

Present: President Mercer; Members: Burry, Kelly, LaFerriere, Mooney and Oen

Absent: Briggs

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

President Mercer 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. Scout Kurt Melendy from Troop 1001 led those present in reciting the Pledge of Allegiance.

Motion by Oen, second by Mooney, to excuse the absence of Walter Briggs, who is with his gravely ill father in Connecticut.

Motion passed.

ADDITIONS TO AGENDA/APPROVE AGENDA

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

Motion passed.

COMMUNITY ANNOUNCEMENTS

Oakland County Commissioner Marcia Gershenson thanked the residents of Beverly Hills and Southfield Township for their support over the years. She has enjoyed working with this Council and administrative staff and looks forward to continuing those relationships. County Commissioners vote on issues that affect every community. Gershenson expects a smooth transition for Bill Dwyer, the new County Commissioner representing Southfield Township; she will be moving to Farmington Hills as part of a redistricting plan.

Gershenson acknowledged that Rosanne Koss has left the Village Council to serve as Southfield Township Trustee. Rosanne is a committed individual who puts the residents first and operates in a bi-partisan manner. Gershenson welcomed newly elected Council member Jacqueline Kelly. She introduced County Commissioner Jim Nash, who has been elected as Oakland County Water Resources Commissioner.

Water Resources Commissioner elect Jim Nash greeted Council and invited them to contact him if they have questions or need something done. He intends to work with all the communities in Oakland County and plans to visit each community at least once each year.

Resident Paul Kleppert and former Council member Ron Berndt presented a proposal to purchase and install a Veterans Memorial Monument in the park dedicated to all the service men and women in Beverly Hills. The monument would be purchased through donations from the public. The means for collecting money had been an issue that was addressed by Berndt and Kleppert. They established a non-profit organization and a corporation, which will enable them

to pursue a method of collecting funds legally and allow donors to receive a tax deduction. The manager of Independent Bank at the corner of Southfield and 14 Mile Roads has agreed to establish an account for their non-profit organization. Independent Bank will accept and hold all donations for a Beverly Hills Veterans Memorial Monument.

Kleppert distributed a sample flyer and donation form for a Beverly Park Veterans Memorial. The intent is to raise \$5,000 by April 1 in order to purchase and install a full standing monument in time for the 2013 Memorial Day Parade and Carnival. The monument would represent the official seals of the five branches of the Armed Services and would be placed near the existing flag pole in Beverly Park. There are a couple of photographs on the flyer depicting the type of monuments that are being considered. Any remaining funds will be donated to the Beverly Park fund. Kleppert and Berndt received a positive response at a joint meeting of the Parks and Recreation Board with Council in June. They were encouraged to proceed with developing a proposal for a Veterans monument.

Kleppert said that Manager Wilson has agreed to have a link placed on the Village website with information on how to make a donation to the Beverly Park Veterans Memorial. He also asked that the Village use its communication tools to disseminate information on the monument fundraising project to residents. Kleppert and Berndt will be contacting local publications with the information. Ron Berndt emphasized the importance of recognizing veterans on Memorial Day.

Mercer remarked that a Veterans memorial in Beverly Park is a great idea, and he thanked Kleppert and Berndt for working to make this happen.

CONSENT AGENDA

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

- a. Consider approval of minutes of a regular Council meeting held November 5, 2012.
- b. Consider approval of minutes of a regular Council meeting held November 13, 2012.
- c. Review and file bills recapped as of Monday, November 19, 2012 .

Motion passed.

BUSINESS AGENDA

REVIEW AND CONSIDER EAGLE SCOUT PROJECT AT BEVERLY PARK

Kurt Melendy, resident and Eagle Scout candidate from Troop 1001, was present to request Council approval of his community service project. A packet has been distributed to Council outlining his plan to build and install three observation benches on the Beverly Park sledding hill. The information submitted included photographs of the area and bench construction drawings. The Parks and Recreation Board has reviewed the proposal and recommended that Council authorize Kurt Melendy to proceed with his Eagle Scout community service project.

Melendy provided a summary of the project to build three benches, two at the top of the sled hill and one on the northeast side as shown in the packet. He commented on the location of the benches and the materials used. Melendy asked that Council approve his Eagle Scout service project and designate someone in the Village office to act as signatory for the project.

Motion by Mooney, second by Oen, that the Beverly Hills Village Council authorize Kurt Melendy to proceed with his Eagle Scout community service project, which is to construct three observation benches at the Beverly Park sledding hill as outlined in the packet submitted to the Village Council dated November 20, 2012. Council authorized Clerk Ellen Marshall to act as the signatory for his Eagle Scout Project.

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

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

Wilson stated that the Village Council renewed its professional service contract with Enterprise Computer Solutions, Inc. in March of 2012 in the amount of \$2,400. Council is in receipt of a report detailing all work performed for the Village since that time. Enterprise has exhausted that \$2,400 and has submitted a professional services proposal to renew the Village's contract for pre-paid computer/technology services for another 30 hours at a cost of \$2,400. Robert Ferkel from Enterprise Computer Solutions has been working for the Village for quite some time and has unequalled knowledge of our servers and network. He has always done quality work at an affordable price. Wilson finds it in the best interest of the Village to renew this contract in the amount of \$2,400.

Motion by Oen, second by Mooney, that the Village of Beverly Hills Council award the purchase of a pre-paid service contract from Enterprise Computer Solutions, Inc. in the amount of \$2,400.00. Funds are available for this purchase in Account 100-900-976.00.

LaFerriere commented that he reviewed the list of work performed since March and suggested a review of all IT resources to determine whether new computers should be purchased in lieu of paying for repair services. Wilson responded that he met with Mr. Ferkel and other consultants regarding quotes for new accounting software, necessary servers, and other hardware upgrades that will be required. A proposal to Council will be forthcoming.

Mercer related that Briggs contacted him and said that he was pleased that Enterprise did not raise its fee for pre-paid services.

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

REVIEW AND CONSIDER LIABILITY AND PROPERTY INSURANCE RENEWAL

Wilson stated that Craig Manser, the Village's liability insurance representative from IBEX Insurance Agency was present this evening. The Village has received its annual liability insurance renewal policy from Michigan Municipal Risk Management and IBEX Insurance Agency. The policy runs from November 1, 2012 through November 1, 2013. The terms and coverage limits have not changed from previous years.

The Village will retain a self-insurance amount of \$75,000 per occurrence with a stop loss policy capping the Village's potential costs at \$103,000. The total liability premium is \$102,838, with

the stop loss coverage costing \$6,684. Wilson recommended that the stop loss coverage be continued at this time. IBEX is also recommending a contribution to the Self-Insurance Retention (SIR) of \$20,000 upon renewal of this policy. Wilson recommended making the contribution as recommended.

In addition, upon renewal of this policy the Village will be eligible for a dividend payment of \$49,026. Wilson also recommend that the entire dividend payment be applied to the SIR. As of September 30, the Village had a balance in the SIR of \$8,656. Last year the Village made an additional contribution to the SIR of \$50,000. Given our current SIR balance and the addition of \$69,026, Wilson did not recommend any further contribution at this time. The premium amount will be divided between General Administration, Public Safety and the Water and Sewer Fund.

Craig Manser addressed questions from Council and clarified items including the rationale for adding to the loss fund balance, distribution of MMRMA dividends, and the benefit of applying the dividend payment to the Self-Insurance Retention fund. He indicated that there were two other liability insurance carriers in the governmental market. Manser is only allowed to represent MMRMA by contract.

Wilson related that administration took a look at changing the policy last year in an attempt to lower the deductible by getting into a pool fund; it was not cost effective to do that. Wilson maintained that policy was a good deal for liability insurance with the stop loss coverage limiting our losses at a rate of \$6,700.

The fact that the Village was looking at this policy after the effective renewal date was a concern of Council. Manser responded that IBEX would bring the renewal policy to Council earlier in the future. In answer to an inquiry, Manser affirmed that it was his professional opinion that the proposed policy has all the coverage the Village should have at the recommended levels.

Motion by Mooney, second by Oen, that Council approve and authorize the Village Manager to sign the Michigan Municipal Risk Management Authority Liability and Property Insurance renewal effective November 1, 2012 through November 1, 2013 in the amount of \$129,522. Funds for these expenditures are available in accounts 101.248.910.00, 205.345.910.00, 205.346.910.00, 542.540.910.00.

Mercer asked Manager Wilson to ensure that Council reviews the liability insurance renewal policies in a more timely manner next year.

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

REVIEW AND CONSIDER FIDUCIARY LIABILITY INSURANCE POLICY

Before Council for consideration is the renewal of Fiduciary Liability Insurance Policy that covers the Retirement Board and their responsibilities as stewards of the Public Safety Pension Fund and the Retiree Health Care Fund. This is a renewal of the policy from last year with the Chubb Group Insurance Company. There is an increase from \$8,000 to \$8,800 this year. The premiums would continue to be paid from the Public Safety Pension Fund in the amount of

\$7,568 and from the Retiree Health Care Fund in the amount of \$1,232. Council is in receipt of a copy of the Proposal for their review. This policy has a \$1,000,000 coverage with a \$10,000 deductible (Standard Policy) and would cover the period of November 1, 2012 to November 1, 2013.

