

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

Absent: Stearn

Also Present: 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 Mooney, second by Mercer, to amend the agenda to add two items after the Resolution to go into closed session: 1) Resolution to Return to Open Session and; 2) Consider Resolution Regarding the Disposition of Pending Litigation.

Motion passed (6 – 0).

Motion by Mooney, second by Oen, to approve the agenda as amended.

Motion passed (6 – 0).

COMMUNITY ANNOUNCEMENTS

Elaine McLain, Chair of the Birmingham Area Cable Board, presented updates on cable television issues. She said that it was a good time for subscribers to examine their cable bills and determine whether to take advantage of competition available in the area. McLain commented on the work being done by WOW contractors installing cable in Beverly Hills and Birmingham. Residents with questions on what is going on in their easements can approach the individuals doing the work or call WOW directly. The number is posted on the BACB website.

McLain reported that Google has not yet announced communities chosen to participate in its plan to build and test ultra-high speed broadband networks in trial locations across the country. She mentioned that the Board's Executive Director Bob Borgon is recovering from recent surgery and is doing well.

In response to a question on the Federal Communication Commission's new "net neutrality" rules, McLain related that Board member Ken McFadden was well informed on the impact of FCC rules on cable and internet television viewing and will be discussing the topic at upcoming Board meetings. There will be information on this item posted on the Cable Board website as well. In answer to another inquiry, McLain indicated that subscribers must ask their cable company to receive credit for an outage; credits are not issued automatically.

Mooney commented that WOW has done a remarkable job constructing its system in Beverly Hills. He and others thanked the Cable Board for their fine work. McLain concluded by saying that cable subscribers who have a complaint or problem that is not being handled satisfactorily by their cable provider can contact the Cable Board at 248/336-9445.

CONSENT AGENDA

- Motion by Mooney, second by Oen, to approve the consent agenda as published.
- a. Consider approval of minutes of regular Council meeting held December 7, 2010.
 - b. Review and file bills recapped as of Monday, December 20, 2010.

Motion passed (6 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER RESOLUTION RECOGNIZING THE BIRMINGHAM 99 RANGERS HOCKEY TEAM AS A NONPROFIT ORGANIZATION

Resident Paul Dunbar formed a hockey organization that has been incorporated in the Village of Beverly Hills; he is seeking a charitable gaming license from the State of Michigan. As part of the application process, Dunbar must receive approval from the local governing body recognizing them as a nonprofit organization.

Paul Dunbar stated that he is the manager of a local youth hockey team called the Birmingham 99 Rangers. He is applying to the State of Michigan’s charitable gaming division for a license to enable the team to participate in fundraiser events to offset costs involved with a hockey team. He requested that Council adopt the Resolution provided so that he can obtain a charitable gaming license from the State.

Motion by Mooney, second by Oen, that the Village of Beverly Hills recognize the Birmingham 99 Rangers of Beverly Hills, County of Oakland, as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses.

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

SET PUBLIC HEARING DATE OF JANUARY 18, 2011 TO RECEIVE COMMENTS REGARDING A CORRECTION TO THE ZONING MAP FOR HUNTLEY SUBDIVISION

Koss reviewed that the Planning Board held a public hearing on December 8, 2010 to receive comments on a proposed correction to the Zoning Map specifically in the area known as Huntley Subdivision. A Council Public Hearing on this topic was set for January 18, 2011.

REVIEW AND CONSIDER REPLACEMENT OF FIRE RESCUE SAW

Public Safety Director Woodard stated that it was necessary to purchase a replacement circular saw for firefighting and other rescue operations after a mechanical engine failure of one of the Department rescue saws. Three quotes were received on the K-970 Rescue Saw. The low bid was from Cougar Cutting Tools in the amount of \$1,339.

Motion by Oen, second by Mooney, that the Village of Beverly Hills Council award the purchase of one K-12 Model FD Rescue Saw to Cougar Sales & Rental of Novi in the amount of \$1,339 Funds are available for this purchase in Account #101-345-752; Public Safety Fire Supplies.

Questions from Council on this equipment were addressed by Director Woodard.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER SUBCOMMITTEE RECOMMENDATION TO FILL PLANNING BOARD VACANCY

Oen reported that a subcommittee consisting of himself, Briggs and Koss met at 7:15 p.m. this evening to review four applications to fill a vacancy on the Planning Board created by the election of Doug Prew to Council. All candidates were well qualified; Oen thanked them for seeking a position on a Village Board. The subcommittee recommended the appointment of Bob Ruprich to the Planning Board for a term to expire on June 30, 2012.

Motion by Oen, second by Briggs, that the Village of Beverly Hills Council appoint Bob Ruprich to the Planning Board for a term to expire on June 30, 2012.

Koss thanked the individuals who submitted an application to serve the community.

Motion passed (6 – 0).

REVIEW AND CONSIDER PROPOSALS FOR AMBULANCE SERVICE

Director Woodard stated that Department staff published an Emergency Medical Services Request for Proposal at the direction of Council and provided the information to eight companies that provide such service to Oakland County residents. He indicated that the current provider, Alliance Mobile Health, does a fine job. Following the expiration of the contract with Alliance, Council determined that the Village should seek quotes on this service. Of the invited providers, four submitted prices.

Captain Yanosy discussed actions of a committee established to review the quotes. Two quotes for providing service set forth in the proposal were significantly high at \$246,000 from Beaumont Medical Transport and \$350,000 from Superior Ambulance Service. Alliance has been meeting the specifications for four years with a \$1 annual contract; Star EMS indicated that it would match that service at \$0 per year.

Based on the quotes, the review committee evaluated only Alliance Mobile Health and Star EMS; they talked to individuals from both companies. Both Alliance and Star EMS are able and prepared to provide the services that have been requested. Alliance has provided these emergency services in a consistently reliable fashion for the past four years and has been responsive to any equipment or response issues that have occasionally surfaced. When comparing the two vendors on an effectively equal-cost basis, it was determined that Beverly Hills should continue using Alliance Mobile Health as its EMS provider for the following reasons:

- 1) Alliance has kept response times well below what the contract calls for over the term of the contract.
- 2) The Department has experienced no problems dealing with Alliance personnel or administration.
- 3) Alliance has provided the community with assistance above what is required by contract.
- 4) Alliance has provided all training during any hours requested at our facilities.
- 5) Response reports are provided from Alliance to our EMS coordinator on a regular basis.
- 6) Alliance has a proven track record of outstanding service with our Department.

Motion by Mooney, second by Oen, that the Village of Beverly Hills enter into an Ambulance Service Agreement with Alliance Mobile Health of Troy, Michigan beginning January 1, 2011 for a three-year period at a \$1 annual cost with consideration of subsequent two-year extensions.

Comments and questions from Council and the public were addressed by Captain Yanosy.

Roll Call Vote:

Motion passed (6 – 0).

Copies of the Village of Beverly Hills Ambulance Service Agreement are available for public review at the Village offices.

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court commented that White Pine trees in the area are dying due to the pinewood nematode. Mooney asked administration to contact the Oakland County Forester to determine if anything can be done about this.

Tischler observed that AT&T has abandoned some of its original metal service boxes along Village roads. They are unsightly and should be removed. Elaine McLain provided Council with contact information for the AT&T representative to the Cable Board, Lori Doughty.

At a previous Council meeting, Tischler informed Council that WOW contract workers had installed cable in her neighborhood where there was no easement. She reported that the cable was removed promptly by WOW after they learned of this oversight.

Tischler questioned whether Council or Administration has called upon former Manager Renzo Spallasso for assistance in terms of his resources or knowledge during the two years since he left the Village's service. She was interested in whether the money invested in contracting for two years of consulting service was worth the cost. Attorney Ryan responded that Mr. Spallasso continues to assist the Village in his areas of expertise even though he is no longer under contract.

Tischler had questions regarding Manager Wilson's employment contract, pointing out that the base term of employment expired on July 31, 2010 and should have been extended in writing at that time. Tischler was unable to find such extension in Council meeting minutes. There was no record of an annual performance review that should have been conducted by the Personnel Committee. If the base term of the Manager's contract has been extended, Tischler asked to be referred to the written record of Council's approval.

Koss responded that she had intended to address this issue in the Council Comment portion of the meeting by asking that the Personnel Committee meet to review the manager's contract prior to the last Council meeting in January or first meeting in February, 2011. Mr. Wilson will be given time to set his goals for the year. Koss mentioned that one of the reasons that the Personnel Committee did not meet in June was because the Village was hesitant about the terms of the contract considering the uncertainty of the November millage proposal.

REPORTS – MANAGER

Ms. Marshall mentioned that the contractor that printed the 2011 Village calendars experienced a problem with addressing them, which resulted in some households receiving two calendars. The company did not charge extra postage. Marshall asked that anyone who did not receive a calendar in the mail please call the Village office because extra calendars are available.

Briggs referred to statistics in the November 2010 Public Safety report and asked Director Woodard to comment on what residents could do to avoid larcenies.

REPORTS – COUNCIL

Mercer commented favorably on the process and renewal of the Ambulance Service contract with Alliance Mobile Health. He congratulated Bob Ruprich on his appointment to the Planning Board and encouraged the other candidates to continue their involvement with the Village.

Mooney stated that 2011-2012 are going to be tough years for Beverly Hills as well as southeast Michigan. He is looking forward to working with members of Council and administration and with legal staff to tackle financial problems. These are hard times in Michigan; there is concern that budget cuts in Lansing will result in significant reductions in State revenue sharing. Mooney is hoping that citizens can gather together at meetings to set priorities. Council has to reach out to the community and incorporate ideas that will help to keep Beverly Hills a good place in which to live.

In reference to a comment made by Ms. Tischler, Mooney noted that much of the consultation done with Renzo Spallasso has been behind the scenes and continues past the two-year period. He has assisted administration with serious issues relative to how the Village is going to be charged for sewer services and matters regarding the CSO facility. Mooney reported that former Council president Frank Worrell is recovering from open heart surgery and doing well.

Briggs commented on the state of the economy over the next years. He mentioned that Michigan recently lost a congressional seat due to a decrease in population. Next year the State is already facing an estimated \$1.6 billion deficit. The Governor elect has proposed the elimination of the Michigan business tax that will result in another \$1.5 billion in revenue. Plans to eliminate the deficit include severe cuts including elimination of statutory State shared revenue.

Briggs reported on yesterday's Baldwin Library Board meeting. The City of Bloomfield Hills has asked to negotiate a contract with Baldwin Library for single purchase cards. The Library Board has made it clear that its first commitment was to honor the contract it has with Beverly Hills.

With a new service called Freegal, library users can download free music, up to three downloads per week. Briggs related statistics on library youth programs. The Baldwin Library updated their conduct policy in the building including prohibition of cell phone use. Briggs informed Council that the Cable Board provided funding for Baldwin Library to purchase wiring and camera equipment to facilitate recording and live broadcasting of Library Board meetings and other programming in the Rotary Room.

The City of Birmingham has a policy to avoid holding municipal meetings on holidays. Briggs asked administration to look into whether the Village should initiate this type of policy.

Koss reviewed that residents Mr. and Mrs. Grimm on Vernon Drive attended the last Council meeting to address a culvert problem that resulted from a project done in front of their house. Council asked that Village administration meet with these residents to reach an acceptable solution. Koss said that she and members of administration met with the Grimms last week to discuss the issue. It was agreed that nothing could be done on the site until spring at which time the parties will reconvene.

Koss asked Council members to bring their calendars to the January 4 Council meeting in order to schedule a goal setting session. She asked that the sidewalk maintenance survey be on the agenda as a discussion item at a future meeting. The Personnel Committee will be asked to schedule a meeting to review the Manager's contract.

RESOLUTION TO GO INTO CLOSED SESSION TO DISCUSS LITIGATION AND ATTORNEY CLIENT PRIVILEGED INFORMATION

Motion by Mooney, second by Oen, that Council go into closed session at 8:37 p.m. to discuss litigation and attorney client privileged issues.

Roll Call Vote:

Motion passed (6 – 0).

It is anticipated that Council will come out of closed session and take action.

RESOLUTION TO RETURN TO OPEN SESSION

Motion by Mooney, second by Oen, to return to open session at 8:50 p.m.

Motion passed (6 – 0).

CONSIDER RESOLUTION REGARDING THE DISPOSAL OF PENDING LITIGATION

Motion by Mooney, second by Mercer, that the Village of Beverly Hills Council authorize legal counsel Johnson and Rosati to dispose of the litigation known as Lowe v. Village of Beverly Hills, specifically the date of loss on 7-15-2008, pursuant to the recommendation of attorney Margaret Debler.

Motion passed (6 – 0).

Motion by Mooney, second by Oen, to adjourn the meeting at 8:53 p.m.

Motion passed (6 – 0).

Rosanne Koss
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary