

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

Absent: Burry and Oen

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 7:32 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. Scouts Chris Dobies and Indy Andra from Troop 1699 led those in attendance in reciting the Pledge of Allegiance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Mooney, second by Mercer, to approve the agenda as published.

Motion passed (5 – 0).

COMMUNITY ANNOUNCEMENTS

Stuart Jeffries with the Friends of Birmingham Public Schools was present to discuss the school district renewal millage that will appear on the November 8, 2011 general election ballot. He stated that every five years part of the operating millage for the Birmingham School District expires and this year it is due to expire. Everyone in the Birmingham School District communities can vote on this issue at their regular polling location. This vote affects non-homestead properties only. A yes vote means that the school district will continue to provide the same quality programming with no change to the taxes on your primary home. A no vote also means no change to your primary home taxes. However, a no vote will result in increased class sizes and teacher layoffs. He stated that the school district has a very strong impact on property values.

Jeffries encouraged eligible voters within the school district boundaries to support the renewal millage.

CONSENT AGENDA

Motion by Mooney, second by Briggs, to approve the consent agenda as published.

- a. Consider approval of minutes of a regular Council meeting held October 4, 2011.
- b. Review and file bills recapped as of Tuesday, October 11, 2011.

Motion passed (5 – 0).

BUSINESS AGENDA

PUBLIC HEARING TO RECEIVE COMMENTS ON PROGRAM YEAR 2012

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Koss stated that Beverly Hills has participated in the federally funded Community Development Block Grant (CDBG) program for over 25 years. The program is administered through Oakland

County’s Community & Home Improvement Division. The yearly allocation is based on a formula that applies several objective measures of community needs including 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 2012 is \$14,965. Council is required to hold a public hearing before it considers allocating funds. The following is a breakdown of the proposed allocation:

Minor Home Repair	\$12,721.00
Public Services (Battered & Abused)	2,244.00
TOTAL	\$14,965.00

President Koss opened the public hearing at 7:40 p.m. for comments on the Village’s application for participation in the 2012 Community Development Block Grant program.

Sharon Tischler, 21415 Virmar Ct. was disturbed with the inflexibility of the CDBG program and encouraged Council to allocate public services funds to HAVEN for battered and abused. No one else wished to be heard; the public hearing was closed at 7:46 p.m.

REVIEW AND CONSIDER PROGRAM YEAR 2012 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Resolved by Mooney, second by Briggs, to adopt the following resolution:

Whereas, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs, and;

Whereas, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan, and

Whereas, the Village of Beverly Hills has duly advertised and conducted a public hearing on October 18, 2011 for the purpose of receiving public comments regarding the proposed use of PY 2012 Community Development Block Grant (CDBG) funds in the approximate amount of \$14,965, and

Whereas, the Village of Beverly Hills found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need.

Account	Project Name	Amount
172170-731227	Minor Home Repair	\$12,721.00
172160-730137-40620	Public Services – Battered & Abused	2,244.00

Therefore Be It Resolved, that the Village of Beverly Hills’ CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County’s Annual Action

Plan to the U.S. Department of Housing and Urban Development, and that the Council President is hereby authorized to execute all documents, agreements, or contracts which result from this application to Oakland County.

Mooney and LaFerriere complimented HAVEN on the services that they provide to Oakland County residents who have suffered from domestic abuse.

Roll Call Vote:
Motion passed (5 – 0).

SECOND READING AND POSSIBLE ADOPTION OF AN ORDINANCE AMENDING CHAPTER 22 SECTION 22.01.060 OF THE MUNICIPAL CODE – CONFLICTING REGULATIONS

Attorney Ryan conducted a second reading of an ordinance to amend Chapter 22, Section 22.01.060 of the Beverly Hills Municipal Code – Conflicting Regulations. The ordinance amendment reads as follows: “Any use that would constitute a violation of Federal, State, or local law or regulation shall be prohibited.” Ryan summarized the Severability Clause, Savings Clause, Repealer and Effective Date sections of the ordinance.

Resolved by Mooney, second by Briggs, that the Beverly Hills Village Council adopts an ordinance to amend Chapter 22, Section 22.01.060 of the Village Municipal Code that states that any use that would constitute a violation of Federal, State, or local law or regulation shall be prohibited.

Roll Call Vote:
Motion passed (5 – 0).