Craig Manser from IBEX Insurance Agency apologized that this policy did not come before Council sooner; it will be presented earlier next year. Manser stated that there are only three companies in the country that he knows of that will write fiduciary liability policies. Chubb is an A+ rated carrier. Last year, IBEX quoted a fiduciary policy with Travelers Insurance; their premium was in excess of Chubb's quote. Manser stated that lower premiums are not happening in this market now.

LaFerriere was troubled that Council was being presented with an insurance policy renewal late with no competitive bid process considering the 10% increase in premiums from the Chubb Group. Manser responded that IBEX typically goes out for bids every 2-3 years. Other Council members echoed the concern that renewal policies be quoted and come before Council for consideration in September or October next year.

Wilson remarked that professional services are exempt from the requirement to solicit quotes for purchases over \$1,000. He indicated that he will present the renewal policies to Council on a more timely basis. Given the need for the fiduciary liability for the Pension Board, Wilson would hate to let this policy lapse and subject the Village to a rate higher than this.

Kelly requested that the liability policies have a binder in place going forward in the event that there are issues with the renewal process. She reviewed last year's policy and noted that there was recourse against the trustees. Kelly asked Manser to obtain a deletion of recourse endorsement; Manser said that he would take care of this.

In response to an inquiry, Wilson and Mercer discussed the impetus for obtaining fiduciary liability insurance for the Retirement Board. Attorney Ryan stated that the Village Charter indicates that professional services are exempt from the competitive bidding process. He clarified that IBEX did competitively bid the policy last year, and two quotes were received. The Travelers quote last year was higher than the Chubb quote this year. A bid was not received from the other company that provides this insurance.

Motion by Oen, second by Mooney, that the Village Council approve the Fiduciary Liability Insurance Policy with the Chubb Group Insurance Company in the amount of \$8,800. Premiums will be paid from the Public Safety Retirement System in the amount of \$7,568 and the Retiree Health Care Fund in the amount of \$1,232.

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

ACCEPT JACQUELINE KELLY'S RESIGNATION FROM THE ZONING BOARD OF APPEALS AND MAKE FIRST ANNOUNCEMENT OF VACANCY

Newly elected Council member Jacqueline Kelly has submitted a letter of resignation from the Village Zoning Board of Appeals.

Motion by LaFerriere, second by Mooney, that Council accept the resignation of Jacqueline Kelly from the Zoning Board of Appeals.

Motion passed.

LaFerriere made the first announcement of a vacancy on the Zoning Board of Appeals due to Jacqueline Kelly's election to the Village Council. This term will expire on June 30, 2014. He also announced a vacancy for an alternate member on the Zoning Board, which has an expiration date of June 30, 2015. The deadline for receiving applications for these positions is Wednesday, December 12, 2012 at 4:30 p.m. A subcommittee of Council will meet on Tuesday, December 18, 2012 at 7:15 p.m. to review applications and recommend candidates for Council approval.

PUBLIC COMMENTS

Paul Kleppert of 20855 W. 14 Mile Road announced that he and Ron Berndt have established a Beverly Park Veterans Memorial Fund. Anyone who would like to donate to the fund to establish a monument in the park to be dedicated on Memorial Day 2013 can mail their tax deductible check or drop it off at Independent Bank of Beverly Hills at 32800 Southfield Road. All donations are appreciated.

Tony Lott of 19101 Riverside Drive thought that it was a great idea to raise funds for a Veterans Memorial by volunteering. He congratulated Councilperson Kelly on her election as well as the two incumbents. Lott thanked the Villagers who supported his campaign for Village Council. He talked about the need for trust and transparency on Council as well as prudent money management.

Lott had questions on an agenda item discussed at the November 5 Council meeting. An inquiry on the Public Safety Department's purchase of three new 2013 Chevrolet Tahoe police package SUVs was addressed briefly by Chief Torongeau. Lott noted that there was a closed session of Council on October 18, 2012 as requested by the Village Manager to discuss his performance evaluation. It was the consensus of Council that the manager did an outstanding job, and he was given a salary increase effective August 2013. Lott questioned why this meeting took place behind closed doors.

Mercer interjected that there had been discussion at previous meetings regarding the Tahoe purchase and the Council session to evaluate the Manager's performance. The Manager asked to have a closed door session, which is his right as a public employee according to the Open Meetings Act. Council discussed his accomplishments and his goals over the last year, and these items were made available for public review on the Village website. The manager's employment contract was extended by Council in open session – at the subsequent meeting.

REPORTS – MANAGER

Southfield Road Corridor Open House – The Planning Commission, along with LSL Planning, hosted an Open House on the Southfield Road Corridor Redevelopment on Wednesday, November 14th. Charlie Laurencelle was very generous to allow the use of the former Border's property to hold this event. Approximately 40 members of the public came to hear presentations on the work accomplished to date and view the various presentations that LSL had prepared. The Planning Commission received valuable feedback that they will evaluate and incorporate into their discussions as the study moves forward. The Planning Commission will hold their regular monthly meetings on November 28th and December 12th.

Union Election – The Village has received the results of an election for union representation by the Public Safety Officers Union. The Public Safety Officers union has chosen to be represented by the Police Officers Association of Michigan (POAM). Previously, this unit had been represented by the Michigan Association of Police (MAP). MAP continues to represent the Command Officers Union. Wilson will be making outreach to POAM to begin discussing the current PSO contract which expires on December 31st of this year.

Office Closed – Village Offices will be closed on Thursday, November 22nd and Friday November, 23rd in observance of Thanksgiving. Trash collection will not be interrupted during the week.

Trash Collection Schedule – The Village has been receiving complaints regarding trash being placed out to the curb earlier than allowed. Residents are reminded that trash is not to be placed to the curb before 5:00 pm prior to collection day, including on weekends. Please properly secure your trash so that it does not end up on the ground or in your neighbor's yard.

Veteran's Memorial – Wilson thanked Paul Kleppert and Ron Berndt for their efforts towards providing a needed memorial for Beverly Park. Thanks should also go to the manager of Independent Bank of Beverly Hills for her help in this endeavor.

Fire Apparatus Issues – Wilson related that Public Safety recently responded to a house fire that they were able to get under control in short order with limited loss of property. On the way back to the Department, the ladder truck experienced some issues. Wilson described the damage to the truck that resulted from age and use. The truck is no longer certified to be operational. In the interim, Franklin Fire Department is willing to assist Beverly Hills if the Village is in need of that type of apparatus. Mutual Aid agreements are in place.

The Department is in the process of obtaining opinions on the ability to repair the truck, availability of replacement parts, and cost estimates. Multiple options are being pursued at this time including the possible repair of the apparatus, grant opportunities for purchase of new or used equipment, and sharing services. The best financial decision for the Village will be made. Wilson remarked that Village building height restrictions may be increased upon adoption of a Southfield Road Corridor overly zoning district. Redevelopment is likely to require an appropriate ladder truck.

Torongeau commented on the truck situation and addressed questions from Council. He will have an updated report at the next Council meeting.

REPORTS – COUNCIL

Burry reported on the efforts of the Joint Senior Services Committee to develop focus groups with the assistance of the Detroit Executive Service Corps. He outlined the plan to solicit participants, compile results, and present a final report with recommendations to the communities. A presentation will be made to each governing body in the Spring.

Burry attended a Birmingham Youth Assistance Board meeting. The BYA in conjunction with the Community House will sponsor a Breakfast with Santa on Saturday, December 1 at 9 a.m. and 11:30 a.m. Burry encouraged people in the community to visit the BASCC (Birmingham Area Seniors Coordinating Committee) facility to discover the services that are provided to the communities.

LaFerriere thanked the voters of Beverly Hill for their support in his election to Council. He is happy to represent all of the residents for the next four years.

Oen stated that the Planning Commission will meet again on Wednesday, November 28. They continue to work on the Southfield Road corridor redevelopment plan. Oen was saddened to hear of the tragic loss of Bob Deneweth's son last week. He related that Walter Briggs' father suffered a massive stroke and is in the intensive care unit. Oen asked people to keep these people in their thoughts and prayers.

Mooney congratulated Jacqueline Kelly and Brian LaFerriere on their success in the recent election and looks forward to working with both of them. Mooney congratulated Tim Mercer on his election to the presidency and Walter Briggs on his election to the position of president pro-tem. Mooney expressed the view that the past election was a reaffirmation that the community wanted to go in the direction that the council has led over the past four to six years.

Mercer said that he has been in contact with President Pro-Tem Briggs over the last few days. He wanted to thank all the poll workers for a smooth election.

Mercer commented that it's not too early to start thinking about a date for a Council study session in the new year. He congratulated returning Council members John Mooney and Brian LaFerriere and welcomed Jacqueline Kelly. Council members wished everyone a Happy Thanksgiving.

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

Motion passed.

Tim Mercer
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary