

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

Absent: None

Also Present: Village Manager, Spallasso
Assistant Manager/Clerk, Marshall
Finance Director, Wiszowaty
Public Services Director, Meszler
Building Official, Byrwa
Director of Public Safety, Woodard
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 Rijnovean, to approve the agenda as published.

Motion passed (7 – 0).

PUBLIC HEARING FOR PROGRAM YEAR 2007 COMMUNITY DEVELOPMENT BLOCK GRANT

President Taylor opened the public hearing at 7:32 p.m. for comments on the Village's application for participation in the 2007 Community Development Block Grant program. The Village's allocation for Program Year 2007 is \$18,968.

Heidi Looney, Community Education Outreach Specialist at HAVEN, stated that HAVEN is a non-profit agency that helps individuals who are experiencing domestic violence or sexual assault. She distributed a fact sheet outlining the services provided by HAVEN. Every year HAVEN provides shelter and counseling to many people and has serviced almost 5,000 people in the last year. HAVEN assisted eleven individuals who reside in Beverly Hills last year. Looney conveyed HAVEN's request for \$2,500 to help cover the cost of servicing individuals.

No one else wished to be heard; the public hearing was closed at 7:34 p.m.

PUBLIC COMMENTS

None

CONSENT AGENDA

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

- a. Review and consider approval of minutes of a regular Council meeting held October 17, 2006.
- b. Review and file bills recapped as of Monday, October 30, 2006.

Motion passed (7 – 0).

BUSINESS AGENDA

PRESENTATION OF BEAUTIFICATION AWARDS

Council member Pfeifer stated that this is the seventh year that the Village has presented awards for the purpose of recognizing and honoring property owners for their contribution in making Beverly Hills a more beautiful community. An ad hoc Beautification Committee meets monthly to discuss entries and has a yearly challenge deadline of September 30th to make final nominations.

Of the 16 nominations received in 2006, the Beautification Committee has selected five properties to receive an award. Pfeifer and Committee Chairperson Debbie Morrow presented a 2006 Beautification Award Certificate and a gift of a Pewabic pottery tile to the following homeowners:

Helen Lewis
18990 Beverly Road

Chris and Debbie Crossen
31130 Pickwick Lane

Craig and Karen Barnhart
18835 Devonshire

Stan and Anita Jursek
31715 Southview

Jim and Linda Wilson
31541 Mayfair

Audience members applauded the recipients. Taylor thanked those who received an award for their efforts.

REVIEW AND CONSIDER INSURANCE RENEWAL

Burry reviewed that the Village is provided with property and liability insurance through the Michigan Municipal Risk Management Authority (MMRMA). The Village has contracted with MMRMA for these services since 2000 and also prior to 1996. During the period from June 1996 and October 2000, the Village participated in the Michigan Municipal Risk Pool program.

The proposed 2006/07 renewal policy with the MMRMA represents basically the same policy coverage as last year providing 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 property and liability coverage over the next 12 months is \$123,346 (the premium for last year was \$124,551; therefore, this is a one percent decrease from 2005/06).

Motion by Burry, second by Koss, that the Village Council renew its property and liability insurance policy with the Michigan Municipal Risk Management Authority (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 approve the proposal from MMRMA in the amount of \$123,346. The insurance costs will be paid from the budgeted line items in the General Fund and the Enterprise Fund.

Craig Manser, Regional Risk Manager from MMRMA, explained terminology and addressed questions from Council members.

Roll Call Vote:

Motion passed (7 – 0).

PRESENTATION OF JUNE 30, 2006 AUDIT BY PLANTE & MORAN

Blake Roe and Rachel Bois from Plante & Moran presented the audit report for the year ending June 30, 2006. Council members are in receipt of the general purpose financial statements for the Village, the auditor's letter of comments and recommendations, and the Federal Awards audit. Roe stated that Beverly Hills has a clean (unqualified) audit opinion this year, which means that the Village's accounting records are in compliance with the accounting standards mandated by the State. There were no findings in the Audit of Federal Awards, which is related to federal funding received by the Village.

