

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

Absent: Woodrow

Also Present: Village Manager, Spallasso
Assistant Manager/Clerk, Marshall
Finance Director, Wiszowaty
Public Services Director, Meszler
Village Attorney, Ryan

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 Koss, to approve the agenda as published.

Motion passed (6 – 0).

PUBLIC COMMENTS

Sharon Tischler, Southfield Township Clerk, announced that free document shredding will again be offered to Township residents on Saturday, October 21 from 10 a.m.- noon in the municipal building parking lot. People can bring boxes of material and watch their personal information being shredded.

Tischler has observed a substantial amount of landscaping in Beverly Park that is not faring well. Her concern is whether the plantings will be replaced under warranty by the contractor.

Tischler commented on the traffic situation in the vicinity of Groves High School and asked if there has been any action taken to address unsafe traffic conditions. She understood that a study was being conducted to increase traffic safety in the area considering the high use of the parking lot.

Robert Walsh of 20655 Smallwood Court commented on health care coverage received by Village employees and retirees and focused on unfunded retiree health care costs.

Marcia Gershenson, Oakland County Commissioner, followed up on a question posed by Councilwoman Pfeifer at the last Council meeting relative to a new traffic signal installed on Lahser Road that has confused motorists with respect to left hand turns.

Pfeifer responded that she received a response the next day from Gary Piotrowicz at the Road Commission for Oakland County as well as Ms. Gershenson. He explained the new traffic signal program and agreed that more public education is needed. Flyers explaining the operation of the new left hand turn signals were dropped off at the Village offices for public distribution. Pfeifer understands that there is a cable television promotion on the new signal

being aired by Bloomfield Community Television. She will look into whether this piece is available for viewing on the Birmingham area municipal and public cable channels. Pfeifer thanked Gershenson for her immediate attention to this matter.

Gershenson announced that Franklin Village has been named as a new participant in the Main Streets program offered by Oakland County. This is a nationally recognized economic development program that focuses on communities that have a downtown with historic assets. Franklin's participation in the program will provide an opportunity for its downtown retail establishments to expand while retaining the historic character of the community.

Gershenson and Commissioner Eileen Kowall will be co-sponsoring a discount dental plan for Oakland County residents, which is modeled after the Macomb County plan. The plan will be introduced on Thursday, September 21.

Christa Murphy, Republican nominee for Oakland County Commissioner, thanked the Village for its support in the Primary Election. She provided contact information and said that she would be available for questions from Village residents.

PRESENTATION BY BIRMINGHAM PUBLIC SCHOOLS REGARDING RENEWAL MILLAGE

Koss introduced Debbie Desantis from Birmingham Public Schools, who will present an overview of the upcoming renewal millage ballot proposal.

Debbie Desantis of 22825 Highbank Drive, co-chair of the millage renewal campaign, thanked the Beverly Hills Council for an opportunity to speak tonight. On November 7th, residents of the Birmingham Public School District will be asked to renew the School Operating Millage Proposal. The proposal that will appear on the general election ballot asks voters to renew 11.3 mills for general school operating purposes for a period of 10 years. In order to renew local school millages on all homestead and non-homestead property, under Proposal A of the Constitution of the State of Michigan, the Birmingham Public School District is required to hold an election.

Desantis outlined four key points that are important to remember:

- Renewing the School Operating Millage Proposal will not raise taxes for homeowners or business property owners.
- To ensure full State Guaranteed Student Funding, this millage must be renewed.
- If the renewal fails, the BPS District would lose about \$12.4 million in operation revenue per year beginning in 2007-2008. Desantis listed possible staff, service, and program cuts that could result from the loss of this revenue.
- By law, the construction funds raised in the 2003 bond issues CANNOT be used to pay for utilities, salaries, maintenance, curriculum materials or any other school operating cost.

Desantis stated that residents can learn more about the millage renewal by visiting the web site www.friendsofBPS.com.

CONSENT AGENDA

Rijnovean asked that consent agenda item ‘c’, Review and file bills, be moved to the business agenda. Pfeifer asked that consent agenda item ‘d’, review and consider 2007 Council meeting dates, be moved to the business agenda.

Motion by Pfeifer, second by Koss, to approve the consent agenda as amended.

- a. Review and consider approval of minutes of a special Council meeting held September 5, 2006.
- b. Review and consider approval of minutes of a regular Council meeting held on September 5, 2006.
- c. Review and consider request from Groves High School to use Village streets for annual Fun Run/Walk.

Motion passed (6 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER RENEWAL OF PROFESSIONAL COMPUTER CONSULTANT SERVICES WITH ENTERPRISE COMPUTER

Council is in receipt of a proposal from Enterprise Computer Solutions, Inc. to renew the Village’s professional services contract for pre-paid computer services in the amount of \$2,400.00. The contract was last renewed in October of 2005 when administration sent a request for quotes to five companies, and Enterprise was the low bidder. Enterprise Computer Solutions has performed to the Village’s expectations. They have created the new Beverly Hills web page and have not charged the Village for online support or telephone support. The firm also assists the Public Safety Department.

Motion by Burry, second by Pfeifer, that the Village of Beverly Hills Council award the purchase of a pre-paid service contract to Enterprise Computer Solutions, Inc. in the amount of \$2,400.00. Funds are available for this purchase in Account #101-900-976.00.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER BENEFIT PACKAGE FOR NEW HIRES

At its last meeting, Council discussed a proposal from Manager Spallasso outlining changes to the benefit package offered to new Village non-union employees, a package that is reduced from what the current employees receive. Council has received a memorandum dated September 12, 2006 that sets forth amendments to be incorporated in the Personnel Policies and Procedures Manual to reflect the new hire benefit package for regular full-time employees hired after July 1, 2006. Burry presented the proposed changes as follows:

Section 5.30 Longevity Pay

For regular full-time employees hired after July 1, 2006, longevity payments shall be paid in accordance with the following schedule, payable in semi-annual installments in June and December:

\$1,500 after 5 completed years of service
Eligibility for longevity compensation shall commence with the first payroll period following the employee's appropriate anniversary date.

Section 5.90 Cost-of-Living Allowance

Regular full-time employees hired after July 1, 2006 will not be eligible to receive Cost-of-Living Allowance.

Section 11.10 Vacation Leave

For regular full time employees hired after July 1, 2006, the rate of accrual for vacation leave will be as follows:

- 10 days after one (1) complete year of service
- 15 days after five (5) complete years of service

Vacation time shall be credited each year on the employees' anniversary date of hire.

Section 11.40 Group Health Insurance

Regular full-time employees hired after July 1, 2006 are eligible to receive the base health plan, and the Village shall pay all premium costs. If such employee chooses a plan other than the base plan, s/he will be required to pay 100% of the difference for any option available.

Regular full-time employees hired after July 1, 2006 may elect to waive health coverage under the Village's health insurance program, provided that the employee can provide proof of coverage under an alternative health insurance program. In the event of a waiver of coverage, the Village shall pay to the employee \$75.00 per pay period (two persons) and \$87.50 per pay period (family).

Regular full-time employees hired after July 1, 2006 are not eligible to receive retiree health insurance, nor are their spouses/dependents eligible to receive such coverage.

11.50 Life Insurance

Regular full-time employees hired after July 1, 2006 will pay taxes on the amount of life insurance coverage over \$50,000.

11.85 Educational Benefits

All employees hired after July 1, 2006 will not be eligible to receive tuition reimbursements.

Comments and questions from Council on the proposed benefit package were addressed by Spallasso. It was clarified that Village's vacation policy allows five days of vacation per year to be accumulated and carried into the next year. At Pfeifer's inquiry, Spallasso stated that education or training that would help an employee perform their job would be paid by the Village. There was consensus to include this detail in the benefit package.

Walsh suggested that text in the second paragraph under Section 11.40 should read "\$75 per **biweekly** pay period" for clarity. Walsh requested that the document indicate that employees

entitled to Medicare benefits due to age or disability are expected to apply for both Medicare Part A and B. Spallasso assumes that new hires will not be eligible for Medicare prior to further revisions in the Medicare plan, which would then be reflected in a revised policies and procedures document. Burry thought that the new hire package should offer additional vacation leave.