REVIEW AND CONSIDER PROPOSALS FOR REPLACING SEVEN PARK BENCHES AT BEVERLY PARK

Mooney reported on the condition of seven benches at Beverly Park. The wood on the benches is in poor condition due to warping and splintering. The Village sought bids for the replacement of these benches. Bid results reveal that DuMor, Inc. manufactures a six foot powder coated steel bench that is similar to several benches that are currently in the park.

Resolved by Mooney, second by Mercer, that the Beverly Hills Village Council authorizes administration to purchase seven DuMor powder coated steel benches for Beverly Park from Superior Play, LLC in an amount not to exceed \$7,022.00. Funds are available in account number #408-900-984.00 / Park Millage Fund – Park Equipment.

Mercer stated that the benches at Beverly Park get a lot of use. Briggs believes that it is best for consistency purposes to replace the worn benches with like-kind to other benches in the park.

Roll Call Vote:
Motion passed (5 – 0).

REVIEW AND CONSIDER APPROVAL OF LANDSCAPING PLAN BY GOLDNER WALSH FOR TERRACING AND PLANTING WORK AT THE BEVERLY PARK SLED HILL

Mooney explained a proposal that was presented by Goldner Walsh Garden & Home to the Parks & Recreation Board to provide landscaping on the sled hill at Beverly Park. The project involves terracing on the north and south sides of the sled hill for safety purposes. The slope of the north and south sides are not suitable for sledding, but people continue to do so despite the hazard. The installation of plant material in a terraced fashion is intended to eliminate the possibility to sled down those sides of the hill. Goldner Walsh's proposal in the amount of \$3,741.65 is for installation this fall. Crusader Hawthorns and Rosy Glow Barberry are the recommended plant material. While their proposal appears to be a good price, the Village did not pursue closed bids in accordance with the Village Charter. The Village Attorney stated that the Charter allows the Village to utilize professional services without the bidding process, but it is Council's decision as to whether or not Goldner Walsh falls under that classification. Mooney stated that this proposal is a special landscape architecture and very cost effective.

Resolved by Mooney, seconded by Briggs, that the Beverly Hills Village Council authorizes Goldner Walsh Nursery as our landscape architects to prepare soil and amendments, plant and mulch new plantings on the north and south sides of the sled hill at Beverly Park in an amount not to exceed \$3,741.65. Such work shall be completed during the 2011 fall season. Funds are available in account number #408-900-985.00 Park Millage Fund – Park Site Improvement.

LaFerrierie sees the value of the project, but feels the Village Charter should be followed with respect to the bidding process. He supports the project, but not the method of acquiring the proposal.

Briggs questioned the savings with this proposal versus competitive bids. Wilson responded that Goldner Walsh is offering a 35% discount on trees and shrubs and a 10% discount off soil amendments. Briggs asked if it would be possible to seek competitive bids in time for planting this fall to which Wilson responded that it would not be possible. He also inquired about the gullies/erosion on the side of the hill. LaFerriere suggested that the erosion problem and the landscaping be addressed jointly.

Mercer inquired about a warranty on the plant material and was informed there is a one year warranty. He has concerns about not following the bidding process as required by the Village Charter. Mercer questioned why this proposal didn't come to them sooner. Wilson explained that one Parks & Recreation member took the initiative to request this proposal and perhaps didn't realize the bidding requirements of the Village Council.

Koss asked if Goldner Walsh charged the Village to prepare this proposal to which Marshall responded no. Koss questioned if the project could wait until next year.

Tischler was concerned that the Village Charter was not followed with regard to the bidding process. She believes it would be best to bid this project.

Kathleen Berwick, 31381 Kennoway Ct. questioned the material being suggested for planting.

Chris Dobies, 30522 Georgetown Drive, would prefer that nothing be done to either the north or south sides of the hill.

Mooney remarked that over the years various efforts have been made to prevent people from going down the north and south sides of the hill and nothing has been effective which is why he supports this landscaping plan.

Roll Call Vote:

Koss – no

LaFerriere – no

Mercer – no

Mooney – yes

Briggs – no

Motion failed (4 – 1).

Mooney asked that the proposal from Goldner Walsh be retained for future reference.

PUBLIC COMMENTS

Sharon Tischler commented about the discussion item on the October 4, 2011 meeting agenda regarding infrastructure. She thought it unusual that there was no reference to anyone from our engineering firm with regard to that discussion.

She also commented on the bills regarding phone billing particularly with Nextel and Verizon Wireless messaging. She wondered why our mobile services are not bundled with WOW!.

Kathleen Berwick commented on the meeting that was held with Village businesses on September 26, 2011. She summarized who was in attendance and questioned a possible violation of the Open Meetings Act which the Village Attorney clarified did not occur. She also commented on a phone call she made to the Road Commission for Oakland County last year regarding a boulevard along Southfield Road north of 13 Mile Road.

REPORTS – MANAGER

Wilson commented on the audit report presented by Plante & Moran on October 4th regarding the performance of the police and fire retirement system. The auditors reported that the system has consistently fallen short of the 7% annual growth rate used by the fund actuaries to predict future costs. Historically, 7% has been an adequate predictor of future growth. Since 2001, the performance of the retirement fund investments has exhibited patterns of overall slow growth, with periods of significant market loss. While the overall performance of the fund has been disappointing over the last 10 years, when consideration is given to the current investment mix and the overall performance of the markets during that time, these returns are not surprising.

Also noted by the auditors was the significant increase in costs for sewage disposal during FY 2010-2011. The increase in costs for this year is due primarily to changes in billing

methodology by the Water Resources Commissioner in the Evergreen Farmington Sewage Disposal System. Wilson has significant reservations about the accuracy, cost, and effectiveness of the new meter-based billing. Costs for this method of metering increased significantly during FY 2010-2011 for the Village. The primary reason for these cost increases was due to higher than average amounts of snowfall and rain, particularly during the months of April and May in 2011. Plante & Moran recommends monitoring sewage disposal costs over the next few years. Wilson stated that it is likely that Administration will recommend an increase in sewer rates for FY 2012-2013 because of the significant increase in costs during FY 2010-2011.

Koss requested that Water Resources Commissioner McCullough be invited to a future Council meeting to discuss this issue.

Mercer asked for clarification of what services are provided by WOW! He was informed that the Village receives internet, cable and phone services from WOW!, but cellular phone services are not provided by WOW!. Mercer also inquired about Hubbell Roth & Clark's involvement in preparing the Capital Improvements that were discussed at the last meeting regarding infrastructure and public safety equipment. He was informed that Hubbell Roth & Clark was instrumental in assisting the Village in preparing the capital expenditures report presented by LaFerriere at the last meeting.

Briggs commented on the investment policy of the Village and asked that a discussion item be included on a future agenda. Koss reported that this issue will be discussed at the Retirement Board meeting in November. After that meeting, the Retirement Board will be invited to attend a Council meeting for further discussion.

REPORTS – COUNCIL

Mooney thanked the two boy scouts for attending the meeting this evening. He also announced that the Halloween Hoot will take place Sunday, October 23 at Beverly Park. Volunteers are needed to top and gut pumpkins between 10:00 am and noon. At noon, children can come and carve a pumpkin and place it along the Hoot Trail. Children can return to the park between 6:00 pm and 8:00 pm to trick or treat along the Hoot Trail that will have 16 kiosks. Refreshments and storytelling will be available in the pavilion after trick or treating. Donations are still encouraged to offset the costs of providing this free event.

LaFerriere reported that he has begun work on the Beverly Park capital budget. He expressed his support of the competitive bid process. Another capital budget project is the Information Technology infrastructure that Councilmember Briggs is working on. He is grateful to the Community Garden and the Village for resolving the fence issue around the garden. They applied for and received approval for their fence permit. The next Zoning Board meeting will be held on Monday, November 14th at 7:30 pm.

Briggs reported on the Library Board and thanked outgoing members of the Board. He reported that a fundraiser will be held on November 17th at the Library to benefit the Youth Room. Briggs also announced that the Friends of the Library is looking for new members; they help provide funds for various projects at the library. The Library Board is looking to expand its program to include high school juniors and seniors who live in Beverly Hills and Bingham Farms and also attend Groves High School. This is an opportunity for students to participate in local

government, be a non-voting member of the Library Board, participate in discussion, and help provide insight.

Koss reminded everyone to attend the Hoot on Sunday. She also reported that she has updated the list of goals that was established at a study session in February 2011. The update will be available for the next Council meeting.

Motion by Mooney, second by Briggs, to adjourn the meeting at 9:04 p.m.

Motion passed (5 – 0).

Rosanne Koss
Council President

Ellen E. Marshall
Village Clerk