

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

Absent: Mueller

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 due to the ongoing COVID-19 pandemic. The Pledge of Allegiance was recited by those in attendance.

Peddie announced that the November 3, 2020 election results have not yet been certified, so the newly elected members have not been able to be sworn into office yet.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Mooney, second by Abboud, to amend the agenda to add the following items to the Business Agenda: Item A. Set Organizational Meeting and Item B. Discussion on COVID-19.

Roll Call Vote:
Motion passed (6-0)

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

Roll Call Vote:
Motion passed (6-0)

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

Ken Flaherty, 17166 Beechwood, commented on the sewage backups that occurred in August and insurance claims.

Kathleen Tuttell, Kirkshire, commented on sewage clean up and creating rain gardens. She also expressed concern about the City of Birmingham's population density increase as noted in their Master Plan and the speed limit on 14 Mile Road.

CONSENT AGENDA

Motion by Mooney, 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 November 3, 2020.
2. Review and file bills recapped as of Monday, November 9, 2020.

Roll Call Vote:
Motion passed (6-0)

BUSINESS AGENDA
SET ORGANIZATIONAL MEETING

The Council discussed setting an organization meeting to swear in the newly elected Council members once the election results are certified.

Motion by Mooney, second by Nunez, be it resolved, the Beverly Hills Village Council sets an organizational meeting for Tuesday, November 24, 2020 at 7:30 p.m. for the purpose of swearing in the newly elected Council members and selecting a Council President and President Pro-Tem. Be it further resolved, if the election results are not certified by the 24th, the meeting will be rescheduled to Monday, November 30, 2020 at 7:30 p.m.

Roll Call Vote:
Motion passed (6-0)

DISCUSSION ON COVID-19

Wilson provided an update on Village operations under the new state health order. The Village Office will close to the public beginning Wednesday, November 18, 2020. Limited staff will be reporting to the office in shifts, but most work will be completed remotely. Water bill payments and building department payments can be dropped off in the drop box or paid online. The Village is trying to limit the spread of COVID-19 as much as possible. Public Safety operations will continue with safety protocols in place.

The Council discussed closing equipment at Beverly Park where people tend to gather. They talked about increased signage or potential temperature screens at the park. They also discussed having virtual meetings or having hybrid in-person/virtual meetings. They continued with a discussion about swearing the new council members in virtually and the format of the December 1, 2020 Council meeting.

Motion by Mooney, second by Hrydziusko, be it resolved, the Beverly Hills Village Council rescinds the resolution to schedule an organizational meeting on November 24 or November 30 and instead will have a special order of business at the beginning of the December 1, 2020 meeting for the organizational meeting purpose.

Roll Call Vote:
Motion passed (6-0)

Motion by Mooney, second by Abboud, be it resolved, the Beverly Hills Village Council instructs administration to temporarily close the Beverly Park pavilion, playground, tennis court, adult exercise equipment, and sled hill to limit the spread of COVID-19.

Roll Call Vote:
Motion passed (6-0)

REVIEW AND CONSIDER RESOLUTION TO ADOPT RULES FOR ELECTRONIC MEETINGS

Ryan provided an overview of Public Act 228 and recommended approval of a resolution to adopt rules for electronic meetings in response to the Open Meetings Act Amendment allowing remote participation in meetings.

Motion by Hrydziusko, second by Nunez, to approve the following Resolution to Adopt Rules for Electronic Meetings:

WHEREAS, the Michigan Open Meetings Act, MCL 15.261 et seq. was recently amended by the adoption of Public Act 228 of 2020 to permit the remote attendance by members of a public body using telephonic or video conferencing means; and

WHEREAS, the Village Council desires to continue to meet and conduct the public business of the Village in a manner that permits both the general public and members of the Village Council and other Village boards and commissions subject to the Open Meetings Act to participate by electronic means.

THEREFORE, IT IS RESOLVED by the Beverly Hills Village Council that its Rules and Order of Procedure are hereby amended to add the following provisions:

ELECTRONIC MEETINGS

Rule 1. ELECTRONIC MEETINGS AUTHORIZED

The Village Council may meet and conduct its meetings, in whole or in part, by electronic means using telephone conferencing or video conferencing technology without regard to physical place and physical presence requirements, in accordance with Section 3a of the Open Meetings Act, MCL 15.263a, as amended, through December 31, 2020.

Beginning January 1, 2021 through December 31, 2021, Village Council meetings may be held, in whole or in part, by electronic means using telephone conferencing or video conferencing technology due to circumstances requiring accommodation of any Village Councilmember absent because of military duty, a medical condition, or when a declared statewide or local state of emergency or state of disaster exists and the personal health or safety of members of the public or public body would be at risk if the meeting were held in person. As used in these Rules, the term “medical condition” means an illness, injury, disability, or other health-related condition, including the quarantine or isolation of a Village Councilmember to minimize the spread of a contagious disease.

Beginning January 1, 2022 members of the Village Council may participate by electronic means in Village Council meetings only to accommodate their absence due to military duty.

