

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

Absent: None

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

President George called the regular Village Council meeting to order at 7:30 p.m. 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 Hrydziuszko, be it resolved, the agenda is approved as published.

Roll Call Vote:
Motion passed (7-0)

COMMUNITY ANNOUNCEMENTS

Kathleen Tootell, Beverly Hills, on behalf of the Birmingham Area Cable Board, stated BCTV could film and broadcast Village events, such as the upcoming Concert in the Park.

PUBLIC COMMENTS

Candace Buehner, Kinross, expressed concerns over the proposed backyard chicken pilot program.

Kathleen Tootell, Kirkshire, expressed opposition to backyard chickens.

Kristen Landman, Beverly Road, stated that she would support backyard chickens, but not roosters.

Adam Beslove, Lahser Road, expressed support for backyard chickens and referred to the Village’s Master Plan.

Tony Roma, Beverly Road, supported backyard chickens.

Karen Gilbert, Amherst, expressed opposition to backyard chickens and suggested the issue be placed on a ballot.

Tony Lott, Riverside, opposed chickens in Beverly Hills and suggested the issue be placed on a ballot.

Hope Swann, Sunset Drive, stated that chickens could benefit the community and are not noisy. She noted that some Homeowners Associations may not allow chickens.

Dale Wolicki, Amherst, stated that he had neighbors who had backyard chickens in the past and it became a nuisance.

Brian Reemmer, Devonshire, stated he is in favor of a backyard chicken pilot program.

Kaitlyn Bora, Eastlady, stated she would like to see a backyard chicken pilot program move forward.

Kate Buck, Old Stage Road, expressed support for a backyard chicken pilot program.

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 special Council meeting held April 13, 2021.
2. Review and consider approval of minutes of a regular Council meeting held April 20, 2021
3. Review and file bills recapped as of Monday, April 26, 2021.
4. Set public hearing date for Tuesday, June 15, 2021 to receive comments on the DWSRF Project Plan.

Roll Call Vote:
Motion passed (7-0)

BUSINESS AGENDA

PUBLIC HEARING TO RECEIVE COMMENTS ON SPECIAL ASSESSMENTS TO BE ADDED TO THE TAX ROLL

Wilson provided an overview of the proposed assessments to be added to the tax roll for 82 properties in the total amount of \$35,974.41.

President George opened the public hearing at 8:11 p.m. No one wished to be heard, so the public hearing was closed at 8:11 p.m.

REVIEW AND CONSIDER SPECIAL ASSESSMENTS TO BE ADDED TO THE TAX ROLL

Motion by Mooney, second by Hrydziuszko, be it resolved, the Beverly Hills Village Council approves the following unpaid assessments and billings to be added to the tax roll:

<u>Description</u>	<u>No. of Properties</u>	<u>Amount</u>
Dust Control	62	\$ 749.98
Stafford	11	\$ 7,067.40
Southfield Rd. Maint.	3	\$ 1,484.71
Misc.	1	\$23,453.93
Weed/Yard Maint.	<u>5</u>	\$ <u>3,218.39</u>
Total	82	\$35,974.41

Roll Call Vote:

Motion passed (7-0)

PUBLIC HEARING TO RECEIVE COMMENTS ON PROPOSED 2021/2022 BUDGETS FOR GENERAL FUND, MAJOR & LOCAL ROADS, WATER & SEWER OPERATING, AND OTHER SPECIAL REVENUE FUNDS

Wilson and McCarthy provided an overview of the 2021/2022 budget.

President George opened the public hearing at 8:16 p.m. No one wished to be heard, so the public hearing was closed at 8:17 p.m.

REVIEW AND CONSIDER ADOPTION OF THE FISCAL YEAR 2021/2022 VILLAGE OF BEVERLY HILLS BUDGET

Motion by Abboud, second by Mooney:

WHEREAS, the Village Council of Beverly Hills conducted a public hearing on the proposed 2021/2022 Fiscal Year Budget on Tuesday, May 4, 2021 and public comments have been heard and considered.

NOW, THEREFORE, BE IT RESOLVED, that the 2021/2022 Fiscal Year Budget for the General Fund, Public Safety Fund, Park Improvement Fund, Library Fund, Major Road Fund, Local Streets Fund, Drug Law Enforcement, Retiree Health Care, Vacation Reserve, Sick Pay Reserve, Capital Projects, Water and Sewer and MERS Retiree Health Care Fund Operating Budgets in the following amounts are hereby adopted on this 4th day of May, 2021:

FUND NAME	REVENUES	APPROPRIATIONS
General Fund	\$3,770,798	\$4,036,664
Public Safety Fund	\$6,570,223	\$6,143,842
Park Improvement Fund	\$ 205,496	\$ 7,000
Library Fund	\$ 523,954	\$ 522,954
Major Road Fund	\$1,194,934	\$1,170,960
Local Streets Fund	\$ 782,977	\$ 960,294
Drug Law Enforcement	\$ 2,000	\$ 2,000
Retiree Health Care	\$ 443,657	\$ 439,657
Vacation Reserve	\$ 24,500	\$ 16,148
Sick Pay Reserve	\$ 12,250	\$ 12,918
Capital Projects Fund	\$ 542,500	\$ 402,500
Water & Sewer Operating	\$5,079,369	\$ 5,339,349
MERS Retiree Health	\$ 365,000	\$ 365,000

Roll Call Vote:

Motion passed (7-0)

REVIEW AND CONSIDER RESOLUTION APPROPRIATING FUNDS FOR THE 2021/2022 FISCAL YEAR VILLAGE OF BEVERLY HILLS BUDGET

Motion by Mooney, second by Abboud:

WHEREAS, the Village Council of Beverly Hills has adopted its annual budget for its fiscal year beginning July 1, 2021 in accordance with State law and the Village Charter; and

WHEREAS, the Village Council is also required to adopt an appropriations act to provide the authority to incur obligations and expend public funds.

NOW, THEREFORE, BE IT RESOLVED, that the adopted budget for the fiscal year beginning July 1, 2021 and ending June 30, 2022 shall establish the approved appropriation levels for the said fiscal year.

BE IT FURTHER RESOLVED that the Village Council retains authority to amend the Village budget and this appropriations act at such times when deviations from the projected revenues and authorized expenditure levels become necessary and the amount of the deviations becomes known.

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER RESOLUTION TO ADOPT THE 2021/2022 MILLAGE RATE

Motion by Peddie, second by Mooney:

WHEREAS, the Village Council of Beverly Hills has adopted its annual budget for its fiscal year beginning July 1, 2021 in accordance with State law and the Village Charter;

WHEREAS, the Village Council must also adopt a millage rate to be levied on the Village tax roll for 2021;

WHEREAS, Act 298 of 1917 allows cities and villages to levy a tax not to exceed 3 mills for the purposes of garbage collection and disposal. The annual rubbish tax shall be in addition to the amount authorized to be levied for general purposes; and

WHEREAS, Public Act 5 of 1982 does not apply to levying for Debt Service.

NOW, THEREFORE, BE IT RESOLVED, that the Village Council does hereby approve the total 2021 millage rate for the Village at 13.9206 mills and the 13.9206 millage rate is to be distributed as follows:

General Fund.....	1.8512 mills
Public Safety Fund	9.7485 mills
Library Fund	0.8058 mills
Park Improvement	0.3151 mills
Rubbish Fund	1.2000 mills

Total Millage Rate 13.9206 mills

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER RESOLUTION TO ADOPT THE 2021/2022 RATE SCHEDULE FOR WATER CONSUMPTION AND SEWAGE DISPOSAL

Motion by Kecskemeti, second by Mooney:

WHEREAS, each premises within the Village of Beverly Hills connected to the water and/or sanitary sewer system shall pay a consumption charge based upon the amount of water used as shown by the water meter installed in each premises.

NOW, THEREFORE, BE IT RESOLVED that the Beverly Hills Village Council hereby approve the water and/or sanitary consumption charges as follows:

	<u>Water & Sewer</u>	
Water Consumption		\$ 2.2132 per 100 cu ft
Sanitary Sewer Operation, Maintenance & Repair		\$ <u>6.5554</u> per 100 cu ft
	Total	\$ 8.7686
	<u>Debt Service</u>	
Debt Service		\$ 20.00 per bill
	<u>Infrastructure</u>	
Infrastructure		\$ 70.00 per bill
	<u>Water Only</u>	
		\$ 2.2132 per 100 cu ft
	<u>Sewer Only</u>	
All sewer-only customers per quarter		\$ 159.086 Infrastructure/ \$ <u>44.625</u> Debt Service
	Total	\$ 203.711

Effective with all water and sewer usage after July 1, 2021 and thereafter until changed.