Spallasso stated that the modifications proposed this evening will be incorporated into the new hire benefit package, which will go into effect upon Council adoption. The amendments will be incorporated into the appropriate sections of the draft Personnel Policies and Procedures Manual, which will come before Council again for review and consideration.

Motion by Burry, second by Koss, to adopt, with modifications, the New Hire Benefit Package for regular full-time employees hired after July 1, 2006.

Lee Peddie of 17540 Kinross asked Council to keep in mind that Beverly Hills wants to retain new people hired in the future and that their employment packages should be commensurate with what is offered in surrounding areas. This is important because the Village spends money to bring in and train new people.

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

REVIEW AND CONSIDER ADOPTION OF SMART FISCAL YEAR 2007 MUNICIPAL AND COMMUNITY CREDIT AGREEMENT

Before Council for consideration is the contract from the Suburban Mobility Authority for Regional Transportation (SMART) for financial assistance to support public transportation programs in Beverly Hills. This contract is for fiscal year 2007 (July 1, 2006 through June 30, 2007). The SMART program is supported by a 0.59 millage tax that was approved by Oakland County voters in August 2006 and 50% from the State of Michigan transportation fund that holds money collected from the State gasoline tax.

The amount of funding available to the Village from the SMART program is \$23,492 allocated under two separate programs, the Municipal Credit Program in the amount of \$9,833 and the Community Credit Program in the amount of \$13,659.

Council will consider action authorizing the Village to enter into a contract with SMART to accept the funds and allocate them in accordance with the terms of the contract. The funds are proposed to be allocated to the Birmingham Area Seniors Coordinating Council (BASCC) to be used for transportation related services.

The amount of funding available to Beverly Hills through the Municipal Credit Program is \$9,833, the same as last year. It is recommended that \$2,499 be designated to the BASCC transportation program and \$7,334 be allocated to the SMART Connector and Dial-A-Ride services (\$3,667 is mandatory for SMART Connector & Dial-A-Ride).

The amount of funding available to the Village through the Community Credit Program is \$13,659. This amount has increased due to a new policy implemented by the SMART Board of Directors. Community credits will automatically increase by at least the rate of inflation each succeeding year beginning FY 2006. It is recommended that this entire amount be allocated to BASCC for its transportation program. This brings the total allocation for BASCC up to \$16,158.00. BASCC uses this money for operation, maintenance and repair expenses as well as wages for its Senior Citizen Van Program. BASCC estimates that its annual costs for operating the Van Program are \$87,995 and their current records indicate that 31% of their van users are Beverly Hills residents.

Motion by Pfeifer, second by Koss, to authorize the Village Manager to enter into a Municipal Credit and Community Credit Contract for program year 2007 (July 1, 2006 through June 30, 2007) between the Suburban Mobility Authority for Regional Transportation (SMART) and the Village of Beverly Hills, under which contract the Village would accept \$9,833 in Municipal Credits and \$13,659 in Community Credits to be allocated as set forth in the contract. For the amount of funding that will be allocated to the Birmingham Area Seniors Coordinating Council, BASCC will provide the appropriate insurance coverage as required by SMART.

Questions from Council on the SMART contract were addressed by Pfeifer and Assistant Manager Marshall.

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

REVIEW AND CONSIDER ADOPTION OF FLOOD PLAIN MANAGEMENT MEASURES FOR BEVERLY HILLS

The Department of Homeland Security, Federal Emergency Management Agency has provided Beverly Hills with a Flood Insurance Rate Map, Flood Insurance Rate Index and Flood Insurance Study. These items need to be adopted by the Village Council in order to be able to enforce floodplain management within Beverly Hills. No changes have been made within the boundaries of the Village of Beverly Hills, and there is no financial impact associated with this action.

Motion by Koss, second by Pfeifer, that the Village of Beverly Hills Council adopt the Flood Insurance Rate Map, Flood Insurance Rate Index, and Flood Insurance Study developed by the Department of Homeland Security for purpose of floodplain management measures.

Questions from Council and the public were addressed by Spallasso.

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

REVIEW AND FILE BILLS RECAPPED A OF MONDAY, SEPTEMBER 18, 2006

Questions from Rijnovean on one of the bills were addressed by Spallasso.

Motion by Rijnovean, second by Pfeifer, to accept and file the bills recapped as of Monday, September 18, 2006 as submitted.

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

REVIEW AND CONSIDER 2007 COUNCIL MEETING DATES

Pfeifer suggested that Council schedule a joint meeting with the Village Finance Committee and add it to the list of 2007 meeting dates. Council agreed to meet with the Finance Committee on its regular meeting date of Tuesday, March 13, 2007.

Motion by Pfeifer, second by Rijnovean, to adopt the schedule for 2007 Regular, Special and Joint Council meeting dates as follows:

2007 REGULAR COUNCIL MEETING DATES

January 2	July 3
January 16	July 17
February 6	August 7
February 20	August 21
March 6	September 4
March 20	September 18
April 3	October 2
April 17	October 16
May 1	November 6
May 15	November 20
June 5	December 4
June 19	December 18

All regular Council meetings are held on Tuesday evenings at 7:30 p.m., unless otherwise noted.

2007 JOINT COUNCIL MEETING DATES

Thursday, January 18, 2007 Council and Parks & Recreation	7:30 p.m.
Wednesday, February 14, 2007 Council and Planning Board	7:30 p.m.
Tuesday, March 13, 2007 Council and Finance Committee	7:00 p.m.

2007 SPECIAL COUNCIL MEETING DATE

Tuesday, March 27th – Budget Study Session 6:30 p.m.

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

REPORTS – MANAGER

Spallasso referred to a memo received by Council from the Village Building Official regarding the addition of a fitness room at the Huntley Apartment office building abutting the Village municipal site. Approval of building plans for the fitness room addition will require a variance by the Village Zoning Board of Appeals from the minimum rear yard setback requirements. This case is scheduled to go before the Zoning Board on Tuesday, October 10, 2006. Any comments from Council should be addressed to the Zoning Board of Appeals. Administration has no objections to the proposal.

Spallasso reported that the resurfacing and concrete repair program is underway. He asked residents to please be patient during this construction project.

Spallasso responded to a resident's concern about traffic issues in the area of Groves High School. He ordered a study of the site, which generated a report from the Traffic Improvement Association (TIA) of Oakland County. A letter from the TIA with its recommendations was forwarded to the Groves High School Principal for consideration and action. The improvement of that intersection would involve right turn lanes and construction work that the Village cannot afford to undertake at this time. Spallasso does not think the Village should become involved in a major improvement of that intersection where traffic volumes are generated by the school.

In answer to an inquiry from Pfeifer, Spallasso stated that traffic counts on major roads should be completed in a month. Council will be provided with the data.

Walsh referred to the cover letter from Public Services Director Meszler and road rating survey provided to Council. She asked which index is used for the purpose of selecting streets on a priority basis for repair and whether the survey results are compatible with the asphalt paving contract approved by Council.

Spallasso responded that the asphalt paving contract calls for payment based on unit price and tonnage. Therefore, the Village has the authority to modify the list of road segments to be paved. The revised list of segments of streets to be resurfaced in the 2006 asphalt resurfacing program reflects the latest results of the survey and evaluation of Village roads. He added that the contract can always be modified, if necessary, with Council approval. Further questions from Council regarding the road rating survey and the indices used to identify the comparative ratings for each road segment were addressed by Meszler.

In answer to a question asked earlier about dead landscaping in Beverly Park, Spallasso stated that everything that could be replaced by the contractor has been replaced during the warranty period. Staff has been keeping an eye on the condition of the landscaping.

Spallasso noted that Council is in receipt of a memo from Public Services Director Meszler regarding bio-swale plants procured to be used in the original design of the shared parking lot that will now be planted in Beverly Park. Questions from Walsh were addressed by Meszler.

Walsh asked when the proposed Property Maintenance Code will be an agenda item. She was informed that this will be an item on the next Council meeting agenda.