Rule 2. CONDUCT OF ELECTRONIC MEETINGS

An electronic meeting of the Village Council will be conducted in a manner that permits two-way communication so that members of the Council can hear and be heard by one another, and so that public participants can hear members of the Village Council and be

heard by both the Council and other public participants. The Village may use technology to facilitate typed public comments submitted by members of the public participating in the electronically-held meeting that shall be read to or shared with members of the Village Council and other participants.

As permitted by the Open Meetings Act, a physical place is not required for an electronically-held meeting. Members of the Village Council and members of the public participating electronically in a meeting that occurs in a physical place are considered present and in attendance at the meeting for all purposes. For a meeting at which Village Councilmembers are physically absent due to military duty or a medical condition and who are being accommodated by remote participation, all other Village Councilmembers must be physically present at the meeting to be able to participate.

In addition to any other notice required by the Open Meetings Act, advance notice of an electronically-held meeting shall be posted on a portion of the Village's website that is fully accessible to the public. The public notice must be included on either the home page or a separate webpage dedicated to public notices for non-regularly scheduled or electronically-held public meetings that is accessible through a prominent and conspicuous link on the Village's website home page that clearly describes its purpose for public notification of non-regularly scheduled or electronically-held public meetings. Any scheduled meeting of the Village Council may be held as an electronic meeting as permitted by the Open Meetings Act if a notice consistent with this Rule is posted at least 18 hours before the meeting begins. Any notice of the meeting of the Village Council held electronically must clearly contain all of the following:

- (a) Why the Village Council is meeting electronically;
- (b) How members of the public may participate in the meeting electronically (if a telephone number, internet address or both are required to participate, that information must be provided in the notice);
- (c) How members of the public may contact members of the Village Council to provide input or ask questions on any business that will come before the Council at the meeting; and
- (d) How persons with disabilities may participate in the meeting.

If an agenda exists for an electronically held meeting of the Village Council, the Village shall, on a portion of its website that is fully accessible to the public make the agenda of the meeting available to the public at least 2 hours before the meeting begins. This publication of the meeting agenda does not prohibit subsequent amendment of the agenda at the meeting.

A member of the general public is not required to register or otherwise provide his or her name or other information or otherwise fulfill a condition precedent to attend an electronically-held meeting, other than mechanisms established and required by the Village necessary to permit the individual to participate in a public comment period of the meeting.

Members of the general public otherwise participating in an electronically-held meeting of the Village Council are excluded from participation in a closed session of the Village Council that is held electronically provided that the closed session is convened and held in compliance with the requirements of the Open Meetings Act applicable to closed sessions.

Rule 3. AGENDA FOR REGULAR BUSINESS MEETINGS; ELECTRONIC MEETINGS

The order of business for all meetings of the Village Council conducted electronically and held during through December 31, 2020, and held beginning January 1, 2021 through December 31, 2021 for Village Council meetings held, in whole or in part, by electronic means using telephone conferencing or video conferencing technology when a declared statewide or local state of emergency or state of disaster exists shall be as follows: Roll Call/Call to Order; Pledge of Allegiance; Approval of Agenda; Community Announcements; Public Comment – Items Not On the Agenda; Consent Agenda; Business Agenda; Public Comment; Village Manager Report; Council Comments; and Adjournment. The order of business outlined in this paragraph is not applicable when electronic means is used to accommodate the absence of individual Village Council members due to military duty or a medical condition.

Rule 4. PUBLIC COMMENTS

During Village Council meetings conducted electronically, members of the public attending the meeting, once recognized by the chair, shall identify themselves for the record and indicate the municipality where they reside.

Rule 5. COUNCILMEMBER ATTENDANCE BY PHONE/VIDEO

A member of the Village Council who anticipates being absent from a meeting due to the circumstances set forth in the Open Meetings Act and these Rules may request accommodation of their absence to permit their remote participation in and voting on Council business by two-way telephonic or video conferencing communication. A Village Councilmember who desires to attend a meeting by telephonic or video conferencing shall inform the Village Manager, or the Village Manager's designee, at least 24 hours before the meeting to permit any necessary technology to be put in place to accommodate participation of the absent member. Village Councilmembers attending a meeting by telephone or video conferencing may fully participate in the meeting, including voting and attendance in any closed session of the Village Council. A Councilmember participating by telephonic or video conferencing is not permitted to chair the meeting unless all Council members are participating by telephone or video conferencing.

Any member of the Village Council attending a meeting remotely must publicly announce at the outset of the meeting (which shall be included in meeting minutes) that the member is attending the meeting remotely. If the member is attending the meeting remotely for a purpose other than for military duty, the member's announcement must identify the member's physical location by stating the city, village, or township and the state from which the member is attending the meeting remotely.

Rule 6. OTHER BOARDS AND COMMISSIONS

All other Village boards and commissions and the members thereof are governed by and shall conform to the provisions contained in these Rules setting forth the requirements and procedures by which absent members and the public may remotely participate in meetings electronically by telephone or video conferencing. In the event of any conflict between these rules and the bylaws or procedural rules of the other board or commission, this Rule is controlling authority.