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER RESOLUTION APPROVING PURCHASE OF AN AIR COMPRESSOR CASCADE FILL STATION FOR THE PUBLIC SAFETY DEPARTMENT

Wilson provided an overview of this request. Beverly Hills Public Safety utilizes an air compressor cascade fill station to fill air bottles after they have been used in firefighting. Public Safety is using equipment located at the Oak Park Public Safety Building. Personnel must leave their geographical service area for 1-2 hours weekly to fill bottles. The Oak Park unit is 15 years old and requires periodic maintenance. The department does not have a secondary unit to rely upon. Beverly Hills

Public Safety would share the equipment with our mutual aid partners when their equipment is down for service. Filling air bottles is a necessary and important component of firefighting.

After completing a need assessment, the Public Safety Department selected the Artic Air Compressor, Cascade and Fill Station. A bid specification was sent to the three closest Artic vendors.

- 5-Alarm Fire and Safety Equipment \$43,627.00
- North Shore Compressor Machine \$47,059.05
- 911 Fleet and Fire Equipment No response

Funds for this equipment were budgeted for in the 20/21 FY Budget. Grant funding is not available for this purchase.

Motion by O’Gorman, second by Mooney, be it resolved, the Beverly Hills Village Council approves the invoice in the amount of \$43,627.00 provided by 5-Alarm Fire and Safety Equipment located at 6588 Center Industrial Drive, Suite Z, Jenison, MI 49428. Funds for this purchase are available in account 205-900-980.00.

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER RESOLUTION APPROVING PURCHASE OF LIVE SCAN TERMINAL FOR THE PUBLIC SAFETY DEPARTMENT

Beverly Hills Public Safety utilizes computer hardware and software to capture fingerprints during the arrest booking procedure. This equipment is commonly referred to as the Live Scan terminal. The current equipment has been in service since 2014. We have been notified by Oakland County Clemis Records Management that the Live Scan hardware and software requires replacement no later than 12/2021.

Idemia Identity and Security, USALLC was awarded the bid by Oakland County to replace our existing equipment. The equipment is required to capture fingerprints and send the data to Oakland County Clemis and the Michigan State Police. The total cost of the equipment is \$19,874.00 which includes an annual maintenance fee of \$2,880.00. The annual maintenance fee is \$433.00 less than what we currently pay. This equipment has been budgeted for in the 20/21 FY budget.

Motion by Abboud, second by Mooney, be it resolved, Village of Beverly Hills Council approve invoice 70377A in the amount of \$19,874.00 provided by Idemia Identity and Security, USA LLC 5705 W. Old Shakopee Rd., Suite 100 Bloomington, MN 55437-3107. Funds for this purchase are available in account 205-900-980.00

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER RESOLUTION FOR WEST NILE FUND EXPENSE REIMBURSEMENT

Wilson provided an overview of Oakland County’s West Nile Virus Fund Reimbursement Program.

Motion by Peddie, second by Mooney:

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages, and townships in addressing mosquito control activities;

WHEREAS, Oakland County’s West Nile Virus Fund Program authorizes Oakland County cities, villages, and townships to apply for reimbursement of eligible expenses incurred in connections with personal mosquito protection measures/activities, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, the Village of Beverly Hills, Oakland County, Michigan will incur expenses in connection with mosquito prevention and control activities believed to be eligible for reimbursement under Oakland County’s West Nile Virus Fund Program.

NOW, THEREFORE, BE IT RESOLVED, that this Council authorizes and directs its Manager, Chris Wilson, as agent for the Village of Beverly Hills in the manner and to the extent provided under Oakland County’s Board of Commissioner Resolution, to request reimbursement of eligible mosquito activity under Oakland County’s 2021 West Nile Virus Fund Program.

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER APPROVAL OF METRO ACT PERMIT APPLICATION FROM ZAYO GROUP

Wilson and Ryan provided an overview of the Metro Act/Telecommunications Permit Application the Village received from Zayo Group. In response to Federal law, allowing the free flow of telecommunication information throughout the country, the state of Michigan adopted the Metro Act. The Metro Act standardizes the application and requirements for all telecommunication providers within a municipal corporation. The proposed underground work outlined in the application would run along Lahser Road. Everything in the application was in order and Administration recommended approval.

Motion by O’Gorman, second by Mooney, the Beverly Hills Village Council approves the Application for a Metro Act Permit submitted by Zayo Group.

Roll Call Vote:
Motion passed (7-0)

REVIEW AND CONSIDER AGREEMENT WITH NYHART FOR ACTUARIAL SERVICES

The Village needs updated Actuarial Services for our Other Post Employment Benefits (OPEB) services. Nyhart has provided these services in the past and has submitted a proposal to update our previous projections and assumptions. For FYE June 30, 2021, Nyhart is proposing a full update to our GASB 74/75 projections as required, an Update to our Public Act 202 projections as

required and to review our current annual OPEB Trust Fund contributions of \$400,000. Total costs for services for FYE June 30, 2021 is \$10,000. For FYE June 30, 2022 Nyhart will provide an interim update to the GASB74/75 projections and update our PA 202 projections for a total of \$4,000.

Village Administration has worked with Nyhart in the past and have found their valuations to be timely, accurate and cost effective. Administration reviewed the proposal and recommends approval.

Motion by Kecskemeti, second by Mooney, be it resolved that the Village Council approve and authorize the Village Manager to execute the Service Agreement for Actuarial Services between Nyhart and the Village of Beverly Hills for FYE June 30, 2021 and June 30, 2022 as submitted. Funds for these services will be found in Account # 101-248-831.00.

Roll Call Vote:

Motion passed (7-0)

FIRST ANNOUNCEMENT OF VARIOUS BOARD/COMMISSION VACANCIES

Wilson gave an overview of the upcoming Board/Commission vacancies. The following is a list of board members whose terms expire on June 30, 2021. All of the members have been notified of their term expiration and those listed below wish to be considered for reappointment. The names in parenthesis are not seeking reappointment.

Council agreed in November of 2008 to make these vacancies open to the public as well as the currently seated member.

Birmingham Area Cable Board

Ray Kamoo

Parks & Recreation Board

Janice Hausman

Jennifer Ruprich

(William Kondak)

Planning Commission

Andrew Drummond

George Ostrowski

Robert Ruprich

Zoning Board of Appeals

Chris Crossen

David Crawford

Karen Mitchell

Charlotte Keller – Alternate

(Christina Gennari – Alternate)

All terms are for three years beginning July 1, 2021 and expiring June 30, 2024. All interested and eligible residents of Beverly Hills are encouraged to apply. Descriptions of each

Board/Commission can be found on the Village website by selecting “Boards/Commission” under the “Government” tab. The deadline for applications is Wednesday, June 2, 2021. Applications are available on the Village website or by emailing the Village Clerk at krutkowski@villagebeverlyhills.com.

This constitutes the first announcement of the vacancies with appointments scheduled to take place at the June 15, 2021 regular Village Council meeting.

PUBLIC COMMENTS

Kathleen Tootell, Kirkshire, asked about the proposed water line project and Wilson provided clarification.

Karen Gilbert, Amherst, stated that she would like answers regarding the backyard chicken comments and expressed concern over lot sizes.

MANAGER’S REPORT

New COVID Guidelines – On Thursday, April 29th the State of Michigan announced new guidelines on future easing of restrictions on gatherings and other activities tied to statewide vaccination rates. More formal guidance from the state will be forthcoming on these metrics. However, as it looks now, two weeks after 65% of all eligible Michigan residents (approximately 5.3 million) have received a first dose of a COVID vaccine, indoor capacity restrictions would be lifted and restrictions on all residential social gatherings would be limited. Based on current vaccination rates and trends, it is estimated that this could be achieved by early to mid-June. Once 70% of all eligible residents (approximately 5.7 million residents) have received a first vaccine dose all restrictions would be lifted. If we are to reach the 65% level prior to June 30th the Village would be able to resume regular public meetings and not be confined to the number of people we could have in the building, other than the Fire Marshal limits.

Southfield-Beverly Intersection Signals – The Village has received a proposal from the Road Commission of Oakland County (RCOC) for signal upgrades at the intersection of Southfield Rd. and Beverly Rd. The proposal would require the Village to pay for half of the cost of the upgrades, roughly \$115,000. Village Administration reviewed the proposal with representatives of RCOC. The new signals would be arranged so that they are directly in front of drivers and not offset as the current signals are. Reflective striping would be placed around to signal to improve visibility. There have been accidents at this intersection caused by motorists either missing the signal or being confused by a signal farther down road and running this intersection. These upgrades would be similar to signal upgrades that were made at the intersection of Southfield and 12 Mile, which has resulted in fewer crashes at that location. In addition, countdown pedestrian signals would be added to aid pedestrians in crossing this location.

Village Administration has requested that RCOC further investigate the timing of these pedestrian crossings, both at this crossing and at the Dunblaine crossing as we have concerns that the current allotted crossing time is inadequate. We also requested that dedicated left turn lanes be considered for east and west bound Beverly traffic. RCOC has agreed to investigate both options. After reviewing the proposal with RCOC I feel it is a benefit to the Village to install the proposed new signals at this intersection and will move forward with RCOC if there are no objections.

Water Service Line Inventory – EGLE has provided guidance to how municipal water system are to analyze the condition of water service lines of unknown composition. We have been awaiting guidance on how to proceed in this matter in order to comply with the Distribution System Materials Inventory (DSMI) requirements of the state. Based upon the new guidelines, most if not all of the homes in the Village will be classified as “unknown.” While we do have records on many of these homes, we would not meet the requirements provide to EGLE to certify the material in those water service lines. I believe most municipalities will be in the same position. The Village will compile a list of locations with unknown service line material per these guidelines and produce a random sample that will be verified per EGLE guidelines. I anticipate that the Village will conduct around 350 of these verifications. SOCWA is developing a plan by which all member communities can work together to conduct these verifications. This will deliver efficiency and cost savings to all communities along with a professional standard of verification. This is the same process member communities are using for the service line replacements, with very positive results. Final reports are due by January 1, 2025, but I anticipate that the work will be completed much sooner. Village Administration will begin the process of compiling our unknown service line inventories soon. I have provided a report from Jeff McKeen of SOCWA on this matter for your review.

Evergreen Road Sewer Project – Village Administration has been informed by Oakland County that the sewer rehab project underneath Evergreen south of 14 Mile has been delayed until the Fall. Oakland County needs easement access to a portion of the property north and east of 14 Mile and that will not be available until later this year. Further, there is a proposed road project on Cranbrook from 14 Mile to Maple scheduled for this summer. Unfortunately, this will impact this roadway during the 2021-22 school season. The Village will coordinate this with BPS as best we can. In addition, Village Administration will reach out and seek input from residents and HOA’s who will be impacted by any lane closures or detours from this project.

Safest Cities List – According to the National Council for Home Safety and Security, Beverly Hills was the 4th safest city in Michigan in 2020. Thank you to the leadership and members of the Public Safety Department and all of our residents for keeping this community safe.

Curbside Chipping – Village Administration has worked with Comeau and will begin curbside chipping of branches the week of May 17th. Residents can place stacked branches between 2 inches and 6 inches in diameter at the curbside for collection and chipping. We ask that branches be stacked and not bundled and that the cut ends all facing the direction of traffic flow. Collection will be 1-2 days after trash and recycling collection. We will do chipping on a weekly basis through November, then on an as needed basis December-March. We can monitor how this program is received and modify as needed. Comeau does not plan to add any additional manpower or new equipment at this time.

Greenfield Road – Consumers is starting a gas main project on Evergreen Road between 13 Mile Road and 14 Mile Road and there will be road closures in the area between May and July.

COUNCIL COMMENTS

O’Gorman stated that he reflected on the previous bike path discussion and thought he was too critical on the residents who brought the request forward.

Kecskemeti stated that residents would like a decision made about chickens. She gave her position on land use and thinks residents could keep chickens without being a nuisance. She stated that she continues to work on drainage issues and met with Administration last Friday. She would like to see a public education campaign and a basement backup protection program.

Abbound thanked community members for speaking out about what is important to them. He thinks the chicken issue should go to the ballot.

Peddie stated that the Planning Commission continues to review the Master Plan. The Planning Commission would like to play a role in road repair discussions and incorporate environmentally friendly ideas.

Mooney highlighted how leadership gained the trust of residents over the last decade and thinks that that trust is now disappearing. He thinks Council could be doing better in this regard.

Hrydziuszko provided an update on Park #5 and encouraged resident input. She thanked HRC for providing information and education on drainage issues. She stated that there would need to be a layered approach to address drainage issues. She requested the Master Plan language be added to the Planning Commission packets as they review each section. She does not think that groups who want something new or different should be marginalized. She would like to demonstrate more inclusion, such as displaying the pride flag.

George discussed challenges with sewers and would like to see a basement backup remediation program. He talked about the Overlay District. He believes Council is being transparent and trustworthy. He asked residents to remember that when engaging in discussions, that these are your neighbors.

ADJOURNMENT

Motion by Mooney, second by Hrydziuszko, to adjourn the meeting at 10:11 p.m.

Roll Call Vote:

Motion passed (7-0)

John George
Council President

Kristin Rutkowski
Village Clerk