Walsh stated that she received a communication last week from the Beverly Hills Public Safety Officers Association sent to Council candidates requesting them to call and make an appointment to be interviewed so that the Association could endorse certain individuals for the November election. The letter references the Public Safety Department building fax and telephone numbers and was mailed in an envelope printed with the Department's return address. She questioned whether this is ethical and legal and if it is something that is permitted in the Village. Walsh cited the Beverly Hills Personnel Policies and Procedures Manual, Sections 7.00 employee guidelines, 7.10 political activity, 7.40 personal use of Village equipment, and 7.65 conflict of interest. She also researched the Organizational Council Policies Manual, specifically regarding ethical standards of conduct and prohibited acts. She asked for a legal interpretation from the Village Attorney.

Spallasso questioned whether interviewing Council candidates is a First Amendment issue that cannot be prohibited. He had a concern with using the Public Safety Department phone number on the letter and the building address on the envelope, which he discussed with Director of Public Safety Woodard. Spallasso mentioned that the individual who signed the letter asked the recipients to contact him directly, listing his personal cell phone number.

Council members commented on the correspondence mailed by the Public Safety Officers Association and requested that Attorney Ryan provide a legal interpretation on the matter.

Rijnovean suggested that the Public Safety Officers attend the League of Women Voters Candidates Forum where questions will be asked and answered by council candidates.

Walsh emphasized that her concern is an ethical one. Council members negotiate contracts with Public Safety unions, and there should be no implication of impropriety between staff and Council. There should be no intimations that Council members are reacting in a certain way because the Public Safety Officers have supported them.

Pfeifer thought that this conversation was inappropriate and Council would have been better off clearing up the legalities and any other concerns before the matter was brought to this table. The Police Officers Association members meet apart from their jobs and probably use the address of the Public Safety building as the address for their organization.

COUNCIL

Burry stated that the Parks and Recreation Board will meet on Thursday, September 21 at 7:30 p.m. at Beverly Park.

Walsh stated that the Planning Board will be meeting on Wednesday, September 27 at 7:30 p.m.

Koss commented that it has been questioned whether a Council meeting was the appropriate venue to inform residents about ballot issues. She believes that it is one of her functions as liaison to the Birmingham Public School District to communicate information to residents. A representative of the Birmingham Public School District was invited to tonight's meeting to present an overview of the millage renewal proposal, a local issue that directly affects residents.

Koss related that information on state ballot issues can be accessed on the Michigan Government web site. She has asked the Village Clerk to link the state ballot proposals to the Beverly Hills web site so that residents can read and interpret them prior to the November election.

Koss has received notification that SEMCOG is hosting a ballot proposal seminar on October 5, 2006 with the objective being to educate public officials and community leaders on state-wide ballot proposals, resulting in an informed voting electorate. The issues slated to be on the ballot are an educational funding guaranty, Michigan Civil Rights initiative petition, eminent domain, State constitutional amendments to protect the Department of Natural Resource funds, and a dove hunting referendum.

Pfeifer announced that the Birmingham Area Cable Board will meet tomorrow, Wednesday, September 20 at 7:45 a.m. in this room. Pfeifer reminded residents that the Cable Board has initiated a mail survey for the purpose of determining people's preferences regarding Municipal Channel 15 and Community Channel 18. It is a random survey that will not be mailed to each household in the consortium communities. The surveys should be returned before September 29. Should residents wish to participate in the survey, they may take the viewership survey on the Cable Board web site (www.birminghamareacableboard.org). At tomorrow's meeting, the Cable Board will address a resolution from the Beverly Hills Council with regard to broadcasting and airing additional municipal meetings.

Pfeifer reminded residents that the Birmingham Area Seniors Coordinating Council is having a flu shot day on October 17 from 9 a.m. to 1 p.m. at the BASCC offices located on Midvale. This service is open to the public. BASCC will be sponsoring an Arts and Crafts Show on Friday, October 27 from 10 a.m. to 6 p.m.

Motion by Pfeifer, second by Koss, to adjourn the meeting at 9:09 p.m.

Motion passed (6 – 0).

Dave Taylor
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary