

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

Absent: None

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. 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 Mooney, second by Mueller, to amend the agenda, moving Consent Agenda Item 4 to Business Agenda Item 7.

Motion passed.

Motion by Mooney, second by Hrydziuszko, to approve the agenda as amended.

Motion passed (6-1)

Abboud nay

SPECIAL ORDER OF BUSINESS - Honoring Irene Davis with the distinction of Parks and Recreation Board Emerita

Mrs. Davis was unable to be in attendance; she will be honored at the first meeting in August.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

Anthony Lott, Riverside Drive, presented the Council his concerns about the traffic on Riverside Drive. He believes a second traffic study should be conducted in the fall.

Bill Wegert, Westlady, reported his concerns related to several habitual offenders with unsafe residential building sites.

CONSENT AGENDA

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

1. Review and consider approval of minutes of a regular Council meeting held July 2, 2019.
2. Review and file bills recapped as of Monday, July 8, 2019.
3. Review and consider resolution appointing delegates and alternates for Municipal Employees' Retirement System (MERS) annual conference.

4. Review and consider Charitable Gaming License for Detroit Area Modern Quilt Guild.
5. Review and consider annual funding request from the Birmingham Bloomfield Community Coalition.

Roll Call Vote:
Motion passed (7-0)

BUSINESS AGENDA

SECOND READING AND CONSIDERATION OF ORDINANCE 368 TO AMEND CHAPTER 22, SECTION 22.08.280 OF THE MUNICIPAL CODE OF THE VILLAGE OF BEVERLY HILLS

Wegert, Westlady, stated he would like there to be regulations included that relate to onsite equipment storage, dumpsters, and asbestos reviews.

Paula Roddy, Rutland, requested more clarity in the document related to demolition and fence requirements.

Wilson explained that these changes went into effect May 20, and no permits are issued without the appropriate fences in place.

George explained that passing this ordinance removes it from the Code Enforcement Office and gives Administration the ability to tie these requirements to the permitting process.

Motion by Hrydziusko, second by Mooney, that the Village of Beverly Hills Ordains:

Section 1.01. That Village of Beverly Hills Zoning Ordinance, Chapter 22, Section 22.08.280 Regulation of Nuisance Activities for the Village of Beverly Hills is hereby amended to read as follows:

22.08.280 REGULATION OF NUISANCE ACTIVITIES.

- a. No activity or use shall be permitted on any property which by reason of the emission of odor, fumes, smoke, vibration, noise or disposal of waste is deleterious to other permitted activities in the Zone District or if obnoxious or offensive to uses permitted in neighboring Zone Districts.
- b. All properties shall be in compliance with the Building Department Construction Site Maintenance Requirements while under a valid permit for construction.

Section 2.01. SEVERABILITY. If any section, clause or provision of this Ordinance shall be declared to be inconsistent with the Constitution and laws of the State of Michigan and voided by any court of competent jurisdiction, said section, clause or provision declared to be unconstitutional and void shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force.

Section 3.01. SAVING CLAUSE. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 4.01. REPEALER. Any Ordinance conflicting with this Ordinance be and the same is hereby repealed.

Section 5.01. EFFECTIVE DATE. A public hearing having been held by the Planning Commission on Wednesday, May 22, 2019, and the Village Council on July 2, 2019, the provision of this Ordinance shall become effective 20 days following its publication in The Eccentric, a newspaper circulated within said Village.

Roll Call Vote:
Motion passed (7-0)

SECOND READING AND CONSIDERATION OF ORDINANCE 369 TO AMEND THE MUNICIPAL CODE OF THE VILLAGE OF BEVERLY HILLS BY REPEALING SECTION 42.07(C)

Motion by Hrydziusko, second by Mueller, that the Village of Beverly Hills Ordains:

Section 1.01. That Section 42.07 Offenses Against Morals, Subsection (c) is hereby amended to repeal Section (c).

Section 2.01. REPEALER. Section 42.07(c) is hereby repealed.

Section 3.01. SEVERABILITY. Should any section, clause or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof other than the part declared to be invalid.

Section 4.01. SAVINGS CLAUSE. The passage of this Ordinance does not affect or impair any act done, committed or right accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

Section 5.01. EFFECTIVE DATE. The provision of this Ordinance shall become effective 20 days following its publication in The Eccentric, a newspaper circulated within said Village.

Roll call vote:
Motion passed (7-0)

SECOND ANNOUNCEMENT OF ZONING BOARD OF APPEALS VACANCIES

There are two (2) vacancies on the Zoning Board of Appeals. The first vacancy is for a full member with a term ending June 30, 2022. The second vacancy is for an alternate member with a partial term ending June 30, 2021. The second vacancy was created when an alternate member was appointed as a full member at the previous council meeting.

The Zoning Board of Appeals meets on the second Monday of the month at 7:30 pm in the Village Council Chamber.

All eligible and interested residents are encouraged to apply by submitting an application to the Village Clerk's Office. Applications can be found on the Village website or at the Village Office. Applications are due Monday, July 29 with appointments scheduled to take place at the August 6th regular council meeting.

This constitutes the second announcement of the Zoning Board of Appeals vacancies.

REFER REQUEST FROM ROBERTSON BROTHERS HOMES, 31655 SOUTHFIELD ROAD, FOR PRELIMINARY SITE PLAN APPROVAL TO THE PLANNING COMMISSION FOR REVIEW AND RECOMMENDATION

Motion by Mooney, second by Mueller, that the Village of Beverly Hills Council table this item to the August 6, 2019 meeting.

Motion passed.

REVIEW AND CONSIDER MUNICIPAL CREDIT AND COMMUNITY CREDIT CONTRACT FOR FY2020 WITH SUBURBAN MOBILITY AUTHORITY FOR REGIONAL TRANSPORTATION (SMART)

The Village of Beverly Hills is eligible to receive Municipal Credits and Community Credits from the Suburban Mobility Authority for Regional Transportation (SMART) for transportation services for our residents. NEXT is the subcontractor that provides direct services to the residents. The Village is eligible to receive \$10,640.00 in Municipal Credits and \$15,973.00 in Community Credits for Fiscal Year 2020. The funds from SMART are paid directly to the subcontractor.

Motion by Mooney, second by Abboud, be it resolved that the Village Council of the Village of Beverly Hills hereby authorizes Village Administration to execute a contract with the Suburban Mobility Authority for Regional Transport for Municipal Credits in the amount of \$10,640.00 and Community Credits in the amount of 15,973.00.

Roll Call vote:

Motion passed (7-0)

RECEIVE AND FILE MERS ANNUAL ACTUARIAL VALUATION REPORT

The Village is in receipt of our most recent actuarial valuation report from the Municipal Employees' Retirement System of Michigan (MERS). This report is produced annually to analyze the Village's demographic data, investment performance and other factors to produce a contribution rate for pension costs for the coming year.

The Village's funding ratio as of 12/31/18 is 84%. This is a decrease from the funding ratio of 87% as of 12/31/17. The Village's market rate of return for 2017 was -4.12%. With the use of 5-year asset smoothing the actuarial rate of return for 2017 was 3.80%. Our actuarial value of assets as of December 31, 2018 is 110%. MERS is currently using an actuarial assumption for the annual rate of return of 7.75%.

For the current fiscal year (FY19) the Villages monthly defined benefit contributions will be \$38,787; or \$465,444 annually. Per this actuarial report, our monthly costs for FY 20 will be \$49,567; \$594,804 annually. Village Administration budgeted \$465,500 for these costs for FY 19. The negative market return, decline in funding percentage and increased contribution rates for the next fiscal can be attributed to a sudden drop in asset values at the end of the 2018 calendar year. That market drop resulted in the Villages total assets as of 12/31/18 equaling \$19.89 million. This was a decline of over \$2 Million from 12/31/17 when the total assets were valued at \$21.95 Million. However, these declines have now been reversed. Between 12/31/18 and 3/31/19 the

Village realized net investment income of \$1,051,928 and had total assets of \$20,623,841. Similar market gains have occurred during the second quarter of 2019 with similar returns anticipated. The Village has not yet received the statement of net position for Q2, but will be monitoring these figures as soon as they are available and will pass same along to Council.

MERS made changes to their assumptions and methods in 2015 for all members. These changes are being phased in over a five-year period. FY 20 will be the fourth year of the five-year phase in. For FY 20, MERS will also be adjusting the assumptions regarding market rate of return and future wage growth. The assumed annual rate of return will decrease from 7.75% to 7.35%. The annual projected wage growth will decrease from 3.75% to 3.00%. These changes will be implemented with the actuarial valuation as of 12/31/19, impacting the budget for FY 21. MERS gives a calculation of what impact these assumption changes would have on the Villages annual contribution and funding ratio. As anticipated, the overall impact of these reforms is an increase in the required contributions. Village Administration will utilize these projections in the development of the budget for FY 2020 and FY 2021.

Village Administration is content with the current funding level and pleased that asset valuation loss as of December 31, 2018 shown in this report has been recaptured. The overall cost horizon for the future appears manageable and sustainable as the Village will continue to benefit from the “closing” of this defined benefit plan to new hires in 2013. The cost increase for FY 2020 are affordable based upon current revenue projections and any future increases due to the 2019 actuarial changes should not be drastic.

Lott stated that he believes the Village needs to continue to monitor this closely; often the assumptions used are too high. He believes that the Village must stay focused on their obligation to the employee pension plan.

George pointed out each actuary has slightly different methods to make their projections, and therefore its important to consider the contribution and funding ratios long term.

Motion by Hrydziusko, second by Mueller, be it resolved that the Village of Beverly Hills Council receive and file the MERS Annual Actuarial Valuation Report as of December 31, 2018.

Motion passed.

REFER REQUEST FROM DETROIT COUNTRY DAY SCHOOL, 22400 HILLVIEW LANE, FOR SITE PLAN AND SPECIAL LAND USE APPROVAL TO THE PLANNING COMMISSION FOR REVIEW AND RECOMMENDATION

The Village has received plans to install a building at the Middle School parking lot at Detroit Country Day School for use by security personnel. As a private school in the R-1, Single Family Residential Zone District, any accessory buildings require site plan and special land use approval. The submittal details the location of the proposed 6’ x 9’ security building that will be at the entrance to the Middle School parking lot off Hillview Lane. Procedurally, the Planning Commission must hold a public hearing and make a recommendation in addition to the public hearing that will be held by Village Council prior to approval.

Wilson confirmed that the pad for the security shack was already poured, and they are waiting on approval for the final installation. Mooney did not support the referral; he believes they should not have started the project in any way without final approval from the Planning Commission and Council.

George stated he would be unable to support any site plan or special land use approval without a review of the confidential security review that was recently conducted at DCD; this would help the Council determine the need for the proposed guard shack. He would also like administration to provide more information with the referral request.

Mueller believes the referral to Planning Commission is what is required by the Village, and so the Commission should be allowed to review and make their recommendations back to Council.

Motion by Peddie, second by Mueller, be it resolved that the Village of Beverly Hills Council refers submittal by Detroit Country Day School for the addition of a security building for the Middle School parking lot at 22400 Hillview Lane to the Planning Commission for review and recommendation on a proposed site plan and special land use approval.

Roll call vote:

Motion passed (4-3)

George yes

Hrydziuszek yes

Mooney no

Mueller yes

Nunez yes

Peddie no

Abboud no

PUBLIC COMMENTS

None.

MANAGER'S REPORT

13 Mile and Lahser Intersection work – Consumers Energy gas infrastructure upgrades at the 13 Mile Road and Lahser Road intersection in Beverly Hills are expected to begin July 16 and be complete in mid-September. During the work, the Lahser/13 Mile intersection will remain open to traffic; however, there will be lane closures. Motorists can expect heavy delays, especially during peak commute times, and are advised to seek an alternate route.

Last year, Consumers began work at the intersection for the gas infrastructure upgrades and planned to finish the work this year. The Village has impressed upon Consumers and the Road Commission the need to have these lanes open to traffic prior to the beginning of the 2019-20 school year. We are hopeful that the project progress quickly enough so that all lanes of traffic are open prior to the beginning of the school year. If this is not the case, the Village and the Public Safety Department will coordinate with Detroit County Day School and other surrounding schools to manage traffic during morning and afternoon hours. This project is permitted by and under the jurisdiction of the Road Commission for Oakland County. Questions or concerns regarding the work should be directed to Consumers Energy at 800-477-5050.

US Census Canvassing – Employees working with the US Census for 2020 will be canvassing the Village beginning in August for the purpose of address verification. These workers will be walking many of the neighborhoods throughout the Village and knocking on some doors. All US Census employees will have Census identification on them.

Meeting with Residents – Village Administration met with residents this week that had previously expressed concerns about a detached garage that was constructed in their neighborhood. Administration felt the meeting was productive and the residents provided a list of suggestions relative to the regulation of accessory buildings. Administration agreed to pass along their suggestions for Council’s review and consideration. Administration felt items “j” and “k” were worthy of further consideration. Further, Administration advised the residents that they could work with their existing HOA to develop a set of regulations regarding accessory structures within their neighborhood(s).

Drainage Petition – The Village is in receipt of a petition to study storm water drainage issues in the area along south 14 Mile Rd. Kirkshire Ave and north Birwood Ave. between Greenfield Rd. and Madison Street. Village Administration has verified the signatures of a majority of homeowners in this area and certified this exploratory petition. HRC has been directed to examine the drainage areas and propose an infrastructure improvement that will adequately address these surface water drainage issues. Upon completion of this examination such a project will be assigned a cost figure and Village Administration will work with the residents in this area to see if they wish to pursue a Special Assessment District to complete the project.

Riverside Drive Traffic Study – A traffic study was completed; Administration is in the process of reviewing those results. A second study can be performed in the fall, this will delay the results of the report.

COUNCIL COMMENTS

George reported he attended the recent Zoning Board of Appeals meeting, and the Board expressed their disappointment that Maxwell was not reappointed. He suggested that the permits state on them they are subject to changes during the life of the permit. He also mentioned that a robust conversation was taking place online related to the Robertson Brothers submission.

Hrydziuszko attended a Clean Water Town Hall Meeting hosted by Rosemary Bayer. She is pleased to know that Administration has ordered mosquito control for the wet areas of Beverly Park.

Mueller thanked all of the volunteers for their continued efforts in the Beverly Park clean up project. He reminded residents that the Census would take place in 2020, and census workers would be canvassing door-to-door.

Mooney thanked all of the residents for their help at the recent Park Clean Up Day.

Abboud updated the Council and residents related to various Boards he serves on in the county and state.

Motion by Mooney, second by Mueller, to adjourn the meeting at 9:10 pm.

Motion passed.

Lee Peddie
Council President

Kristin Rutkowski
Village Clerk

Elizabeth M. Lyons
Recording Secretary