

Present: Council President Domzal; President Pro-Tem Woodrow; Members:
Downey, Koss, McCleary, Pfeifer

Absent: Taylor

Also Present: Village Manager, Spallasso
Assistant to the Manager, Pasieka
Public Safety Director, Woodard
Village Clerk, Marshall
Village Attorney, Ryan
Finance Director, Wiszowaty
Building Official, Byrwa

President Domzal called the 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.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Pfeifer, second by McCleary, to approve the agenda as published.

Motion passed (6 – 0).

PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM 2005

Each year the Village has the opportunity to apply for federal grant dollars through the Community Development Block Grant program administered by Oakland County's Community and Home Improvement Division. A requirement for receipt of these funds is to hold a public hearing for the purpose of accepting comments on the proposed allocation for the 2005 Program Year funds. The Village's allocation for this year is expected to be \$22,276.

Following is a breakdown of the proposed allocation:

Minor Home Repair	\$6,683.00
Planning Services	4,455.00
Public Services (battered & abused)	2,000.00
Public Services (home chore)	9,138.00

Domzal opened the public hearing at 7:35 p.m.

Jeanne Colburn, a first response advocate for HAVEN in Pontiac, Michigan, thanked Beverly Hills for its previous support. HAVEN is a nationally recognized non-profit organization with a mission to eliminate domestic violence, sexual assault and child abuse through treatment and prevention services across Oakland County.

Colburn reported that there were 21 residents of Beverly Hills who availed themselves of major services of the program. This year HAVEN requests \$2,000 from the Beverly Hills

Community Development Block Grant funds in order to continue to service people from this community and to assist with refurbishing the shelter that burned last year.

No one else wished to be heard; therefore, the public hearing was closed at 7:38 p.m.

CONSENT AGENDA

Motion by Pfeifer, second by Woodrow, to approve the consent agenda as follows:

- a. Review and consider minutes of a joint Council/Planning Board meeting held on October 13, 2004
- b. Review and consider minutes of a regular Council meeting held on October 19, 2004.
- c. Review and file bills recapped as of Monday, November 1, 2004.

Motion passed (6 - 0).

BUSINESS AGENDA

REVIEW AND CONSIDER PROGRAM YEAR 2005 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Pfeifer asked to be recused from participating and voting on this agenda item for the reason that she sits on the Board of the Birmingham Area Seniors Coordinating Council (BASCC), which is a recipient of CDBG funds.

Motion by Woodrow, second by Koss, to allow Dorothy Pfeifer to abstain from voting on the Program Year 2005 Community Development Block Grant Application for the reason that she is a member of the BASCC Board.

Motion passed (6 – 0).

Koss stated that the Village's allocation of Community Development Block Grant Funds for Program Year 2005 is \$22,276. Each year's allocation is based on a formula determined by population and income. This year's proposal is to allocate funds to HAVEN for shelter, counseling, advocacy, intervention and education services; to the Village for planning consultant services related to village-wide planning activities; and to request proposals for Senior Outreach Services and Minor Home Repairs for low to moderate income senior citizens.

It will be necessary for the Village to prepare a Request for Proposals for Senior Outreach Services and Minor Home Repairs. Since HAVEN is a sole source, it will not be necessary to go through the procurement process for that allocation. The Village obtained proposals for planning Services in March of 2003, which will satisfy the requirement for allocating money for planning services.

Motion by Koss, second by Downey, to adopt the following resolution:

**VILLAGE OF BEVERLY HILLS
RESOLUTION APPROVING THE 2005
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, the Village of Beverly Hills has duly advertised a public hearing for the purpose of receiving comments regarding the proposed use of 2005 Program Year Community Development Block Grant funds in the approximate amount of \$22,276 and;

WHEREAS, the public hearing was held on Monday, November 1, 2004;

NOW THEREFORE BE IT RESOLVED, that at a regular meeting of the Village of Beverly Hills Council held on November 1, 2004 at the Village municipal offices, 18500 W. 13 Mile Road, Beverly Hills, MI 48025, that the 2005 Program Year Community Development Block Grant Application in the approximate amount of \$22,276 be approved and submitted along with the required signature page and Subrecipient Agreement signed by the Beverly Hills Council President as follows:

Account	Project Name	Amount
3188	Minor Home Repair	\$6,683.00
3304	Planning	4,455.00
3384 A	Public Services (Battered & Abused)	2,000.00
3384 B	Public Services (Home Chore)	9,138.00
Total		\$22,276.00

Questions and comments from Council and the public were addressed by administration and Attorney Ryan.

Roll Call Vote:

Downey - yes
Koss - yes
McCleary - yes
Pfeifer - abstain
Woodrow - yes
Domzal - yes

Motion passed (5 yes – 1 abstention – 0 no).

ACCEPT GRANT PINKOS RESIGNATION - MAKE FIRST ANNOUNCEMENT OF VACANCY ON THE BIRMINGHAM AREA CABLE BOARD

Beverly Hills representative Grant Pinkos has resigned from the Birmingham Area Cable Board. Pfeifer commented that Pinkos served the Village well during his 16 months on the Board. He was a member of the Citizens Action Committee and was knowledgeable and active in promoting web streaming of municipal meetings.

Motion by Pfeifer, second by Woodrow, to accept with regret the resignation of Grant Pinkos from the Birmingham Area Cable Board.

Motion passed (6 – 0).

Pfeifer made the first announcement of a vacancy on the Cable Board. She mentioned her dual role as Village liaison and alternate member if a Beverly Hills Board member is absent from a meeting. Pfeifer will sit as a voting member of the Board until a replacement is appointed by Council.

FIRST READING OF ORDINANCE #319 TO AMEND CHAPTER 7 WATER SERVICE OF THE MUNICIPAL CODE

McCleary stated that sections of Chapter 7 of the Municipal Code regarding Water Service refer to specific dollar amounts for fees to be charged for various services or permits that the Village offers or requires. All of these fees need updating.

It is recommended that all reference to dollar amounts for services or permits in Chapter 7 Water Service of the Village Municipal Code be removed and replaced with “as determined from time to time by Council Resolution” and that such fees be placed on the Village Schedule of Fees. That fee schedule is amended only by Council resolution. Updating these fees will result in more efficient operation by the water department and also help to cover costs incurred for providing various services.

The sections of the ordinance that are proposed to be changed are 7.05 (e) (n) Water Meters, 7.06 (e) Water Service Connections, Section 7.07 (d) Water Rates and Payments, and Section 7.15 (a) Air Conditioning Use. A copy of the proposed ordinance is available for review at the Village office. This constitutes a first reading of the ordinance. Council will hold a second reading and consider adoption of the ordinance at its next meeting. A copy of the Schedule of Fees will be available at that time for consideration and adoption.

SET PUBLIC HEARING DATE REGARDING ESTABLISHMENT OF REGULAR VILLAGE ELECTION DATE

Pfeifer stated that the Village has been impacted by the new State of Michigan Election Consolidation legislation in that it will no longer be able to hold elections in March. The two options are to hold Village elections in September of odd years or in November of even years. A separate and related issue is the terms of office of Council members, which will be discussed at a later time.

A public hearing date for discussion of a Regular Village Election date is set for Tuesday, November 16, 2004 at 7:30 p.m.

REVIEW AND CONSIDER RESOLUTION TO STATE LEGISLATURE REGARDING ROUGE ASSEMBLY

In September of 2003, the Village of Beverly Hills Council authorized the Director of Public Services to execute a memorandum of agreement approving formal participation in the Rouge River Management Assembly. This group of 41 communities has been and

will remain very active in the foreseeable future. Manager Spallasso recommends adoption of the resolution.

Motion by McCleary, second by Downey, to adopt the following Resolution.

**RESOLUTION SUPPORTING NEW LEGISLATION
WATERSHED ALLIANCES**

WHEREAS the cities, villages, townships and counties within the Rouge River watershed have successfully developed a model for cooperative management of the river and successfully implemented the first watershed-based storm water permit in the state, and

WHEREAS these 41 local agencies have demonstrated that their collective efforts and contributions as members of the Rouge Assembly created through an informal agreement have substantially reduced the cost of compliance with the state's storm water permit requirements, and

WHEREAS after two years of a experience in this cooperative effort under the terms of the Rouge Assembly, and over ten years of experience in the successful Rouge River National Wet Weather Demonstration Project (Rouge Project), the local agencies involved have determined that it is their best interest to seek formal statutory approval to form a watershed alliance that can apply for and receive federal, state and private grant funds and contributions to comply with state permit water quality requirements and to restore beneficial water uses for their residents, and

WHEREAS without a change in state law, locally based watershed alliances such as the Rouge Assembly being formed throughout the state cannot independently seek grant funds, expend monies or carry out the variety of other activities needed to cooperatively address surface water management issues required by law

WHEREAS the state law being proposed would not create a new level of government, expand taxing or assessment authority, or add to the cost of governance; but would enhance the ability of local units of government to combine their resources to more effectively and efficiently address water management issues of common concern at a time when local resources are limited

THEREFORE BE IT RESOLVED that the Village of Beverly Hills urges the Michigan legislature and the Governor to support S.B.1432 that would authorize the alliance of local agencies that share a common interest in a watershed to:

- Voluntarily join together to address surface water management issues by forming a watershed alliance
- Develop bylaws for membership, assessment of dues, and voting shares based upon bylaws developed by the local governmental members
- Seek and use grants, gifts or contributions from public or private sources for surface water management purposes
- Expend funds grants, gifts or contributions to meet common state or federal water discharge permit requirements, and to implement actions identified in locally developed watershed management plans, and
- Advocate for local interests before federal, state and regional agencies that regulate, provide technical assistance, or grant funds related to surface water management issues.

FURTHER, BE IT RESOLVED that a copy of this resolution be sent to the Governor and members of the Michigan legislature who represent our residents.

Roll Call Vote:
Motion passed (6 – 0).

REVIEW AND CONSIDER INSURANCE RENEWAL

The Village is provided with property and liability insurance through the Michigan Municipal Risk Management Authority (MMRMA). The 2004-2005 renewal policy with MMRMA represents the same policy coverage that has been provided for the last two years. This policy provides a \$10,000,000 limit of liability with a \$75,000 self-insured retention fund. There is also a \$500,000 limit on coverage for sewer backup. The premium cost for liability coverage over the next 12 months is \$120,979.

The Village will continue to coordinate its insurance plan with AON Risk Services and MMRMA for pollution and remediation insurance coverage. The supplemental coverage for claims over \$500,000 to \$10,000,000 from AON has a premium amount of \$24,323. The total of all 2004-2005 insurance premiums is \$145,302, which is a 10% increase over last year's premiums. This includes the annual \$12,100 set aside to restore the self-insured retention fund, which has \$26,100 as of June 30, 2004.

Motion by Pfeifer, second by Koss.

Resolved, that the Village Council renew its property and liability insurance policy with MMRMA to reflect a \$10,000,000 Limit of Liability, with a \$75,000 Self-Insured Retention, which includes \$500,000 for sewer back-up coverage, and approves the proposal from MMRMA in the amount of \$120,979. The costs will be paid from the appropriate line items in the General, Special Revenue and Enterprise funds.

Further Resolved, that the Village Council approves of the continued coordinated insurance plan with AON Risk Services for pollution and remediation insurance coverage to effectively provide a \$10,000,000 Limit of Liability after the first \$500,000 of coverage from MMRMA in the amount of \$24,323 to AON Risk Services. The costs will be paid from the appropriate line items in the Enterprise funds.

Roll Call Vote:
Motion passed (6 – 0).

REVIEW AND CONSIDER PURCHASE OF PATROL VEHICLE FOR PUBLIC SAFETY DEPARTMENT

The 2004/05 budget contains funding for the purchase of one patrol vehicle to replace vehicle #118, a 1999 Ford with 80,000+ miles used for decoy purposes. It is department practice to replace vehicles with over 70,000 miles or reassign them for decoy use.

Signature Ford of Owosso, Michigan has been awarded the Macomb County Cooperative Bid for patrol vehicles. The new 2005 Ford Crown Victoria patrol vehicle equipped per department specifications is priced at \$20,054.

It is standard procedure for the department to offer the decommissioned vehicles for public bid/sale. Signature Ford provides at no cost to customers a bidding service where replaced patrol vehicles are offered for sale to several fleet buyers across the country. Prices offered by this service will be compared to any local resources, and the package offering the best value to the Village will be selected.

Motion by Koss, second by McCleary, that the Village of Beverly Hills Council awards the purchase of one 2005 Ford Crown Victoria patrol vehicle in the amount of \$20,054 to Signature Ford of Owosso. Funds for this purchase are available in Account #101-900-979 Capital Purchases – Vehicle Purchase.

Roll Call Vote:
Motion passed (6 – 0).

REVIEW AND CONSIDER PURCHASE OF LED OVERHEAD BEACON BAR FOR PUBLIC SAFETY DEPARTMENT

An associated expense of a new patrol car purchase is the cost of the equipment changeover from the old car to the new. An increase in this year's changeover costs relates to acquiring a new all-LED beacon bar, which will achieve a significant reduction in power consumption and result in more efficient vehicle operation.

Invitations to quote on the price of one Whelen Liberty LED light bar were communicated and received from three vendors. It is the staff recommendation that Village Council accept the low quote provided by Siren Net Corporation of Oregon in the amount of \$2,142.55.

Motion by Koss, second by Pfeifer, that the Village of Beverly Hills Council award the purchase of one Whelen Liberty LED Light Bar from Siren Net Corporation in the amount of \$2,142.55. Funds are available for this purchase in Account #265-333-750.00, Drug Law Enforcement Fund.

Woodrow commented that he will vote against the motion for the reason that he would prefer that a local Michigan company be awarded the bid for an additional \$140.

Questions from Council were addressed by Director Woodard. Woodard remarked that public safety would not object to a pro-Michigan policy with respect to purchases. Ryan related that the Charter states that Council should accept the lowest and best bid. Council has the discretion to articulate a reason for accepting a bid other than the low bid.

In response to an inquiry about shipping charges, Woodard stated that the complete cost from the Oregon company includes shipping. He noted that the two lowest bidders would be ordering the beacon bar from the factory in Connecticut.

Roll Call Vote:

Pfeifer - no
Woodrow - no
Domzal - yes
Downey - yes
Koss - yes
McCleary - yes

Motion passed (4 – 2).

REVIEW AND FILE ANNUAL INVESTMENT REPORT

Council is in receipt of the Village annual investment report prepared by Finance Director Wiszowaty in keeping with state municipal reporting requirements. The report provides a level of detail showing how funds have been invested and how they have performed over the previous fiscal year. The report has been reviewed and approved by the Village auditors.

Wiszowaty presented an overview of the investment report and answered questions from Council. Council accepted the annual investment report.

PUBLIC COMMENTS

Kathleen Berwick of 31381 Kennoway thanked Council member Koss for working with Birmingham Public School representatives and homeowners on Kennoway and Ronsdale to resolve problems related to the athletic fields at Groves High School. She did a fine job of bringing the parties together to address the situation.

Soter Art Liberty of 20850 W. 13 Mile Road stated that residents are urged by Council to volunteer to serve the community. He commented on his years of experience and expertise in the area of surveys and statistical analysis. Liberty volunteered his services to the Village to conduct further surveys free of charge. Domzal thanked him for his offer.

Norm Downey of 23042 Nottingham Drive stated that residents expect forthright information from Council and administration. He maintains that Council members continue to support the incorrect information that the 8% increase in water and sewer rates is due to increased costs from the Village's supplier. Downey presented a breakdown of the water rate charge.

Ralph Lohrengal of 18346 Beverly Road commented that he came across a study on the topic of fire protection privatization as a cost effective approach to public safety. He presented a copy of the report to Director Woodard for his review.

John Chalifoux of 18160 Buckingham stated that a number of residents and two Council members attended a meeting of the Road Commission for Oakland County on September 23, 2004. He thanked Renzo Spallasso and Council members who have shown their continued support for the reinstatement of the traffic signal at Southfield and Dunblaine. Road Commission chairman Richard Skarritt stated at that meeting that the Road

Commission would conduct a further investigation of traffic conditions in the area and report back within six weeks.

On Friday, October 22, Chalifoux spoke with the director of public safety at the Road Commission, who is investigating the traffic signal and speeding issues and is expected to submit a report at the November 4 Road Commission meeting at 9 a.m. Chalifoux requested an update from Council or administration pertaining to the outcome and the timing of the Road Commission decision.

Spallasso stated that his information from the County Road Commission is that they are willing and prepared to install the signal pending the outcome of a traffic study addressing speeding and timing of signals. However, the Road Commission will only reinstall the signal if the Village accepts financial responsibility for the cost of the light. The estimated cost of installation of a signal utilizing used equipment is \$50,600. The Village would share in 70% of the cost with 30% of the cost going to Birmingham.

Domzal commented that no action will be taken by Council until such time as the Village receives results of the traffic study from the Road Commission. Council may be asked at an upcoming meeting to make a decision as to whether Village funds should be expended for reinstallation of this traffic signal.

REPORTS – MANAGER

Spallasso reported that the Halloween Hoot was a success and was well attended. He commented on the good results of the audit report presented to Council two weeks ago. Spallasso recognized Bob Wiszowaty and staff for a job well done. The new Village website was launched on Monday, October 26, 2004.

The contractor working on the construction of the water main replacement project is back on site after experiencing equipment problems last week. The crew is working on a regular basis, and progress is being made.

The 150 trees ordered as part of a matching tree planting grant have been delivered to the Village, and locations have been selected in the park for planting the trees as soon as possible.

The Village offices will be closed on Thursday, November 11 in observance of Veteran's Day. Rubbish collection will not be affected by this holiday.

In response to an inquiry, Spallasso reported that an 18" sewer main is being installed by the County on 14 Mile Road. The open cut work being done on the north side of 14 Mile Road should not cause complete closure of the road.

COUNCIL

McCleary referred to an article in the Eccentric newspaper announcing the sale of 4'- 8' trees of various species from Global Relief of Michigan, a non-profit tree planting

organization. The trees can be purchased for \$25 each or \$20 each for five or more trees and must be picked up this Saturday. For further information call 1-800-642-7353.

McCleary expressed interest in proposing a Charter amendment to change the number of Council meetings to one per month.

Downey commented on the tree planting program offered by the State in terms of collective bid programs. While Beverly Hills is pleased with the tree removal work being done by J.H. Hart, Council should keep informed of any cost savings offered through state programs.

Downey referred to the ongoing discussion on reinstalling the traffic light on Southfield Road and Dunblaine and related traffic safety concerns. He has observed how the placement of radar detectors with flashing lights slow traffic. Downey recognizes this as a positive idea that would be difficult to implement because of budget restrictions. Downey will work to form a civic foundation for private fundraising to acquire this particular speeding deterrent for the Village.

Downey commented that he is not in favor of a change in the agenda that places public comments near the end of the meeting. Downey announced that he will not be in attendance at the November 16 Council meeting nor the November 23 Retirement Board meeting.

Downey announced that there will be a Blue Grass Festival at Groves High School Little Theatre at 7:30 p.m. on November 5 with all proceeds after costs benefiting the Lions Club. He mentioned that the Lions Club sponsors a Community Service Scholarship of \$500 for Beverly Hills students who are doing good things.

Downey commented favorably on the modernized Village web site. The site includes a message asking dog owners to control their pets in Beverly Hills parks and nature preserves by keeping them on a leash.

Downey mentioned a few community events sponsored by the Southeastern Oakland County Water Authority and other organizations that are upcoming, noting that information is available at the Village offices. The Southeast Michigan Council of Governments (SEMCOG) will meet downtown on Thursday, November 4 at 3:00 p.m. on the topic of sharing of community services.

Koss reported that the Strategic Planning Development Committee will meet on Tuesday, November 9 at 7:00 p.m. at Groves High School. It was decided at a recent Council study session that it would be in the Village's best interest to send a library services survey to all residents rather than to a sampling group. An insert will be placed in the next Villager newsletter. Koss asked that everyone respond to the questionnaire because resident input is very important to Council decision making.

Koss commented on a follow-up meeting held with representatives from Birmingham Public Schools. She thanked residents in the Groves High School neighborhood for being well prepared for the initial meeting. She believes that Birmingham Public Schools have reached a happy medium with the residents who live in the GHS area. Koss listed concessions made by the School District: lights will be turned off by 10 p.m.; shrubs will be planted along the GHS property line as a buffer zone; the public address system will be used only for varsity home games; the School District will no longer rent the fields to professional teams; and BPS will not sign a contract with the Detroit Demolition.

Pfeifer commented on the great job done on the updated municipal web site. Pfeifer commented that the Lions Club will be sponsoring a series of five Blue Grass concerts at Groves High School Little Theater. The cost is \$10 a ticket.

Pfeifer commented that the Village contracts with BASCC for administration of the Home Chore and Home Repair programs funded by CDBG Funds. Residents who qualify use these services. Pfeifer thanked Koss for her perseverance in working with the Birmingham School representatives and residents in the GHS area to resolve their issues.

Pfeifer stated that flu shots are available at the Oakland County Health Department in Pontiac for people 65 or older, infants, or those with compromised immune systems. She was impressed by the efficiency of the operation. Pfeifer suggested those who qualify should call first at 248.858.1280 to confirm availability of the vaccine.

Woodrow and other members of Council commented on how they and their families and friends enjoyed the Halloween Hoot.

Domzal stated that, as a state taxpayer, he was disappointed that State economic development funds were secured to pay for the police services of Bloomfield Township associated with the Ryder Cup event when there were tens of millions of dollars generated in revenue from the event for the PGA as well as Oakland Hills.

Domzal mentioned that the Skillman Branch of the Detroit Public Library on Gratiot has reopened. Among other things, it is home to the National Automotive History Collection.

Domzal urged everyone to vote tomorrow.

Motion by Pfeifer, second by Woodrow, to adjourn the meeting at 9:00 p.m.

Motion passed (6 – 0).

Dave Domzal
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary