

Present: President Taylor; President Pro-Tem Walsh; Members: Burry, Koss, Pfeifer, Rijnovean and Woodrow

Absent: None

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

President Taylor 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.

ADDITIONS TO AGENDA/APPROVE AGENDA

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

Motion passed (7 – 0).

PUBLIC COMMENTS

Ralph Lohrengal of 18346 Beverly Road indicated that he has DVDs of Franklin Council meetings and Birmingham Commission and Planning Commission meetings if anyone would like to view them. He thought that there might be interest in how other government entities conduct business. Lohrengal provided the Village Clerk with a *New York Times* article entitled “The Next Retirement Time Bomb” for distribution to Council members.

Kathleen Berwick of 31381 Kennoway Court related difficulties experienced recently with the rubbish company skipping Kennoway Court and not picking up her recyclables. An apology was ultimately received from the Great Lakes supervisor. Berwick also reported what she believed to be poor snow removal service on Kennoway about a month ago. She thinks that roads need to be plowed before people go to work. Berwick views important government services as being basic services such as snow removal, trash collection and police protection and presence. Berwick suggested changes in the Building Department regarding issuance of building permits and related requirements. She would like to see taxes kept low with no fluff in the budget.

Phil Schmitt of 18103 Riverside Drive commented that he is very satisfied with the trash collection, recycling, and snow removal service in the Village. As a member of the Parks and Recreation Board, he extended an invitation for everyone to attend the Tenth Annual Winter Family Fun Day scheduled for Sunday, January 15, 2006 at Beverly Park between 1:00 pm and 4:00 pm.

Art Liberty of 20850 W. 13 Mile Road relayed his thoughts about a recent meeting of the Finance Committee. Ralph Lohrengal expressed his concerns in terms of the Finance Committee members.

CONSENT AGENDA

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

- a. Review and consider minutes of a regular Council meeting held on December 20, 2005.
- b. Review and file bills recapped as of Tuesday, December 27, 2005.

Motion passed (7 - 0).

BUSINESS AGENDA

REVIEW AND CONSIDER EXTENSION OF AUDITING SERVICES

Before Council for consideration is a proposal from Plante & Moran to extend its auditing services agreement for one year and perform the Village audit for the year ending June 30, 2006. The fee to perform the auditing services for the current fiscal year would remain the same as last year. Village administration recommends extending the auditing services agreement with Plante & Moran for the year ending June 30, 2006.

Burry reviewed background information with respect to bids solicited for auditing services in 1999, at which time the proposal from Plante & Moran for a three-year contract was accepted by Council. Burry provided data on the contract cost and subsequent increases. He recommends that Council go out for competitive bids for auditing services this year due to considerable increases in auditing services from Plante & Moran over the last few years.

Motion by Burry, second by Rijnovean, to direct administration to seek competitive quotes for auditing services.

Rijnovean supported the motion to solicit proposals for auditing services due to cost increases from Plante & Moran. Because municipal accounting practices are mandated by the government, she maintains that there are other certified accountant firms with municipal experience that could perform this work.

Walsh noted that the proposal for contract renewal is in keeping with Chapter 12 of the Village Charter, which does not require Council to obtain comparative prices in the employment of professional services. However, Walsh thinks it is wise to seek competitive prices periodically to determine whether Council is spending taxpayer money in the best possible way. She related that it was recommended by the Village Manager on April 5, 2005 that Council approve a one-year extension of the current three-year contract with Plante & Moran and seek proposals for the auditing services after completion of the audit. With that understanding, Walsh agreed that Council should obtain bids for auditing services.

Pfeifer explained that one of the reasons that the Village's auditing expenses have increased was due to the transition to the mandated GASB method of accounting, which involves a full

accrual statement of activity that shows depreciation of all governmental activities of the Village in addition to the modified accrual financial statements. Pfeifer recalled that the Village employed the previous auditing firm of Guest, Olds & West for over 20 years. She thinks that the choice of retaining Plante & Moran was an excellent one. The firm's primary business is with municipalities, and its staff makes itself available for questions at any time. She does not support going out for bids at this particular time.

Rijnovean thinks that the Village would be remiss if it did not go out for competitive bids because it has been employing the services of Plante & Moran since 1999.

Taylor stated that the agenda item is to review and consider extension of auditing services, while a motion has been made to direct administration to seek Requests for Proposals for auditing services. He would like Council to take action on approving or denying a proposal for extension of auditing services with Plante & Moran.

Jill Sickles of 17171 Kinross stated that Plante & Moran and Doeren Mayhew are both excellent auditing firms. She does not think it would hurt the Village to compare costs for comparable services.

Koss stated that she is not opposed to going out for bids for auditing services, but does not think it makes sense at this time because the Village is in the middle of the fiscal year. Plante & Moran has agreed to perform the 2006 audit without increasing its fees. If another firm is brought in, it will have to review past accounting records at an additional expense to come up to speed. She suggested extending the current contract with Plante & Moran and making a motion to go out for bids after that.

Burry thinks that there is time to go out for competitive bids prior to June 30, 2006. Council should be sure that the Village is receiving the best bang for its buck.

Woodrow stated that he is opposed to the motion on the floor for the reason that the agenda calls for action on extending the current auditing services. He commented on the lack of communication among Council members relative to issues with the current auditing firm.

Pfeifer asked for input on this topic from Finance Director Wiszowaty. Wiszowaty reviewed the process undertaken in 1999 when the Village sent Requests for Proposals to ten auditing firms and formed a subcommittee to interview representatives from three of the four firms that responded with a proposal. At that time Rehmann Robson was based in Saginaw and was not considered. The subcommittee made a recommendation to Council to accept the proposal from Plante & Moran because that firm had the most expertise in terms of municipal government.

Wiszowaty gave a brief explanation of the changes in financial statement reporting in the audit as required by the Governmental Accounting Standards Board (GASB). He added that there is an additional fee each of about \$1,500 for a new accounting standard entitled *Consideration of Fraud in a Financial Statement Audit*, which requires more procedures to be performed by the audit staff. Wiszowaty remarked that the Government Accounting Standards Bureau continues

to make changes that require municipalities to perform additional auditing procedures. He mentioned an upcoming audit standard, GASB 45, which involves retiree health care liability.

Roll Call Vote:

Burry - yes
Koss - no
Pfeifer - no
Rijnovean - yes
Taylor - no
Walsh - yes
Woodrow - no

Motion failed (4 – 3).

Motion by Burry, second by Pfeifer, to extend the auditing services agreement with Plante & Moran for the year ending June 30, 2006 for the same fee as FY 2004/05.

Roll Call Vote:

Koss - yes
Pfeifer - yes
Rijnovean - no
Taylor - yes
Walsh - no
Woodrow - yes
Burry - no

Motion passed (4 – 3).

REVIEW AND CONSIDER REQUEST FROM CINGULAR WIRELESS FOR SITE PLAN APPROVAL AT 16111 W. 14 MILE ROAD

Woodrow provided background information on the proposal from Cingular Wireless to collocate wireless antennas on the existing Southeastern Oakland County Water Authority (SOCWA) water tower located on 14 Mile Road east of Pierce. A request for site plan approval and special use approval was referred to the Village Planning Board for review and recommendation. Special land use approval is required by the Beverly Hills Zoning Ordinance to locate a wireless communication facility on property zoned PP Public Property.

Woodrow reviewed that the Planning Board has recommended special use approval and site plan approval for Cingular to collocate its antennas on the existing SOCWA water tower. SOCWA has approved the proposal and recommends that Council accept the site plan for the control building as submitted. Council approved the Special Land Use at its June 21, 2005 meeting but referred the site plan back to the Planning Board to consider possible collocation of control buildings in order to limit the number of structures on that property.

The current proposal from Cingular is to construct a 20' x 11.5' control building within the columns that support the elevated water storage tank.

Motion by Woodrow, second by Pfeifer, to approve the site plan submitted by Cingular Wireless for control building to be located under the SOCWA water tower on property at 16111 W. Fourteen Mile Road.

Norm Burns, site acquisition agent representing Cingular Wireless, responded to an inquiry about the size of the antennas. The antennas are from 5' - 6.5' tall and are about 6 inches wide. There are 10' wide x 7' tall brackets that hold up the antennas.

Steve Wells, counsel for Cingular Wireless, stated that Cingular is back before Council for approval of its site plan application. Cingular received special use approval from Council for the placement of antennas on the water tower. Cingular proposed a brick equipment shelter building (20' x 12') with a gabled roof to match existing buildings on the site. Council referred the site plan for the control building back to the Planning Board for consideration of collocating the buildings with Verizon.

Wells related that Cingular engineers resurveyed the property and arrived at a larger building design that would encompass Verizon equipment and Cingular equipment. The design was submitted and approved by Verizon on the condition that Cingular would have to pay the total cost. SOCWA did not approve the plans for construction of a large building that would enclose both Cingular equipment and equipment contained in the cabinets owned by Verizon. The building was unacceptable to SOCWA due to its large size and due to interference with SOCWA's maintenance of the water tank. The alternative building would also have been unsightly to the neighbors and out of scale with existing buildings. SOCWA recommended approval of plans for a Cingular shelter to be placed under the legs of the water tower as being the best alternative for SOCWA and the surrounding community.

Cingular Wireless would be the third carrier to go on this tower. The Village Council previously approved proposals from Verizon and Nextel Communications. Cingular has worked diligently with the Planning Board and Council members. The original plan showed the control building outside of the water tank; it is now located under the tower.

Wells made the point that Cingular is in competition with Nextel/Sprint and with Verizon. Cingular has never before considered collocation of buildings, but did so in the spirit of cooperation as requested by the Village. Cingular has done everything it can to meet the requirements of Beverly Hills. The landscaping plan has been revised at the suggestion of the Planning Board. Wells submitted to the Council that, under Section 253 and Section 704 of the Federal Telecommunications Act, Cingular must be treated the same as Verizon and Nextel. Wells asked for site plan approval.

Pfeifer thinks that Cingular has done an extraordinary job of addressing issues raised by the Village. She pointed out a possible error on the drawings, noting that the long portion of the control building should run north and south with the access door on the west side of the building. Wells thanked Pfeifer for pointing this out, and it will be corrected on the elevation drawings.

Kay Michael of 15767 Kirkshire, who lives on the street facing the water tower, remarked that the modified site plan placing the structure under the legs of the water tower is what the area residents were hoping to see. She requested that a condition be added to the site plan approval stating that this will be the last collocation and building approved by the Village of Beverly Hills on this site. Michael asked for written assurance from SOCWA that this is the last structure permitted on the water tower property. Michael thanked Council members and Manager Spallasso for giving this matter their attention and scrutiny.

Pfeifer responded that it would not be appropriate to attach the condition suggested by Ms. Michael to the Cingular site plan approval. Pfeifer is willing to put SOCWA and the Village on notice that this property is maxed out as far as wireless antennas and control structures.

Burry remarked that SOCWA has noted in a letter to the Village dated December 27, 2005 that the Cingular Wireless proposal will be the last provider allowed to collocate on the water tower site.

Sharon Tischler of 21415 Virmar Court suggested that the letter from SOCWA be attached to the meeting minutes. Tischler questioned whether SOCWA will be taking on the responsibility for maintaining the trees that will be planted on the property as part of this proposal. Spallasso indicated that SOCWA will maintain the additional trees.

Lawrence Needham of 15588 Kirkshire stated that it was mentioned at a previous meeting that a deed restriction on the water tower property indicates that it is zoned residential and that there should not be commercial activity on the site. He thinks that Council should be apprehensive about approving the site plan without a letter from the Attorney General stating that the Village is in compliance with the law. Needham asked for assurance that there would never be more than three antenna panels on the water tower legs.

Norm Burns responded that a site plan adjustment would require approval by Council before Cingular could add more panels.

Village Attorney Tom Ryan stated that the Village as a governmental unit does not enforce deed restrictions. The Village enforces its Zoning Ordinance. This site is zoned Public Property, which has several permitted uses. Cell tower usage is encouraged in office and business zoned areas.

In response to an inquiry from Kay Michael, Burns stated that Cingular will put its lights on motion detectors to limit light pollution in the water tower area. Burns answered questions about the equipment that will be installed on the site and the tower.

Roll Call Vote:
Motion passed (7 – 0).

REVIEW AND CONSIDER FUNDING 2006 CONCERT IN THE PARK SERIES

Burry stated that the Parks and Recreation Board is requesting a commitment from Council on funding for the 2006 Concerts in the Park in order to proceed with offering retainers on

performance contracts for entertainment. The Board is requesting the allocation of \$5,000 for three concerts in 2006 and authorization to spend up to \$1,450 from the 2005/06 budget to secure three entertainment contracts.

Motion by Burry, second by Pfeifer, that the Beverly Hills Village Council approve the expenditure of up to \$1,450 to secure three entertainment contracts for the 2006 Concert in the Park series at Beverly Park. Additionally, Council approves the expenditure of not more than \$5,000 for administration to secure three entertainers for the 2006 Concert in the Park series. This will be the ninth season for this program. Funds for this program are designated in account 101-747-894, Community Action: Special Events.

Woodrow mentioned that Council has the alternative of budgeting \$6,500 for four concerts in 2006.

Cynthia Nagle, Parks & Recreation Board member, commented that one of the reasons that the Board considered four summer concerts was to continue the momentum generated by the first three concerts. The format of the concerts consists of bigger bands that appeal to a large section of people. She thinks music in the park is an essential part of bringing the community together in a positive way and reinforcing the fact that Beverly Hills is a great place to live.

Jim Osmer of 18301 Riverside Drive, who has lived in the Village for 30 years, commented that he is very pleased with the quality of life in Beverly Hills and is satisfied with the level of public service and public safety provided. Osmer is also satisfied with Village administration and the output of the Council. He thinks that his money is well spent and does not feel like he is over-taxed. Osmer believes that civic improvement is a vital part of life in this community. The Parks and Recreation Board should be commended on the summer concert series, and he urges Council to continue spending money on endeavors like this.

Gladys Walsh referred to the memorandum from Stan Pasioka dated December 19, 2005 regarding 2006 Concerts in the Park. The memo indicates that, at the Joint Council/Park and Recreation Board meeting on November 17, 2005, it appeared that Council would permit arrangements for the 2006 concert series. Walsh stated that the minutes of that meeting reflect that President Taylor said that Council will consider special events in the park as part of its budget deliberations. This item is on the agenda prior to the budget deliberations.

Referring to a letter dated November 16, 2005 from Dennis Toffolo, Deputy County Executive, Walsh questioned how large of a part live music in neighborhood parks plays in terms of encouraging people to locate in Oakland County. Walsh mentioned that Gilda Jacobs indicated in a letter dated November 17, 2005 to Renzo Spallasso areas where the State is placing its priorities. The letter says that compromise needs to be made in all sectors of the economy. Jacobs refers to health care, higher education, public safety, and environment as areas that are essential and need to continue. Walsh thinks that the Village should identify the essential services that need to be provided and decide whether entertainment is an essential service.

The Organizational and Council Policies Manual contains a Resolution to create a Parks and Recreation Board. Section 4 lists various objectives and functions of the Board including

recreational programs, improvements, park functions and usage. It goes on to say that outside funding and donations is also part of their job. With this in mind, Walsh suggested that funding for entertainment should be financed by sponsors, donations, or perhaps an entry fee. She proposes calling upon the Parks and Recreation Board to consider sponsors or to charge a small fee for the concerts.

In response to an inquiry from Rijnovean on why concerts are not held on Fridays, Nagle explained that concerts are held on Thursday evenings because quite a few people leave town on the weekends in the summer. Nagle related that she and Pat Greening have attempted unsuccessfully to solicit funds from local merchants for the summer concerts. She does not know of any municipality that charges a fee for these events.

Rijnovean thinks that the Parks and Recreation Board does a great job on parks and recreation, but Council must focus on spending for the whole Village. Concerts in the park are a nicety but not a necessity.

Burry related that one of the items on the Parks and Recreation Board agenda for its January meeting will be discussion of ways to solicit donations towards parks and recreation and how to raise extra funds to defer costs.

Woodrow understands that contributions are accepted at the summer concerts. Woodrow stated that his company will contribute up to \$1,300 for a fourth concert. Pfeifer and Koss offered to make up any shortages over \$1,300. A friendly amendment was made to the motion to approve a fourth concert if funding is available from private sources. The amended motion reads as follows:

Motion by Burry, second by Pfeifer, that the Beverly Hills Village Council approve the expenditure of up to \$1,450 to secure three entertainment contracts for the 2006 Concert in the Park series at Beverly Park. Additionally, Council approves the expenditure of not more than \$5,000 for administration to secure three entertainers for the 2006 Concert in the Park Series. This will be the ninth season for this program. Funds for this program are designated in account 101-747-894, Community Action: Special Events. **Further, Council approved a fourth concert if funding is available from private sources.**

Roll Call Vote:

Rijnovean - yes
Taylor - yes
Walsh - no
Woodrow - yes
Burry - yes
Koss - yes
Pfeifer - yes

Motion passed (6 – 1).

REVIEW AND CONSIDER REQUEST FROM CINGULAR WIRELESS FOR SITE PLAN APPROVAL AT 16111 W. 14 MILE ROAD (CONTINUED DISCUSSION)

Pfeifer revisited this agenda item to discuss placing a moratorium on any kind of commercial acquisitions on the SOCWA owned property other than what is necessary for the maintenance of the water tower operation itself.

In a letter to Renzo Spallasso dated December 27, 2005, Jeffery A. McKeen representing the Southeastern Oakland County Water Authority, indicated that “After the installation of the Cingular equipment, SOCWA does not plan to allow any additional cell phone equipment at its Fourteen Mile Road site. The addition of the Cingular equipment exhausts the capacity for cell phone installations at its Fourteen Mile Road site.”

Attorney Ryan stated that, as mentioned in the letter from SOCWA, current technology is such that there is no ability to add further antennas or support structures on the Fourteen Mile Road site. However, SOCWA cannot guarantee that changes will not occur as a result of future micro technology, and Beverly Hills cannot preclude SOCWA from coming before the Village with a proposal as a property owner. The Village can rule on any use based on current zoning. Ryan advises against local government involvement in moratoriums relative to property rights on the basis that possible future uses cannot be legislated. If an issue arises in the future, the Village will deal with it at that time.

REVIEW AND CONSIDER APPROVAL OF HVAC CONTRACT FOR PUBLIC SAFETY BUILDING

The General Fund budget allows for the Public Safety Department to spend money to maintain the Public Safety building. One of the associated costs in this area involves a contract for the maintenance of the building HVAC system (Heating, Ventilation and Air Conditioning). Rijnovean stated that the system has been in operation since the building was constructed in 1989, and it is inspected on a quarterly basis. The rationale is to provide a preventative maintenance program with proactive oversight that will lessen unanticipated repair costs. The maintenance schedule had been suggested by the HVAC contractor because it follows seasonal trends. Rijnovean questioned whether quarterly inspections are necessary, or if it would be sufficient to conduct these inspections twice a year. She questioned whether Council should obtain further expertise on this item.

Woodrow indicated that he has experience with this type of maintenance contract and confirmed that quarterly inspections are required to ensure that equipment and wiring is working properly and that the system is not leaking Freon into the environment. It is costly to replace a system, so it is reasonable to spend \$3,100 a year to maintain the HVAC system. Woodrow believes that it is prudent to provide a quarterly inspection service on a system such as this.

Pfeifer observed that Council has received a large amount of detailed background information on this agenda item. It is the obligation of administration to go through this information and make a determination and a recommendation to Council.

Walsh questioned the policy statement included in a memo submitted by Director Woodward noting that the bidding process in this case was conducted to conform to Chapter 12 of the Village Charter for the purchase of property in an amount in excess of \$1,000. The Village did not go out for bids; it appears that a cost survey was conducted.

Director Woodard stated that he did not request Council's permission to go out for bids nor did he publicly advertise for bids. He contacted four entities that participated in the bidding process six years ago and added another contractor who maintains the system for the Berkley Public Safety Department building. Bids were mailed to him.

Walsh expressed concern that the formal bidding process was not followed. She believes that it is the responsibility of Council to know what is going on and to be able to comment and ask questions before approving expenditures. It appears from the survey that Temperature Engineering is still the lowest bidder of the companies contacted. Burry concurred that Council and administration should follow the Charter.

Village Attorney Ryan clarified that Council is being asked to consider approval of a contract extension. Director Woodard conducted a survey of area contractors to compare costs for this service. This is a \$3,100 contract, and the Village has a current vendor who has been performing a specialized function satisfactorily for five years. Council has the choice of granting an extension of this contract, which is not in violation of the Village Charter, or asking Director Woodard to go out for competitive bids for this service.

Motion by Rijnovean, second by Koss, that the Village of Beverly Hills Council award the extension of a current contract for HVAC maintenance services to Temperature Engineering of Sterling Heights in the amount of \$3,100. Funds are available for this contract in Account #101-345-934; R & M, Building and Grounds.

Sharon Tischler of 21415 Virmar Court commented on what she believes to be issues with the heating and air conditioning of the Public Safety Building since it was constructed 15 years ago.

Roll Call Vote:

Taylor	- yes
Walsh	- no
Woodrow	- yes
Burry	- yes
Koss	- yes
Pfeifer	- yes
Rijnovean	- yes

Motion passed (6 – 1).

REPORTS – MANAGER

Spallasso wished everyone a Happy New Year.

Pfeifer referred to an article in an Oakland County Road Commission bulletin and asked a question regarding funding and maintenance of the FastTrac system, which was addressed by Spallasso.

Koss questioned the status of trash collection this week and asked about Christmas tree chipping. Spallasso responded that trash collection will be delayed this week due to problems experienced by Great Lakes. Christmas trees should be put out on the resident's trash day.

Burry commented on a Bill sponsored by Senator Gilda Jacobs called the Improvement Authority Act. The Bill is similar to legislation that created a downtown development district making money available to invest in street lighting, parking, sidewalks, etc. He asked how a community can qualify for this funding. Spallasso responded that he reviewed the Bill and noted that there are a number of requirements that the Village would not be able to meet in order to receive funding.

Rijnovean related information from a newspaper article indicating that Lathrup Village is only using the Village as a backup source for prisoner lockup services when they do not have sufficient personnel on duty to take prisoners to Pontiac. Director Woodard responded that Beverly Hills does not have exclusive contract rights to all Lathrup Village prisoners. If Lathrup Village has sufficient staffing to transport prisoners to Oakland County without additional expense, they may do that.

COUNCIL

Rijnovean mentioned that \$4,000 of the \$11,000 cost to produce the 2006 Village calendar was offset by selling advertising in the calendar this year. Rijnovean announced two Birmingham Bloomfield Art Center events.

Koss reported that the next Southfield Township Board meeting will be held on Tuesday, January 10, 2006. The new meeting time in 2006 is 7:30 p.m. The Library Board will be meeting on Monday, January 16, 2006 at 7:30 p.m.

Burry stated that there will be a joint meeting of the Council and Finance Committee at 6:30 p.m. on Tuesday, January 10th. The Parks & Recreation Board will meet on Thursday, January 19 at 7:30 p.m. Winter Family Fun Day will be held on Sunday, January 15, 2006 from 1:00 – 4:00 p.m.

Woodrow commented that donations towards parks and recreation activities will be appreciated.

Walsh stated that a meeting of the Zoning Board of Appeals is scheduled for January 9, 2006 unless it is canceled due to lack of business. There will be a joint meeting of the Finance Committee and Council on Tuesday, January 10, at 6:30 p.m.

Walsh commented on the Finance Committee meeting held on Wednesday, December 28. The Committee selected a Chairperson, Bob Belaustegui and Vice Chairperson, Dennis Fassett. Five of the seven committee members were in attendance. Walsh remarked that the purpose of the

Finance Committee was a topic of discussion. She hopes that there will be positive developments resulting from the joint Council/Finance Committee meeting. If not, a determination will have to be made on how to proceed.

Taylor thanked Woodrow for his donation towards a fourth concert in the park. Taylor commented on remarks made at the December 28 Finance Committee meeting. He wished everyone a Happy New Year.

Motion by Pfeifer, second by Koss, to adjourn the meeting at 9:29 p.m.
Motion passed.

Dave Taylor
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary