

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

Absent: Kelly

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

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. The Pledge of Allegiance was recited by those in attendance.

#### **ADDITIONS TO AGENDA/APPROVE AGENDA**

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

Motion passed.

#### **COMMUNITY ANNOUNCEMENTS**

None

#### **CONSENT AGENDA**

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

- a. Consider approval of minutes of a regular Council meeting held December 3, 2013.
- b. Review and file bills recapped as of Monday, December 16, 2013.

Motion passed.

#### **BUSINESS AGENDA**

#### **PUBLIC HEARING TO RECEIVE COMMENTS ON PROGRAM YEAR 2014 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Council is required to hold a public hearing before it considers allocating Community Development Block Grant funds. Mercer opened the public hearing at 7:32 pm for comments on the Beverly Hills application for participation in the 2014 CDBG program.

Renee Cortright, Executive Director for the Birmingham Area Seniors Center, stated that the Birmingham Area Seniors Coordinating Council is a non-profit organization that has worked to identify and address the needs of seniors in the Birmingham Public School district since 1978. BASCC has administered the Village's CDBG program since 1992. The organization provides minor home repairs and yard services to income qualifying seniors who wish to remain independent Beverly Hills residents as long as possible. Cortright said that the seniors appreciate these programs and would like to see these services continue.

Diane Wilkins of 32321 Arlington strongly supported the BASCC programs that assist older citizens with their property and enable them to remain in the community.

No one else wished to be heard; therefore, the public hearing was closed at 7:37 pm.

**REVIEW AND CONSIDER PROGRAM YEAR 2014 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

Assistant Manager Ellen Marshall stated that Beverly Hills has participated in the federally funded Community Development Block Grant (CDBG) program for more than 25 years. The Village is currently in a three year contract (2012, 2013 and 2014) with Oakland County to participate in this program administered through Oakland County’s Community & Home Improvement Division. The estimated allocation for Program Year 2014 is \$15,964. Next year the program year will be changing to start on July 1, 2014 and run through June 30, 2015. The following is a breakdown of the proposed allocation:

Minor Home Repair \$5,000.00  
Removal of Architectural Barriers \$6,175.00  
Public Services – Yard Services 4,789.00

Motion by Burry, second by Oen, that the Village of Beverly Hills Council 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 December 17, 2013 for the purpose of receiving public comments regarding the proposed use of PY 2014 Community Development Block Grant (CDBG) funds in the approximate amount of \$15,964, 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.

<b>Account</b>	<b>Project Name</b>	<b>Amount</b>
172160-731227	Minor Home Repair	\$5,000.00
172170-731619	Removal of Architectural Barriers	6,175.00
172160-732170	Public Services – Yard Services	4,789.00

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.

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

**REVIEW AND CONSIDER RESOLUTION TO WAIVE RECAPTURE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FROM 2011 FOR MINOR HOME REPAIRS**

Before Council for consideration is a resolution to waive the recapture of Community Development Block Grant funds from Program Year 2011. Assistant Manager Marshall explained that the Oakland County Board of Commissioners has a policy allowing communities to protect funds from their two most recent program years to be compliant with federal mandates from the U.S. Department of Housing and Urban Development (HUD). All unobligated funds from Program Year 2011 are at risk of recapture as of December 31, 2013, which means they will be returned to the federal government if we do not seek a waiver.

The Village has \$4,294 left from the \$7,482 that was originally allocated for Minor Home Repair in PY 2011. The Birmingham Area Seniors Coordinating Council (BASCC) administered the minor home repair program for the community, but did not receive enough requests to expend all of the money that was allocated for the program. It is proposed that Council adopt a resolution to waive the recapture of that money. There is also \$112 remaining from the PY 2011 allocation for the Yard Services Program. These PY 2011 unobligated funds may be protected from recapture for one additional year as long as Beverly Hills provides Oakland County with a Corrective Action Plan and a Specific Project Implementation Plan. Council is in receipt of the Request to Waive Recapture Form.

Motion by Burry, second by Oen, to adopt the following Resolution:

**Resolution to Waive Recapture of Community Development Block Grant Funds**

Whereas, the U.S. Department of Housing and Urban Development (HUD) mandates that Community Development Block Grant (CDBG) balances not exceed 1.5 times the current program year allocation sixty (60) days prior to the end of the program year (February 28<sup>th</sup>); and

Whereas, the Oakland County Board of Commissioners adopted a policy allowing communities to protect funds from their two most recent program years to help comply with this regulation; and

Whereas, all unobligated 2011 and older funds are at risk of recapture December 31; and

Whereas, the Village of Beverly Hills may protect unobligated 2011 funds from recapture for one additional year by requesting a waiver; and

Whereas, a separate Waiver request form must be submitted for each line item to the Manager of the Oakland County Community & Home Improvement Division no later than December 31, 2013.

Now Therefore, Be It Resolved, that the Village of Beverly Hills hereby requests to waive recapture of 2011 CDBG funds as follows:

Account Number	Project Name	Amount
731227	Minor Home Repair	\$4,294

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

Motion by Burry, second by Oen, to adopt the following Resolution:

**Resolution to Waive Recapture of Community Development Block Grant Funds**

Whereas, the U.S. Department of Housing and Urban Development (HUD) mandates that Community Development Block Grant (CDBG) balances not exceed 1.5 times the current program year allocation sixty (60) days prior to the end of the program year (February 28<sup>th</sup>); and

Whereas, the Oakland County Board of Commissioners adopted a policy allowing communities to protect funds from their two most recent program years to help comply with this regulation; and

Whereas, all unobligated 2011 and older funds are at risk of recapture December 31; and

Whereas, the Village of Beverly Hills may protect unobligated 2011 funds from recapture for one additional year by requesting a waiver; and

Whereas, a separate Waiver request form must be submitted for each line item to the Manager of the Oakland County Community & Home Improvement Division no later than December 31, 2013.

Now Therefore, Be It Resolved, that the Village of Beverly Hills hereby requests to waive recapture of 2011 CDBG funds as follows:

Account Number	Project Name	Amount
732170	Yard Services	\$112

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

**SET PUBLIC HEARING DATE FOR JANUARY 7, 2014 TO CONSIDER REPROGRAMMING PROGRAM YEARS 2011, 2012 AND 2013 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

Council set a public hearing date for January 7, 2014 to consider reprogramming CDBG funds from Program Years 2011, 2012 and 2013. The goal of the Village is to reallocate enough money from those program years to replace the north doors on the Village Municipal Building. Hubbell, Roth & Clark recently completed an Accessibility Review of the Village Municipal Building; a number of areas were identified that do not comply with the Americans with Disabilities Act (ADA). Funds may be allocated under “Remove Architectural Barriers” to cover the cost of replacement through the CDBG program. A full description of the reprogramming will be included in the January 7, 2014 meeting packet.

**REVIEW AND CONSIDER RESOLUTION FOR MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM (MERS) APPLICATION FOR ADDITIONAL CREDIT SERVICE FOR CHRISTOPHER YANOSY**

Captain Chris Yanosy has inquired to MERS regarding the purchase of additional service credit. Capt. Yanosy is a vested member of the Public Safety Department with over 20 years of service. Five years is the maximum amount of service credit that can be purchased. Council is in receipt of the service credit purchase calculation produced by MERS. The purchase price of \$152,471 is the full responsibility of Capt. Yanosy.

Village Administration has reviewed this option with Capt. Yanosy and is confident that he is aware of the regulations and ramifications of this purchase. Manager Wilson recommended that Council approve the resolution approving the MERS Application for Additional Credited Service.

Motion by Oen, second by Mooney, that the Village of Beverly Hills Council resolve to approve the Application of Captain Chris Yanosy to purchase additional credited service as provided by the MERS Plan Document and to authorize Village Administration to sign the agreement on behalf of the Village.

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

**REVIEW AND CONSIDER PURCHASE OF POLICE TELEPHONE RECORDING SYSTEM**

The police telephone recording system is essential to recording all incoming and outgoing telephone calls as well as radio traffic. This standard has been used for many years to monitor all conversations for professional standards and for evidence. The Department's current police telephone recording system is out of warranty and not serviceable by the current manufacturer. The Public Safety Department has been looking into options for replacement of this system; three proposals were received.

Enterprise Computer Solutions, the Village's current computer service provider, submitted the lowest quote to provide two servers for the recording and storing of information at a one-time cost of \$6,999.00. The cost would cover five years.

Motion by Oen, second by Mooney, that the Village of Beverly Hills Council award the purchase of a telephone and radio recording system for the Department of Public Safety to Enterprise Computer Solutions in the amount of \$6,999.00 for five years of coverage. Funds are available in the Generator Replacement capital account.

Questions and comments from Council were addressed by Chief Torongeau and Manager Wilson.

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

**REVIEW AND CONSIDER FINAL PAYMENT TO LACARIA CONCRETE FOR 2008 CONCRETE REPLACEMENT PROGRAM**

Before Council for consideration is the final payment and contract close out for the 2008 Concrete Repair Program. Wilson outlined reasons for this project being open. The project was extended into 2009. There was a difference in quantities and amount owed to Lacaria Concrete that was not resolved until the summer of 2013. The Village closed out the contract with the same contractor for the 2011-2012 Concrete Repair Program and held funds on the 2008 Program until restoration and punch list issues were completed for the 2011-2012 Program.

The balance owed on this project is \$5,144.14, which will be charged to account #202-451-810.10. Public Services Director Meszler has recommended that Lacaria Concrete be paid the final amount of \$5,144.14 to close out this contract.

Motion by Mooney, second by Oen, that the Beverly Hills Village Council approve final payment and contract close out for the 2008 Concrete Repair Program in the amount of \$5,144.14 from account #202-451-810.10.

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

**PUBLIC COMMENTS**

None

**REPORTS – MANAGER**

**Holiday Office Closings** – The Village office will be closed on Tuesday, December 24 and Wednesday, December 25 for Christmas. Southfield Township offices will also be closed on Thursday, December 26. The Village office will be closed on Tuesday, December 31 and Wednesday, January 1 in observance of New Year’s Eve and Day.

**Public Service Projects** - Repair work on the storm sewer on Weston began this week. Because the road will need to be open cut, Weston will be closed for two or three days. The sewer rehabilitation projects on Riverside, Warwick and Locherbie have begun. This work should be completed by Christmas. A water main break occurred today on Inglewood between Mayfair and Beverly Roads. Water was shut off to about eleven homes along Inglewood to allow for that repair. Questions from Council on the water main break were addressed by Wilson.

**Eryty Dam** – Wilson prepared a report on the Eryty Dam. Village Administration has met with representatives from the Water Resources Commissioner’s office and the Department of Environmental Quality to discuss the future of the Eryty Dam and the pond at Riverside Park. The Village’s consulting engineering firm, Hubbell, Roth & Clark is working on an in-depth feasibility study that will explore this matter and the range of options available. HRC will report on costs, engineering, and disruption to the community. The Village will also have testing done on the sediment within Riverside Pond to determine if there is any level of contamination, which will play into the feasibility study. Upon completion of the document, Council will review the professional engineering study submitted by HRC and consider policy remedies at that time. Questions from Council were addressed by Wilson.

Mooney commented that SOCRRA is doing a great job at its Coolidge facility in terms of disposing of electronics and hazardous material. Mooney commended the DPW Department for doing an outstanding job of clearing the streets after the recent snow storm. He also commended the Public Safety Department on their widespread patrolling of the community.

### **REPORTS - COUNCIL**

Burry reaffirmed his support of allocating CDBG funds towards services for assisting seniors in the community.

Mooney commented that he was contacted by Clark Kingston from Troop 1024 regarding an Eagle Scout Project. He will have further discussions with this Scout regarding a project to rehabilitate the wood picnic tables in the park. This proposal could be an agenda item for an upcoming Parks and Recreation Board meeting. Mooney mentioned that former Troop 1024 scout, Eric Hausman, has been acknowledged in the Eccentric Newspaper for his involvement in the U of M Solar Car Project.

Briggs reported on Baldwin Library services and events. He informed people that there is a library e-reader app available for those who have electronic reading devices. On January 7, a federally trained Healthcare Marketplace Assister will be present at the Baldwin Library to help enroll people in the Marketplace Insurance Exchange. Registration is required. There will be a special program for students in the First Grade on January 11, at which time they will have an opportunity to receive their very own library card. First Graders will also receive a special gift from the Friends of the Library.

Briggs reported that the Birmingham City Commission voted to go forward with a ballot initiative to seek funding for additions and renovations to the Baldwin Public Library. He congratulated the Joint Building Committee for its work over the past year.

Mercer and others on Council commended members of the Administration, fellow Council members, Chief Torongeau, and Village employees for doing an outstanding job during the last year. Mercer commented that Beverly Hills is a great community; he encouraged people to give to others who need a helping hand.

Council members wished everyone Happy Holidays and a Happy New Year.

Motion by Mooney, second by Oen, to adjourn the meeting at 8:28 pm.

Motion passed.

**Tim Mercer**  
**Council President**

**Ellen E. Marshall**  
**Village Clerk**

**Susan Bernard**  
**Recording Secretary**