Roll Call Vote:
Motion passed (6-0)

FIRST ANNOUNCEMENT OF A VACANCY ON THE BIRMINGHAM AREA CABLE BOARD

James Delaney submitted his resignation from his position on the Birmingham Area Cable Board effective November 30, 2020, which leaves a vacancy for a partial term ending June 30, 2023.

The Cable Board meets the third Wednesday of the month at 7:45 a.m. The meetings are currently taking place remotely via Zoom.

All interested and eligible residents of Beverly Hills are encouraged to apply to become a member of the Cable Board. Applications are available on the Village website or by emailing the Village Clerk at krutkowski@villagebeverlyhills.com. Please submit applications by December 7, 2020.

This constitutes the first announcement of the vacancy on the Birmingham Area Cable Board.

Motion by Mooney, second by Abboud, be it resolved, the Beverly Hills Village Council accepts James Delaney's resignation from the Birmingham Area Cable Board.

Roll Call Vote:
Motion passed (6-0)

RECEIVE AND FILE CASH AND INVESTMENT SUMMARY AS OF SEPTEMBER 30, 2020 AND REVENUE AND EXPENDITURE REPORT ENDING SEPTEMBER 30, 2020

Council received the *Cash and Investment Summary* which includes all cash accounts and CD's as of September 30, 2020 for all funds.

Council also received the *Revenue and Expenditure Report* which includes revenue and expenditures for the General Fund, Major Road Fund, Local Street Fund, Public Safety Department, Library Fund and Water/Sewer Operation Fund for the 3 months ended September 30, 2020. The *Revenue and Expenditure Report* does not include prepaid and accrual adjustments that are reflected in the year end audited financial statements. Actual compared to budget financial results are monitored and budget amendments presented for approval, as necessary.

Motion by Mooney, second by Nunez, be it resolved, the Cash and Investment Summary as of September 30, 2020 and the Revenue and Expenditure Report ending September 30, 2020 are hereby received and filed.

Roll Call Vote:
Motion passed (6-0)

PUBLIC COMMENTS

Stephanie Jones, Beverly Road, suggested having a “Deck the Trail” decoration opportunity for residents at Beverly Park. She asked the Council to reconsider closing the sled hill.

Wilson clarified that the sled hill would only be closed for sledding and gathering once it snows, but it will not be closed in general.

MANAGER’S REPORT

Village Millage Renewal – The Village’s millage renewal measure that was on the November ballot has passed. Unofficial results from Oakland County indicate that Village voters approved this measure with just over 69% percent of votes cast in favor of the renewal. Over the last year, Village Administration has developed budget forecasts for FY 21 based on both a renewal of the millage and a sunset of the previous millage. Now that the millage has passed for another 10-year period we can begin implementing the millage renewal numbers in a projected two-year budget including a new Parks fund.

Local COVID Cases – Village Administration continues to monitor COVID cases locally. Per the Oakland County COVID Dashboard, there have been 345 reported cases of Coronavirus in the 48025 zip code since the onset of the pandemic roughly 9 months ago. 131 of those cases, roughly 38% have occurred in the last 30 days, as of November 13th. Village Administration has been preparing contingencies in the event that stay home or work from home orders are issued at the state or county level.

Liaison Assignments – Upon selection of a Village President at the Organizational meeting, Village Administration will provide the President with the blank template that we use to keep track of Council Liaison assignments. With the late date of the Organizational Meeting relative to this meeting it is not anticipated that liaison assignments will be known at this time. As there have been some changes to the Council membership there may need to be temporary adjustments or fill ins until those assignments are finalized.

Planning Commission Meetings – Due to the Thanksgiving Holiday the November Planning Commission meeting will be held on Wednesday, November 18th. In December, the Planning Commission will be held on Wednesday, December 16th due to Christmas holidays.

Yard Waste Collection – Yard waste collection will be continuing through the week of December 14th. All bagged leaves and yard waste will need to be put to the curb by the week of the 14th to ensure curbside collection.

Village Offices Closed – Village Offices will be closed on Thursday and Friday November 26th and 27th in observance of Thanksgiving. Trash collection will not be interrupted this week.

Sewer Claims – Wilson stated claims from the August 28, 2020 rain event are being processed by the Village’s liability insurance carrier, MMRMA. Questions regarding individual claims should be directed to MMRMA.

COUNCIL COMMENTS

Nunez stated he ran for Council because he saw opportunities for improvements, and he thinks some areas of the Village still need attention. He suggested focusing on the long-term vision for the Village.

Mooney congratulated Tracy Kecskemeti and Ryan O’Gorman on winning the election. He expressed appreciation to residents for approving the millage renewal. He is honored and grateful for being reelected. He acknowledged Shane Henry, Jim Delaney, and Phil Mueller and said they are all fine public servants.

Abboud talked about his passion for public service. He congratulated Kecskemeti and O’Gorman on the election. He thanked the residents for approving the millage renewal. He recognized Peddie for her efforts and leadership as the Council President. He thanked all the candidates for running and encouraged them to stay involved. He also encouraged residents to be more involved in public meetings.

ADJOURNMENT

Motion by Peddie, second by Mooney to adjourn the meeting at 9:36 p.m.

Motion passed.

Lee Peddie
Council President

Kristin Rutkowski
Village Clerk