

Present: President Mooney; President Pro-Tem Peddie; Members: Abboud, Delaney, Mueller, Nunez, and Oen

Absent: None

Also Present: Village Manager and Clerk, Wilson
Village Attorney, Ryan
Public Safety Director, Torongeau

President Mooney called the regular Council meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. The Pledge of Allegiance was recited by those in attendance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Oen, second by Mueller to approve the agenda.

Motion passed.

COMMUNITY ANNOUNCEMENTS

Bill Galvin, Farmington, Candidate for Oakland County Commissioner of the 14th District, spoke about his history of practicing non-partisan community minded government in various roles he has served in the community.

PUBLIC COMMENTS

Candice Cardenas, Kennoway Circle, expressed her concern about the safety risks posed by a lack of sidewalks along 13 Mile between Kennoway Circle and Groves High School.

Mooney advised her Administration would follow up with her.

Rachael Hrydziusko, Evergreen, thanked Council for the installation of the crosswalk across Beverly Road to reach Beverly Park.

CONSENT AGENDA

Motion by Oen, second by Peddie, be it resolved that the Council for the Village of Beverly Hills approve the consent agenda.

1. Review and consider approval of minutes of a regular Council meeting held September 4, 2018.
2. Review and file bills recapped as of Monday, September 17, 2018.
3. Review and consider request from Our lady Queen of Martyrs to install banner at the northwest corner of Dunblaine and Southfield.
4. Review and consider request from Our Lady Queen of Martyrs to use Village streets and sidewalks for their Oktoberfest 5K Race rescheduled for October 6, 2018.

Roll Call Vote:

Motion passed (7-0)

BUSINESS AGENDA

ANNOUNCEMENT OF A VACANCY ON THE BIRMINGHAM AREA CABLE BOARD

A vacancy exists on the Birmingham Area Cable Board with a term expiration date of June 30, 2020. The Cable Board meets at 7:45 a.m. on the third Wednesday of each month in the Village Council Chamber. They advise the Village Council as to all matters related to Cable Television. The Board monitors performance of the franchisee and compliance with the franchise agreement and acts as liaison between residents and the franchisee.

Applications will be accepted until the vacancy is filled.

SECOND READING AND POSSIBLE ADOPTION OF AN ORDINANCE AMENDING CHAPTER 5 §5.03 AND §5.04; CHAPTER 14 §14.30 AND CHAPTER 42 §42.02, 42.03, 42.04, 42.07(6), 42.12, 42.18 AND 42.20 REGARDING PENALTIES IN THE MUNICIPAL CODE

Tom Ryan explained that previously Zoning Violations had been de-criminalized, and this revised language will classify the violations a civil infractions.

A copy of the ordinance is available at the Village office.

Motion by Oen, second by Nunez, to adopt Ordinance #363 amending;

Chapter 5 Streets, Alleys And Sidewalks, Sections 5.03 – Water Damage Into Street; and 5.04 Debris In Streets, Penalties; Chapter 14 Dogs and Other Animals, Section 14.30 Penalties; and Chapter 42 Offenses Against Public Peace, Safety and Morals, Sections 42.02 – Bonfires; 42.03 - Hitchhiking, 42.04 – Expectorating; 42.12 – Games In Streets; 42. 18 – Depositing Of Snow, Ice or Slush; and 42.20 – Noise Control, Penalties.

Roll Call Vote:

Motion passed (7-0)

This ordinance shall become effective 20 days following publication in the Eagle newspaper.

REVIEW AND CONSIDER AGREEMENT BETWEEN THE VILLAGE OF BEVERLY HILLS AND NYHART REGARDING THE OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST

This proposal is for an evaluation of annual OPEB contributions (retiree health care contributions) made by the Village of Beverly Hills to the OPEB trust by The Howard E. Nyhart Company, Inc. Administration believes it is important to have an evaluation done at this time to determine the level of contributions going forward so the liability is satisfied but also so the Village does not over contribute to the retiree health care fund.

OPEB Report (Other Post-Employment Benefits/Retiree Health Care) – As part of the audit process, the Village received an updated OPEB report from Nyhart as of June 30, 2018. This report significantly lowered our projected net OPEB liabilities from \$8,775,084 as of June 30, 2017 to projected net OPEB liabilities of \$3,436,777 as of June 30, 2018. These calculations were based

upon an expected rate of return of 6.00% for FYE 2017 and a higher revised expected rate of return of 7.75% for FYE 2018.

The result of the higher revised expected rate of return, as well as lower than expected annual increases in health care premiums, have increased our OPEB funding ratio from 41.2% to 66.9%. Based upon the revised valuation, it is Nyhart's opinion that the Village is at risk of contributing too much to the MERS retiree health care fund if contributions are not lowered. Due to the decreased liability, it is important that we have a better understanding as to what our retiree health care contributions should be in the future. This proposal will guide us in understanding what level of contributions is appropriate in future years. Administration has reviewed this report and recommends accepting and approving the proposal from Nyhart.

Ryan confirmed that this was considered a professional service and therefore did not need to be put out for bids.

Delaney summarized an email submitted by resident Peter Webster, who encouraged diligence in verifying that the company manages the monies well.

Motion by Delaney, second by Oen, be it resolved that the Beverly Hills Village Council approve and authorize the Village Manager to sign and execute "The Howard E. Nyhart Company, Inc. Service Agreement" in the amount of \$4,000 to provide consulting services regarding projected OPEB Trust assets, benefit payments and actuarially determined contributions.

Roll Call Vote:
Motion passed (7-0)

PUBLIC COMMENTS

None.

MANAGER'S REPORT

Consumers Gas Projects – Consumers has completed the gas line replacement project at 13 Mile and Lahser. That intersection was reopened for all traffic lanes as of September 12th. Consumers has received permits for two other similar projects at Saxon and Beaconsfield and Kirkshire and Madison. A temporary blockage of Saxon may be required for that project. Village Administration is working on another permit request for a gas main replacement project at the intersection of 14 Mile and Evergreen. This project will require a closure of one lane of traffic through this intersection for a period of 7-10 days. Obviously, this will cause some traffic problems. Village Administration has scheduled a meeting with the homeowners association immediately west of Evergreen to discuss the options for potential lane closures and detours. We will also be coordinating this with Birmingham Schools.

Traffic Study – The Village is in receipt of the traffic study that was commissioned at the request of the homeowners association west of the intersection of 14 Mile and Evergreen. There have been concerns from the residents in this area regarding cut through traffic trying to avoid the intersection. Per the results of the traffic study there is justification for limiting turns off of 14 Mile

and Evergreen onto these local streets. There are also various options for how this can be accomplished. Village Administration will be meeting with HOA representatives to discuss the various options and their preferred resolution. The HOA has also indicated a desire to discuss a possible Special Assessment District (SAD) for the installation of sidewalks within the subdivision.

Lead and Copper Rules Revisions – The Great Lakes Water Authority, Detroit Water and Sewer Department and the Oakland County Water Resources Commissioner have filed a Request for a Declaratory Ruling with the MDEQ challenging the validity of various sections of recent changes to the Lead and Copper Rules. These entities have identified more than two dozen statutory and legal defects in the proposed rule changes that they feel need to be addressed. SOCWA, at its most recent regular meeting approved a Concurrence Form with the plaintiff’s findings to be submitted with the Request for a Declaratory Ruling. SOCWA has requested that all its member communities do the same. Ryan will review this request to deem whether it is appropriate to bring before Council for your review and consideration.

Hydrant Replacement – The Village is embarking on hydrant replacement program that will replace nineteen (19) different hydrants throughout the Village. All these hydrants are in good working order but were installed prior to 1930. Accordingly, it is becoming increasingly difficult to acquire parts for these hydrants in the event of a failure. It is necessary to shut the water off to a particular section of water main to replace the hydrants. The Village will be notifying any affected residences of an upcoming water shut off and any potential boil water requirements.

Water Testing – The Village has completed residential water testing as required by the DEQ. A total of 148 homes were submitted, The DEQ required the submission of 60 samples. All homes tested in June 2018 will be retested in December 2018. Any resident who wishes to have their water tested during the December 2018 testing can contact the Village and their water can be tested at no cost to them.

Results of Litigation Regarding the November Ballot Proposal - Ryan reported that August 14, 2018 was the State mandated deadline to file any ballot proposals for the November 2018 election. The Parks Millage language was signed by the Governor on July 25, 2018 and mailed by the Village Clerk on July 31, 2018. On August 27, 2018, Oakland County informed Administration that the ballot language for the Village was not received and therefore could not be placed on the November ballot. In a signed affidavit the clerk attests that the language was signed and mailed via the US Postal Service on July 31, 2018. On August 31, 2018 the County maintained they were unable to locate the mail and took the position that the envelope was not received.

Ryan went before Judge Anderson in the Oakland County Court, and the request was denied. Therefore, the proposal will not be on the November 2018 ballot.

COUNCIL COMMENTS

Mueller invited residents to attend the Read in the Park Event, Saturday September 22 from 1-4 pm. More information about the event is located on the Village website.

Abboud reported the Zoning Board of Appeals approved variances for several new homes being built.

The Planning Commission continues to work with representatives from the Southfield and 13 Mile Plaza on their new sign. They also have a sub-committee formed to explore ramifications of the upcoming recreational marijuana laws.

Delaney reported Birmingham Next had a successful Octoberfest event at Beverly Park.

Oen expressed his continued prayers for DPW Team Supervisor Marty Collins, who was recently hospitalized.

Peddie reminded residents to be mindful of what goes into their recycling bins, and advised them to look on the SOCRRA website if they are not sure.

Motion by Oen, second by Abboud, to adjourn the meeting at 8:18 p.m.

Motion passed.

John Mooney
Council President

Chris Wilson
Village Clerk

Elizabeth M. Lyons
Recording Secretary