Rachel Bois along with Blake Roe presented an overview of the financial condition of the Village using a slide presentation. The graphs displayed included General Fund Revenues by Major Category, General Fund Revenue Trends, General Fund Expenditures by Major Category, and Expenditure Trends. Other graphs depicted General Fund Balance Compared to Targets and General Fund Actual Results Compared to Budget.

Roe noted that the Village had a break even year as far as its General Fund without depleting its fund balance reserves. Beverly Hills has done a good job over past periods of setting itself up to weather rainy days. Unfortunately, difficult financial times are not over in Michigan for local municipalities.

State Shared Revenue did decrease slightly from 2005. The auditors indicated that Beverly Hills has about \$113,000 at risk for 2007 in terms of statutory revenue sharing. Roe remarked that Council should think about having some contingencies in place in the budget if these cuts occur. Another issue may be that counties will be drawing from the state shared revenue pool soon. Roe addressed questions from Council throughout the presentation.

In terms of the General Fund Balance compared to target levels, Roe stated that the Village's fund balance at the end of June 2006 was right where the auditors want it to be at 24% of expenditures, which is in the middle of the 15%-35% target level.

A slide entitled General Fund Actual Results Compared to Budget coincides with page 42 of the financial statement. Overall, the Village has outperformed its budget in each of the years since 2002. All of the expenditure categories were under budget and every department contributed to helping keep the budget in line.

Roe reviewed the letter of comments and recommendations. Topics addressed were State Shared Revenue information, new aspects and opportunities under Act 51, Property Taxes and Proposal A, Internal Control Considerations, and Reportable Condition.

Roe addressed questions and comments from Council on the subjects of wire transfers and investment activity, actuarial determination of unfunded retiree health care liability, Village

funds set aside for retiree health care and a long-term funding plan being considered by the Finance Committee, upcoming GASB reporting requirements relative to post employment benefit liability, related municipal credit rating, and the building permit fee schedule. Roe clarified that post employment benefits are currently not allowed to be recorded in the financial statements; this will be mandated in 2009.

Taylor thanked representatives from Plante & Moran for their presentation.

REVIEW AND CONSIDER CONTRACT WITH ALLIANCE MOBILE HEALTH CARE

Emergency medical response is one of the primary services provided to residents by the Department of Public Safety along with its police and fire duties. The commercial ambulance response to a medical emergency in the Village has been provided for over 25 years by American Medical Response (AMR). This ambulance service has been delivered contract-free and cost-free to the Village budget, with any ambulance charges being billed by AMR to the patient or their insurance carrier.

In the past several months, department personnel have noticed that some of the AMR responses were beyond the expected standard. Oakland County EMS Medical Control Authority calls for an 8-minute paramedic response 90% of the time. An AMR-offered solution was to enter into a cost-free contract with AMR that would provide a stationed unit (capable of being rerouted) in the area, thus reducing response lag times.

The Public Safety Department solicited quotes from other sources in addition to AMR for a no-cost contract to the Village. Request for Proposals for no-cost ambulance services were provided to four ambulance providers who consider Beverly Hills to be in their service area: Alliance Mobile Health (Rochester Hills), American Medical Response (Pontiac), Community EMS (Southfield), and Star EMS (Pontiac – no response). A department review committee held interviews with the three agencies that submitted proposals and conducted site visits.

Based on the review process, a proposed contract was invited and received from Alliance Mobile Health to provide advanced life support care and transport to residents of and visitors to the Village of Beverly Hills on a low-cost basis. The contract has been reviewed by Village Attorney Ryan, who found no outstanding issues for the Village.

Motion by Rijnovean, second by Pfeifer, that the Council for the Village of Beverly Hills authorize administration to enter into a three year contract for advanced life support ambulance services to be provided by Alliance Mobile Health of Rochester Hills in the amount of \$1.00 per year beginning December 1, 2006. Funds are available for this agreement in Account #101-345-831, Miscellaneous Professional Services.

Woodard informed Council that AMR has just announced that they are no longer in business as of December 31st, which makes an EMS contract a necessity.

Questions from Council members were addressed by Director Woodard and by CEO Laurie Thiel and Jim Buell, Director of Operations, for Alliance Mobile Health. Alliance Mobile Health has been in business for six years, and it is the only accredited ambulance service in

Oakland County. Jim Buell specified the locations where ambulances will be posted in the area to provide excellent coverage, noting that the Village should expect response times of about five minutes. Thiel talked about user fees and method of payment. She mentioned that their non-profit organization does a high level of charitable care write-offs. Thiel announced that Alliance Mobile Health initiated a social services program on September 1 and explained what this will mean to the community.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER SUBDIVISION ENTRANCE SIGN FOR NOTTINGHAM FOREST

Before Council for consideration is a request to replace the existing Nottingham Forest entrance sign to be located at the entrance of the subdivision on the island of Long Bow Court and 14 Mile Road. The sign is within the size and height requirements of the ordinance and is similar to other entrance signs located on islands throughout the Village. All islands are considered part of the road right-of-way and, in accordance with Ordinance 22.32.110(c), approval by both Planning Board and Council is required. The Village Planning Board approved this sign request at its October 25, 2006 meeting.

Motion by Woodrow, second by Walsh, to accept the proposed Nottingham Forest entrance sign as approved by the Village Planning Board.

Motion passed (7 – 0).

REVIEW AND CONSIDER PROGRAM YEAR 2007 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Beverly Hills has participated in the federally funded Community Development Block Grant (CDBG) program for at least 25 years. The Village is currently in a three year contract with Oakland County to participate in this program, which is administered through Oakland County's Community & Home Improvement Division. Each year's CDBG allocation is based on a formula that uses several objective measures of community needs. Those include the extent of poverty, population, housing overcrowding, age of housing and population growth lag in relationship to other metropolitan areas.

The Village's estimated allocation for Program Year 2007 is \$18,968, the same as last year. Beverly Hills must comply with several rules that include limiting its allocation for public service activities to a maximum of 45% of the total 2007 allocation and allocating a minimum of \$2,500 for each project.

This year Council is being asked to consider allocating funds for battered and abused shelter, counseling, advocacy, intervention and education services, yard services for low to moderate income senior citizens, minor home repair services for low to moderate income senior citizens and for planning consultant services related to village-wide planning activities. While there are a number of other "eligible projects", the Village does not meet the low to moderate income criteria for expending funds on most of those types of projects.

Recommendation

The following is a breakdown of the proposed allocation:

Public Services (Battered & Abused)	\$2,500.00
Public Services (Yard Services)	6,035.00
Minor Home Repair	6,640.00
Planning Services	3,793.00
TOTAL	\$18,968.00

Motion by Burry, second by Woodrow, to adopt the following resolution:

Whereas, the Village of Beverly Hills has duly advertised a public hearing for the purpose of receiving public comments regarding the proposed use of PY 2007 Community Development Block Grant funds in the approximate amount of \$18,968 and;

Whereas, a public hearing to receive public comments regarding the proposed use of PY 2007 Community Development Block Grant was held on Tuesday, November 7, 2006;

Now, Therefore Be It Resolved, that at a regular meeting of the Village of Beverly Hills Council held on November 7, 2006 at the Village municipal offices, 18500 W. 13 Mile Road, Beverly Hills, MI 48025, the Council approved the PY 2007 Community Development Block Grant Application in the approximate amount of \$18,968 and authorized the Council President to sign and submit the application as follows:

Account	Project Name	Amount
172160-730137	Public Services (Battered & Abused)	\$2,500.00
172160-732170	Public Services (Yard Services)	6,035.00
72170-731227	Minor Home Repair	6,640.00
72150-731360	Planning Services	3,793.00

The \$2,500 allocated for Public Services (Battered and Abused) will be administered through an Oakland County contract for the specified activity. Beverly Hills authorizes Oakland County Community & Home Improvement to reprogram these funds to the county level program line item after the County releases 2007 CDBG funds in June, 2007.

Woodrow was uncomfortable with the fact that the Village is only allocating \$2,500 of the entire amount towards HAVEN, an organization that provides assistance to battered and abused individuals as well as other services to members of the community. It was noted that the Village is limited in terms of how much money can be allocated for public services activities from these funds.

Walsh asked how individuals are referred to HAVEN, which was answered by Director Woodard. In response to an inquiry, it was indicated that CDBG funds can be used for yard work and home chores only by low to moderate income senior citizens. Walsh referred to the

list of projects that are eligible for CDBG funding, a number of which would be useful if the Village had more money to apply to those projects.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER CONTRACT BETWEEN BEVERLY HILLS AND SOUTHFIELD TOWNSHIP FOR BEVERLY HILLS TO PROVIDE SERVICES TO THE TOWNSHIP

Koss explained that the Village has provided Building Department services to the unincorporated area of Southfield Township for a number of years. Before Council for consideration is a request from Southfield Township Clerk Sharon Tischler to formalize an existing informal agreement that will not change what the Village has done or will be doing in the future. Village Attorney Ryan has reviewed the agreement and finds it in proper form. Village administration has approved the proposed Agreement for State Construction Code Enforcement Services.

Spallasso remarked that a monthly administrative update will not burden Village staff due to the fact that there are only nine homes in Southfield Township. He noted that the Village will retain the inspection fees.

Motion by Koss, second by Woodrow, to approve the Agreement for State Construction Code Enforcement Services and authorize the Village Manager to sign the document.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER CHANGE ORDER #1 FOR CONCRETE REPAIRS TO DOMINIC GAGLIO

On August 15, 2006, the Village Council awarded contract R-06-02 to Dominic Gaglio Construction, Inc. for the 2006 concrete repair program in the amount of \$150,562.75. During construction, areas were encountered that required additional work due to the condition of the concrete and base.

The original contract was for \$150,562.75 with a budget of \$215,094 allocated for concrete repairs. Administration recommends increasing the contract amount to cover the additional work required and also expending the balance of the funds allocated in the budget to make other concrete repairs and take advantage of good unit prices received in the bid by increasing the contract to \$214,974.15.

Walsh commented that this change order is combining the overspending on a budgeted item with authorization to make road repairs with the remaining money in the 2006 budget for concrete repairs. She questioned the cost breakdown of the additional contract work required to complete contract R-06-02. Walsh also asked exactly what is covered in the change order. If additional money is needed for concrete repairs, she would like to know what streets are involved and how that decision was made.

Spallasso stated that it was necessary to do additional work when a void was found under the concrete. The extent and cost of that extra work is in the process of being measured; an exact number is not available at this time. He remarked that there is usually a change order presented in advance of doing the work, but situations occasionally arise where work must proceed. If Council approves this change order in the proposed amount, it will not cover all necessary concrete road repairs; the proposed amount will be used to repair the worst road conditions.

Walsh reiterated that she is attempting to determine how much over the \$150,000 contract price the Village is being charged for the 2006 concrete work. Public Services Director Tom Meszler did not have that number. He indicated that the inspector is in the process of measuring and consulting with the contractor on the area in question. The proposal before Council is to spend budgeted money for the next targeted areas, which includes 13 Mile Road in front of Groves High School. Spallasso added that Council will be given a full report when the numbers are available.

Motion by Walsh, second by Pfeifer, that the Beverly Hills Village Council approve Change Order #1 on Contract R-06-02 Concrete Repair Program for 2006 in an amount up to \$214,974.15 to repair additional areas in the Village.

Roll Call Vote:

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

Motion passed (6 – 1).

RECOGNITION OF GREG BURRY FOR HIS SERVICE TO THE VILLAGE

President Taylor asked Greg Burry and his wife Maureen to approach the lectern. He presented Burry with a plaque in grateful appreciation for his dedicated service as Council member from September 2005 to November 2006 and also for his work on the Strategic Planning Development Committee. Greg Burry expressed his appreciation for this recognition.

MANAGER’S REPORT

Spallasso stated that the municipal parking lot has been paved. He thanked everyone for their patience during the extended construction period.

There will be a pod in the northwest corner of the municipal parking lot to collect coats until November 27 for the “Coats for the Cold” program sponsored by Sheriff Bouchard. The Village offices will be closed on Veterans Day, Friday, November 10.

Koss questioned the status of the upcoming sewer construction on Kinross. Spallasso responded that the Village received notice that the Department of Environmental Quality requested a couple of minor changes to the plans for the Acacia Relief Sewer construction

project. An informational meeting for the benefit of residents abutting the route will be scheduled within the next month.

Walsh stated that she has reviewed the activity statistics for the Public Safety Department as far as particular classifications and activities of the Department. She expressed concern with increases in specific offenses and questioned what is being done to address this. Director Woodard responded to her inquiries in some detail.

Walsh commented that the Zoning Board of Appeals at its October 10, 2006 meeting heard a petition for a rear yard variance in order to construct a fitness room addition onto the community building of Huntley Square Apartments, which abuts the Village of Beverly Hills municipal site. Walsh asked if it has been established whether or not the Planning Board should be involved in a site plan review of this proposal.

Building official Byrwa responded that he met with Huntley Square Apartment representatives after the ZBA meeting. They are considering renovation of their existing building to accommodate the need for a fitness room. If the owners choose to stay within the building footprint, the Village would issue building permits to remodel the existing portion of their building. Adding to the footprint of the building would kick in the site plan review process and require a public hearing for special use approval. A variance from the ZBA would also be required as part of the process.

COUNCIL

Burry stated that he took his Council position seriously during his tenure and respected the office. He questioned policies and procedures to assure efficient economic spending of the taxpayer's money. Acknowledging the diversity of interests allows for the accommodation of differences leading to good faith negotiations and consensus. He wished the best to his fellow Council members. He thanked administration for its hard work and the help they provided him. Burry thanked the citizens of the Village for giving him an opportunity to represent them.

Walsh wished her best to Greg Burry and said that it has been her pleasure to serve on Council with him. She hopes that the next Council will continue to extend efforts in order to follow the Charter and the policies of the Village.

The Planning Board will be holding a public hearing on the updated Village Master Plan on January 24, 2007. There was some discussion at the October Planning Board meeting as to whether there should be just one hearing on the Master Plan as opposed to two. Council would be invited to attend the Planning Board public hearing at which time the Board would make its recommendation on the adoption of the Master Plan and Council could render final approval of the document. Walsh stated that she would prefer two separate public hearings on the Master Plan.

Walsh remarked that she has enjoyed her role and responsibilities on Council and being the voice of the Villagers. She did her best to represent those who elected her to office. Walsh wished the best to everyone who is elected to sit at the Council table.

Rijnovean stated that her term on Council has been a great learning experience, and she has met a lot of good people in the Village. She wished the next Council the best of luck and looked forward to a good future for the Village.

Koss stated that it has been an interesting and enlightening year and she has appreciated every Council meeting.

Pfeifer questioned the legal aspects of combining the Planning Board and Council public hearings on the Master Plan. Attorney Ryan responded that the Village can hold two meetings at once; it will be up to the new Council.

Pfeifer announced that BASCC will be selling memorial cards with scenes of various picturesque locations in the area as a fund raiser. They will be available in time for Christmas at \$10 a deck.

Pfeifer reported on the October meeting of the Birmingham Area Cable Board. The Board received a presentation outlining the results of the subscriber survey from the president of Intellitrends Market Research. The Board also discussed a request made at a recent summit meeting regarding pending State Legislation, which was attended by representatives of the Michigan Municipal League (MML), Michigan NATOA, PROTEC, and the Michigan Township Association. In light of the fast tracking of House Bill (H.R. 6456), contributions are being requested from local Michigan governments and cable access representatives to be used to hire national legal assistance and to fund a statewide media campaign to take place before the vote on the House Bill. The intent is to educate legislators, local governments and residents as to what is at stake if the bill is passed. At its November meeting, the Cable Board will consider a \$5,500 contribution towards media/legal services for the state legislative advocacy coordinated by this alliance.

Taylor stated that it has been a huge honor to serve the Village as Council President for the last year. We live in a wonderful community and he is extremely proud to have led this Council. Council met a difficult challenge by matching spending with revenues. He believes that this Council needs to move forward and find common ground.

Motion by Pfeifer, second by Koss, to adjourn the meeting at 9:47 p.m.

Motion passed (7 – 0).

Dave Taylor
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary