedule the Organizational Meeting to November 16, 2020. Should the election results not be certified by November 16, 2020, the Council President and Village Manager are authorized to cancel the November 16th meeting.

Roll Call Vote:
Motion passed (7-0)

OVERVIEW OF VILLAGE'S 2020 MILLAGE RENEWAL PROPOSAL

Wilson provided an overview of the 2020 millage renewal proposal which is on the November 3, 2020 General Election ballot.

The proposed millage rates are as follows:

Public Safety:	9.9 mills
General Administration:	1.88 mills
Baldwin Public Library:	0.8184 mills
Village Wide Parks:	0.32 mills
Total:	12.9184 mills

Wilson described the budget forecast in the scenario that the renewal does pass, which would allow the Village to continue to provide the level of service that it currently does and would allow to further build on the pension and OPEB funding. He also stated that the millage would allow for about \$200,000 to be used in parks throughout the entire village.

If the millage rate is not renewed, then it would revert to the charter mandated rate of 11.00 mills. Wilson discussed that in this scenario there is no segregation of funds. Rather, the revenue would all be lumped into the general fund and allocated annually.

Mooney stated the proposal is on the last page of the ballot.

REVIEW AND CONSIDER PARK & RECREATION BOARD'S REQUEST TO HOST VILLAGE WIDE SCAVENGER HUNT

The Parks & Recreation Board has had several discussions over the last few months about hosting a scavenger hunt in the Village in an effort to promote Village-wide recreational activities for the community. Due to the COVID-19 pandemic, the annual large group events have not been able to take place, so a scavenger hunt would provide a low-risk alternative as it would be an activity that people could participate in on their own or with their immediate family members.

The scavenger hunt instructions are as follows: Hop in the car for a creepy drive with your family or take a BOO-tiful family walk and see how many items you can spot around the Village! Find at least 10 spooky items and ask your parent or guardian to email a picture of this completed page along with your address to VBHHalloween@gmail.com and you will receive a contactless delivery of a special prize! All entries must be submitted by 10-31-2020, 11:59 pm to receive a prize.

The instruction sheet with the list of scavenger hunt items was provided to the Council.

At the October 15, 2020 Parks & Recreation Board meeting, in a 5-0 vote, the Board recommended that the Village Council approve the Village of Beverly Hills Halloween Scavenger Hunt to be held October 21 to October 31, 2020.

Motion by Mueller, second by Nunez, be it resolved, the Beverly Hills Village Council approves the Parks & Recreation Board's request to host a Village of Beverly Hills Halloween Scavenger Hunt from October 21, to October 31, 2020. Be it further resolved, a prize will be provided to participates and a grand prize via drawing of a no-charge rental of the Beverly Park pavilion for four hours during the 2021 rental season. All fees for the pavilion would be waived. Expenses are not to exceed \$300.00 and are available in Account #101-747-894.00. Further, if the Village is unable to pay for the prize, Mr. Mooney offered to pay for it.

Roll Call Vote:
Motion passed (7-0)

PUBLIC COMMENTS

None.

MANAGER'S REPORT

13 Mile Rd. Update – The base paving layer was put down earlier this week. The current schedule has the final paving to be done on Monday or Tuesday the 19th or 20th. Most of the driveway approaches have been completed and should be ready to reopen early the week of the 19th. A couple of approaches on the eastern end of the project will not be ready to reopen until later that week. With the completion of the final paving layer and reopening of the driveway approaches the construction portion of the project will be completed. Prior to reopening we are requiring that all final pavement markings be in place. This is necessary due to the reconfiguration of the roadway and addition of a center turn lane into what was previous a four-lane or two-lane road. Using temporary lane markings could cause confusion. The contractor is scheduling with the pavement marking company to schedule final pavement markings as soon as possible.

Virtual Meetings and Executive Orders – There has been a lot of activity around the issue of virtual public meetings and requirements of the Open Meetings Act and the Michigan Supreme Court's decision on the Governor's Executive Orders. In response to the Supreme Court's Decision, the Legislature has passed Senate Bill 1108. This bill provides retroactive application to March 18, 2020 to cover any activity that has occurred in virtual meetings since then and allows for any public meeting to be held virtually for any reason through December 31, 2020. Beginning January 1, 2021, members of a public body may participate remotely in a public meeting only in instances of a medical condition or required military duty or when there is a local or statewide

State of Emergency declaration. As of the writing of this memo, the Act had yet to be signed by the Governor, however all indications are that the Governor will sign the bill. The bill had wide bi-partisan support.

August 28 Flood Update – Village Administration has compiled all the claim forms that were returned to the Village regarding the August 28th rain event and sewer backups. These forms have been submitted to our liability carrier, MMRMA, for their review. MMRMA will be sending PA 222 notices to all claimants as required, followed by a determination of liability.

Village Administration has started preliminary discussions with HRC regarding analysis of our existing stormwater infrastructure. We will be focusing on combined sewer areas within both the GWK and Evergreen-Farmington and analyzing both capacity issues as well as measures to remove stormwater from the current system.

COUNCIL COMMENTS

George gave an update on Birmingham Public Schools and their search for an interim superintendent. He stated that it was cyber-security awareness month and suggested the Village have a plan in place to deal with these issues. He congratulated Allie Ruprich for being named SEC Freshman of the Week. He spoke about the public perception around the Public Safety subcommittee. He said his ask would be that everybody be informed about the upcoming election and to please vote.

Hrydziuszko attended the tree planting over the weekend and thanked the Parks & Recreation Board and ReLeaf for their work. She suggested COVID-19 self-screening protocols for Board/Commission members meeting in person. She also suggested that new Council members receive a copy of the Open Meetings Act when they are sworn in. She encouraged residents to do their due diligence during the election.

Mueller gave an update on the Public Safety subcommittee, which is reviewing policies, procedures, and training as it relates to use of force. He listed the agencies that provide input to the policies under review, such as the Michigan Commission on Law Enforcement Standards (MCOLES), MAP Command, POAM, MMRMA, Michigan State Police, and the Department of Justice. He also spoke about the possible creation of an independent citizen oversight committee in the future, as outlined by the National Association for Civilian Oversight of Law Enforcement (NACOLE) but noted that it will take time and further consideration.

Nunez expressed his gratitude for the country he lives in, his health, and the community he lives in which allows for people to express grievances in a safe manner. He also expressed his gratitude to the councilmembers he has worked with and for the safe community he lives in.

Mooney stated that Nunez has had some of the best ideas about Parks & Recreation and how to maintain the character of the Village. He thanked Nunez for his service on the Council and his impact on the community. He thanked Phil Schmitt for his work as Southfield Township Supervisor, on the Village Council, and on the Parks and Recreation Board.

Abboud commented on the Public Safety subcommittee's review of use of force policies, the duty to intervene, and best practices. He thanked Phil Schmitt for his service and dedication to the

Village. He thanked Nunez for his ideas and service. He gave updates on SEMCOG and MML. He encouraged people to be informed voters and to please vote.

Peddie stated the Public Safety subcommittee best practices review is a work in progress and noted there are many ways to form the citizen oversight committee. She said it was a pleasure working with Nunez. She thanked Nunez for his work on the fence ordinance and for his service.

ADJOURNMENT

Motion by Peddie, second by Mooney to adjourn the meeting at 10:09 p.m.

Motion passed.

Lee Peddie
Council President

Kristin Rutkowski
Village Clerk