

Present: President Koss; President Pro-Tem Briggs; Members: Mercer, Mooney, Oen, and Stearn

Absent: Prew

Also Present: Manager, Wilson
Assistant Manager/Clerk, Marshall
Village Attorney, Ryan
Director of Public Safety, Woodard

President Koss 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 Oen, second by Mooney, to approve the agenda as published.

Motion passed (6 – 0).

COMMUNITY ANNOUNCEMENTS

Oakland County Commissioner Marcia Gershenson mentioned services and resources available for those people who are struggling during this holiday season. Resources are available through the Oakland-Livingston Human Service Agency if people need help with their heating bills. There is help for individuals struggling to make their mortgage payment; organizations will help with your prescription drug plan. Gershenson reminded people about the United Way 2-1-1 Resource Line.

For those people who have Christmas trees, Catalpa Park will be recycling trees. Gershenson announced that she is looking for a resident who is interested in serving on the Oakland County Senior Advisory Council beginning in 2011. Individuals who are interested in getting involved with senior related issues should contact her.

Kathy Armstead, government and customer relations manager for WOW cable, Internet and phone, presented an update on the construction of their plant in the Beverly Hills area. They are on track to finish activation of all nodes by the end of December. She wished everyone a safe and happy holiday season.

Stearn referred to a complaint from a resident that remains unresolved. In addition, there has been concern that some of the people working on the installation do not carry proper identification. Floyd Armstead, vice-president of technical operations for WOW, responded that the company has tried to resolve the outstanding complaint regarding a tree trimming issue. WOW involved the arborist from the City of Birmingham and agreed with their recommendation, which was not acceptable to the resident. The situation is currently at a stalemate.

Mr. Armstead related that he was not aware of any identification issues reported in the Village of Beverly Hills. There were complaints received regarding lack of ID in Birmingham, which were addressed the same day as they occurred. Armstead added that there are two different companies

doing the physical construction in Beverly Hills and in Birmingham; WOW is watching this issue closely.

Mercer reported that there were incidents during the summer where trees were trimmed and materials were left behind. Mr. Armstead agreed that the company had some learning experiences with tree trimming in Beverly Hills. WOW did receive calls about debris left behind and proceeded to take care of it. Armstead apologized if anyone had to clean up the debris. Residents can contact WOW with installation issues at 1-866-496-9669. To speak with Kathy Armstead, call the Village office and your call will be directed to Kathy at WOW.

Hildreth Buterbaugh on Dunblaine announced that flu shots are available through Oakland County.

State Representative Chuck Moss congratulated Council President Koss and Council members on the recent election. Moss said that there is a new Governor coming in; there is a \$1.7 million budget deficit that has to be addressed. He does not think that tax increases will be on the State's agenda, which means there will be cuts.

Stearn asked that the State Legislature inform municipalities early if they intend to cut State Shared Revenue because it is difficult to prepare a budget without that information. To the extent that the Appropriations Committee can do it, Moss wants to see the State Budget done by June 1, 2011.

Attorney Ryan urged the State Legislature to do something about clarifying the Medical Marijuana Law. Moss agreed that this has become an issue with a lawsuit pending against Birmingham and other communities. He concurs that the Legislature needs to fix the problems associated with regulating medical marijuana.

CONSENT AGENDA

Motion by Stearn, second by Oen, to approve the consent agenda as published.

- a. Consider approval of minutes of regular Council meeting held November 16, 2010.
- b. Review and file bills recapped as of Monday, November 22, 2010 and Monday, December 6, 2010.

Motion passed (6 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER ANNUAL FUNDING REQUEST AND CONTRACT FROM BIRMINGHAM BLOOMFIELD COMMUNITY COALITION FOR FY 2010/2011

Wilson stated that Beverly Hills has had an arrangement with the Birmingham Bloomfield Community Coalition (BBCC) for providing service to reduce substance abuse by youth within the Village and the greater Birmingham Bloomfield community. The services center on reducing the access and use of tobacco, alcohol, marijuana and other dangerous drugs by teens. The Community Coalition provides a "community services" function that Beverly Hills does not staff on its own.

The Birmingham Bloomfield Community Coalition is requesting a contribution of \$1,200 to cover the funding of these important functions provided to the community by its organization. Council approved this amount of funding in the FY 2010/2011 budget for contracted community action programs. The BBCC has submitted a contract outlining the services provided.

Motion by Mooney, second by Oen, that the Council for the Village of Beverly Hills approve the funding request of Birmingham Bloomfield Community Coalition in the amount of \$1,200 for the provision of substance abuse prevention services; further, that Administration is directed to sign the contract document providing for this continuing community service. The funds for this expense are available in Account #101-747-890.03
Community Action: Contracted.

Carol Mastroianni, Executive Director of the BBCC, addressed an inquiry about the difference between their organization and the Birmingham Youth Assistance Committee. BBCC is the prevention arm of substance abuse where the BYAC does more intervention and recognition of youth. The organizations support one another.

Stearn proposed waiting until the next Council meeting to consider this funding request. He is in support of providing funds for this service, but he would like to know how Councilman Prew stands on the issue. Prew was not present at the meeting.

Motion by Stearn, second by Oen, to table Council consideration of the annual funding request and contract from the Birmingham Bloomfield Community Coalition for FY 2010/11 until the next Council meeting.

Ayes: Oen and Stearn

Nays: Briggs, Koss, Mercer, Mooney

Motion to table failed (4 – 2).

Roll Call Vote on motion to approve:

Motion passed (6 – 0).

SECOND ANNOUNCEMENT OF A VACANCY ON THE PLANNING BOARD

A vacancy exists on the Planning Board due to Mr. Prew's election to Council. The term expires on June 30, 2012. Koss made the second announcement of a vacancy on the Planning Board. The deadline for accepting applications will be Friday, December 10 at 4:30 p.m. A subcommittee of Oen as chair, Briggs and Koss will meet at 7:15 p.m. prior to the December 21, 2010 Council meeting to consider applications and recommend a candidate for Council consideration.

REVIEW AND CONSIDER FIDUCIARY LIABILITY POLICY FOR RETIREMENT BOARD

Wilson related that the Village's liability insurance provider has recommended acquiring a fiduciary liability policy for the Retirement Board. IBEX Insurance has provided a policy for the Retirement Board as custodians of the Public Safety Retirement System and Retiree Health Care Funds. The proposal from Chubb Specialty Insurance is for a policy in the amount of \$1 million with a \$10,000 deductible and a premium of \$8,000 annually. The cost of this policy would be paid by Retirement Board funds. Wilson has reviewed the policy and recommends approval.

Attorney Ryan has also reviewed the policy and is in agreement that a fiduciary liability policy would be in order for the Retirement Board.

Motion by Stearn, second by Oen, that the Village of Beverly Hills enter into a contract with Chubb Group to provide a fiduciary liability insurance policy for the Retirement Board as custodians of the Public Safety Retirement System pension funds and Retiree Health Care Funds at a cost of \$8,000 annually, to be paid from Retirement Board funds.

Questions from Council and the public regarding this policy were addressed by Stearn and Ryan.

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

PUBLIC COMMENTS

Hildreth Buterbaugh said that he watched the last Birmingham Commission meeting on cable television and learned of a contentious issue between the Water Resources Commission and the communities involving retention basins in Birmingham and Beverly Hills.

Manager Wilson responded that he attended a meeting in Birmingham today on this topic along with Tom Ryan, Tom Meszler, and Dan Mitchell from Hubbell, Roth & Clark. The Village will be represented at a Drain Board meeting scheduled for December 14 at the Water Resources Commissioner's office along with representatives from Birmingham and Bloomfield Township. Those communities have a firm position on the maintenance and operation of the retention basins and have been involved in disputing this issue for many months.

Barton Grimm of 30555 Vernon Drive described the unsatisfactory work that was done at his house recently to alleviate erosion at the culvert on his property. Grimm recalled that he contacted Public Services Director Tom Meszler this summer and asked him to take a look at the culvert. Meszler indicated that the Village would fix the erosion problem. Grimm made it clear that he wanted to be involved in the design of the project before any work was done to assure that it would meet with the aesthetic expectations of his wife and the neighbors.

Grimm observed individuals in front of his property looking at plans. They advised his wife that they were going to install a step boulder retaining wall to address the erosion problem and that the Grimms would receive notice 24 hours prior to the work commencing. The work was begun without notice, and the Grimms had nothing to say about the design of the project. They installed a gabion wall, which is a retaining wall made of rectangular containers (baskets) fabricated of heavily galvanized wire, which are filled with stone and stacked on one another usually in tiers that step back with the slope. Grimm related that Mr. Meszler was dismissive when he attempted to talk to him about the work that was done.

Suzanne Grimm asked for consideration from Council in terms of coming to a solution that they could all live with. She observed that this particular erosion solution was not implemented anywhere else in the Village except at the Douglas Evans CSO facility. Grimm distributed pictures of the culvert area in her front yard. She asked that the Village consider fixing the work done to provide a more residential and acceptable solution.

Lucille Nawara at 30585 Vernon Drive, artist and landscaping designer, shared these concerns about the aesthetics of the embankment work done at the Grimm's property. She questioned how plantings could be added to the area with the gabion baskets.

Wilson stated that the majority of the work was done in the Village easement abutting the Grimm property. After concerns were raised by the residents, a survey crew was sent to stake out the property. Some of the area that was disturbed was the Grimm's property. The Village is interested in working with the residents towards a reasonable solution.

Council members commented on the situation and discussed how to proceed. There was agreement that Wilson and Meszler should meet with the Grimms during the next month and work with them to reach an acceptable solution and determine how it could be accomplished.

REPORTS – MANAGER

Wilson reported that the Village did receive formal notification from the Insurance Services Office (ISO) that its Public Protection Classification has improved from a level 6 to a level 5. Throughout the year, ISO officials were in the Village to evaluate the Public Safety Department, its fire fighting capabilities, and the Village's water system. Based on their analysis, the Village did rate an approval to a level 5. Due to this improved rating, Village residents could receive future reductions in their homeowner insurance premiums. This rating puts fire protection in the Village at a level equal to or greater than almost 90% of municipalities throughout the country.

Wilson gave credit to Director Woodard and Captain Yanosy and the public safety department staff for their efforts. He also thanked Renzo Spallasso for his service to the Village over decades. Beverly Hills would not have achieved this ISO rating level without the efforts, foresight and technical ability that Renzo brought to this community for years. He worked hard to make massive improvements to the water infrastructure in the Village and deserves a tremendous amount of credit for this improvement.

Wilson said that there are ways that the Village can continue to improve. The ISO report gives credence to further investments in training facilities in the near future and further diligence on our water system. This was a positive development for all of our residents.

The Public Safety Department has completed its review of proposals submitted to the Village for ambulance services. Site visits were conducted at Alliance and STAR EMS facilities. The Department will have a recommendation for Council consideration at its December 21 meeting.

As a reminder, the Village Council has a priority and strategy session scheduled for Saturday, December 11 at 9:00 a.m.

Stearn referred to a statement in the Manager's report on the ISO Rating. Wilson reported that he was convinced that without the passage of the recent Charter Amendment, the Village would have had this improved ISO rating revoked leading to future increases in homeowner insurance rates." Stearn commented on how credit is determined through the ISO process for particular items such as staffing. Director Woodard clarified how the ISO perceives Public Safety Officers in terms of their equivalence to career fire departments.

Mooney thought that the Manager's comments regarding Mr. Spallasso were outstanding. He commended administration on the 2010 Calendar.

REPORTS – COUNCIL

Mercer commented on the comprehensive ISO report, noting that it is available electronically or at the Village office for public review.

Oen announced that the Planning Board will have its monthly meeting tomorrow, Wednesday, December 8 at 7:30 p.m. One of the topics will be discussion of the Michigan Medical Marijuana Act. Oen congratulated public safety and administration on their efforts in acquiring a favorable ISO Rating.

Mooney mentioned that passage of the Charter Amendment was deemed to be necessary in order to receive the improved ISO rating. He commented on what people are doing to serve the community. Mooney related that he attended an Eagle Scout Ceremony last week when resident Drew Steffes received the rank of Eagle Scout. Drew Steffes is an extraordinary individual who performed a community service project, which was to renovate the fence on the sledding hill. Scouting provides outstanding young men with leadership skills who give to the community.

Marty Collins, Supervisor for Comeau Equipment Company, went out of his way to install a base for a tree in Riverside Park that was planted in memory of former Council President Jim McCook. Marty Collins did this on his own time using his own materials.

Mooney mentioned that the Village Woman's Club comes together each holiday season to sell luminaria to residents. Mooney encouraged people to come to the Village offices on Saturday, December 11 or December 18 to purchase luminarias to set out in front of their houses on Christmas Eve.

On December 7, past Council President Frank Worrell would always remind the public that this was the day that Pearl Harbor was attacked. Mooney stated that Frank Worrell, who has led the Village through crises as President, underwent open heart surgery this afternoon. He asked people to keep Frank Worrell and his wife Millicent in their thoughts.

Motion by Mooney, second by Oen, to adjourn the meeting at 8:50 p.m.

Motion passed (6 – 0).

Rosanne Koss
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary