

Present: President Mooney; Members: Abboud, Delaney, Mueller and Oen

Absent: Peddie and Kelly

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

Council President Mooney 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. Those present recited the Pledge of Allegiance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

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

Motion passed.

SPECIAL ORDER OF BUSINESS

SWEAR IN NEW PUBLIC SAFETY OFFICER

Council President Mooney introduced Officer James Leedy from Clare, Michigan. Officer Leedy was a police officer with the Clare City Police Department, a Deputy Sheriff with the Clare County Sheriff's Department, and worked with the Mobile Medical Response as an emergency medical technician (EMT). Leedy is certified in Hazmat operations, ice rescue, tactical medic, firefighter, and safety and survival rapid intervention. Mooney welcomed James Leedy to the Beverly Hills Public Safety Department.

Clerk Ellen Marshall administered the oath of office to James Leedy, officially instating him as a Beverly Hills Public Safety Officer.

INTRODUCE NEWLY PROMOTED PUBLIC SAFETY SERGEANT CHAD TRUSSLER

Council President Mooney introduced the Village's new Public Safety Sergeant, Chad Trussler, who has worked to make this Village safe for 14 years. Sergeant Trussler has been designated as a field training officer; he served as the School Liaison Officer; and he has been in the detective division for over five years. In conjunction with his outstanding work ethic, Sgt. Trussler has a Bachelor of Science degree in Criminal Justice from Madonna University.

Sgt. Trussler thanked the Council, Village Manager, and Public Safety Administration particularly Director Torongeau for this privilege. Trussler asserted that he is only as good as the people who surround him. He recognized the supervisors and officers who helped him achieve his professional goals and acknowledged his family in the audience. Trussler believes that Beverly Hills has the finest public safety department in the State of Michigan. He will continue to do his best to assure that this tradition continues and grows into the future.

COMMUNITY ANNOUNCEMENTS

Tony Scooros of 16926 Beverly has learned that Beverly Road will be repaved. He described it as a unique road in the Village because it has a high volume of traffic for a 25 MPH residential street. Scooros said that it is not unusual to observe vehicles exceeding the speed limit on Beverly Road; residents are looking for relief from this dangerous situation. Scooros submitted a petition signed by people in the neighborhood requesting that Council take action to implement traffic calming measures. President Mooney responded that Administration will review this matter and respond to Mr. Scooros.

PUBLIC COMMENTS

Cole Buccafurri on Beverly Road affirmed that motorists exceed the speed limit regularly on Beverly Road and requested that action be taken by Council to make the road and the community safe. Mooney affirmed that the Village will take a good look at this.

PUBLIC HEARING TO REVIEW 2014 ASSESSMENT ROLLS FOR DUST CONTROL AND OTHER MISCELLANEOUS ASSESSMENTS

A public hearing is required to review and confirm unpaid assessments and billings that need to be added to the tax roll in the categories of dust control and other miscellaneous assessments. President Mooney opened the public hearing at 7:43 p.m. on the 2014 Assessment Rolls for dust control and other miscellaneous assessments. These are charges to residents for services that have already been incurred by the Village. There are 182 properties incurring special assessments in the amount of \$109,502.81.

No one wished to be heard; the public hearing was closed at 7:44 p.m.

CONSENT AGENDA

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

- a. Consider approval of minutes of a special Council meeting held April 14, 2015.
- b. Consider approval of minutes of a regular Council meeting held April 21, 2015.
- c. Review and file bills recapped as of Monday, May 4, 2015.
- d. Review and confirm 2014 Assessment Rolls for dust control and other miscellaneous assessments.

BUSINESS AGENDA

REVIEW AND CONSIDER RENEWAL OF COMCAST CABLE TELEVISION FRANCHISE AGREEMENT AND APPROVE EXECUTION OF SIDE AGREEMENT

Council liaison to the Birmingham Area Cable Board Jim Delaney referred to a letter dated April 29, 2015 from Cable Board Attorney Tim Currier regarding the Renewal of the Comcast Cable Television Franchise. Council is also in receipt of a copy of the proposed Franchise Agreement between Comcast and the Village of Beverly Hills, which will be in effect for a period of 10 years. Delaney introduced Attorney Tim Currier, who has represented Beverly Hills in the Franchise Renewal negotiations, and asked him to speak on this topic.

Attorney Tim Currier stated that the City of Birmingham was approached in February with a Uniform Franchise Agreement under State Law (Act 480). The franchises in the Birmingham

Cable Board consortium expire sequentially. The City of Birmingham franchise expired in March; the Beverly Hills franchise expires May 14, 2015. During franchise negotiations with Comcast, Currier dealt with Fred Eaton and Leslie Brogan. He set forth a requirement that the same offer that was negotiated and agreed upon by Birmingham would be offered to the other three communities of the Birmingham Area Cable Board. Comcast has honored that request.

Under Act 480, when the franchise expires, the 3% PEG fee would be reduced to not exceed 2%. The Cable Board wanted to preserve the 3% PEG fee if possible because it would impact the programming currently provided through the BACB and Bloomfield Community Television. Comcast was unwilling to continue with 3%. There were discussions about Comcast's institutional network (I-NET); courtesy cable accounts for the Village; and HD PEG programming.

Currier related that resolution was reached with Comcast to enter into a Uniform Video Service Local Franchise Agreement with a 5% franchise fee and a 2% PEG fee. In addition, Comcast would execute a side agreement that would provide for PEG funding supplemental fees over the next three years in addition to the 2% as follows:

4/27/15 - 4/26/16 = an additional .75% PEG fee
4/27/16 - 4/26/17 = an additional .50% PEG fee
4/27/17 - 4/26/18 = an additional .25% PEG fee
4/27/18 - 4/26/25 = no additional .00% PEG fee

Further, Comcast would provide reimbursement of legal fees associated with the consents to transfer for the four Birmingham Area Cable Board communities for an aggregate total of \$10,000 which would be paid to the Cable Board. In return, the Village would agree that it would discontinue use of the Comcast constructed I-NET. The Village would like HD PEG programming when the technology can be applied universally to all of the other cable providers or when the market demands it. There was agreement not to pursue additional courtesy cable drops for ten years. Currently, Comcast provides courtesy drops to the Public Safety Department and to all schools in the BACB jurisdiction. Currier acknowledged Comcast representative Fred Eaton in the audience.

Questions from Council were addressed by Currier. It was noted that Village Attorney Ryan has reviewed this Agreement.

Motion by Delaney, second by Oen, that the Village of Beverly Hills Council approves the Michigan Uniform Video Service Local Franchise Agreement with Comcast effective April 27, 2015 and approves the April 30, 2015 Letter of Agreement. The President and Clerk are hereby authorized to sign the same on behalf of the Village.

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

PUBLIC HEARING ON PROPOSED 2015/2016 BUDGETS FOR GENERAL FUND, MAJOR & LOCAL ROADS, WATER & SEWER OPERATING AND OTHER SPECIAL REVENUE FUNDS

President Mooney stated that the proposed 2015/2016 budgets for the Village General Fund, Major & Local Roads, Water & Sewer Operating Fund, and other Special Revenue Funds were reviewed at a Council meeting held on April 14, 2015. Mooney opened the public hearing on the 2015/2016 budgets at 7:54 pm. No one wished to be heard; therefore, the public hearing was closed at 7:55 pm.

REVIEW AND CONSIDER ADOPTION OF THE 2015/2016 FISCAL YEAR VILLAGE OF BEVERLY HILLS BUDGET

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

**RESOLUTION
TO ADOPT THE 2015/2016 FISCAL YEAR
VILLAGE OF BEVERLY HILLS BUDGET**

The Village Council of Beverly Hills conducted a public hearing on the proposed 2015/2016 Fiscal Year Budget on May 5, 2015 and public comments have been heard and considered, therefore, be it resolved that the 2015/2016 Fiscal Year Budget for the General Fund, Public Safety Fund, Library Fund, Major Road Fund, Local Streets Fund, Drug Law Enforcement, Retiree Health Care, Vacation Reserve, Sick Leave and Water and Sewer Operating Fund in the following amounts be hereby adopted:

FUND NAME	REVENUES	APPROPRIATIONS
General Fund	\$3,095,137.00	\$3,089,707.00
Public Safety Fund	\$5,367,291.00	\$5,258,933.00
Library Fund	\$472,187.00	\$472,187.00
Major Road Fund	\$448,987.00	\$590,375.00
Local Streets Fund	\$924,952.00	\$991,500.00
Drug Law Enforcement	\$2,025.00	\$2,025.00
Retiree Health Care	\$1,338,217.00	\$739,252.00
Vacation Reserve	\$24,750.00	\$24,750.00
Sick Leave Reserve	\$250.00	\$00.00
Water & Sewer Operating	\$5,031,225.00	\$4,997,346.00

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

REVIEW AND CONSIDER APPROPRIATING FUNDS FOR THE 2015/2016 FISCAL YEAR VILLAGE OF BEVERLY HILLS BUDGET

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

**RESOLUTION
TO APPROPRIATE FUNDS FOR THE 2015/2016
BEVERLY HILLS BUDGET**

The Village Council of Beverly Hills has adopted its annual budget for its fiscal year beginning July 1, 2015 in accordance with State law and the Village Charter, and

The Village Council is also required to adopt an appropriations act to provide the authority to incur obligations and expend public funds.

THEREFORE, BE IT RESOLVED, that the adopted budget for the fiscal year beginning July 1, 2015 and ending June 30, 2016 shall establish the approved appropriation levels for the said fiscal year.

BE IT FURTHER RESOLVED that the Village Council does hereby authorize the Village Manager to execute transfers between appropriations provided that each transfer be approved by the Village Council prior to its execution.

BE IT FURTHER RESOLVED that the Village Council retains authority to amend the Village budget and this appropriations act at such times when deviations from the projected revenues and authorized expenditure levels become necessary and the amount of the deviations becomes known.

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

REVIEW AND CONSIDER ADOPTION OF THE 2015/2016 VILLAGE OF BEVERLY HILLS MILLAGE RATE

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

**RESOLUTION
TO ADOPT THE 2015 VILLAGE OF BEVERLY HILLS BASE TAX RATE**

The Village Council on May 5, 2015 adopted the 2015/2016 Village Budget, and

The Village Council must adopt a millage rate to be spread on the Village tax roll for 2015, and

Public Act 5 of 1982 does not apply to levying for Debt Service, and

The proposed 12.4695 mils for operating purposes for the General Fund, Public Safety Fund and Library Fund do not exceed the 12.9184 mils maximum approved by the voters at the November 2, 2010 election.

THEREFORE, BE IT RESOLVED THAT the Village Council does hereby approve the total 2015 millage rate for the Village at 12.4695 mils and the 12.4695 millage rate is to be spread as follows:

General Fund	1.8100 mils
Public Safety Fund	9.75 mils
Library Fund	0.9095 mils
Total Millage Rate	12.4695 mils

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

REVIEW AND CONSIDER RESOLUTION TO ADOPT 2015/2016 CHARGE FOR SERVICES FOR RUBBISH COLLECTION AND DISPOSAL

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

**RESOLUTION
TO ADOPT THE 2015 VILLAGE OF BEVERLY HILLS CHARGES FOR SERVICES FOR RUBBISH COLLECTION AND DISPOSAL**

The Village Council of Beverly Hills has adopted its annual budget for its fiscal year beginning July 1, 2015 in accordance with State law and the Village Charter, and

The Village Council has adopted an appropriations act to provide the authority to incur obligations and expend public funds.

THEREFORE, BE IT RESOLVED, that the adopted budget for the fiscal year beginning July 1, 2015 and ending June 30, 2016 shall establish a Charge for Services for Rubbish Collection and Disposal for Residential Customers for the said fiscal year.

BE IT FURTHER RESOLVED that the Village Council does hereby authorize the Village Manager to authorize the Village Treasurer to add an annual charge in the amount of \$120 to each residential 2015 tax bill for Rubbish Collection and Disposal.

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

REVIEW AND CONSIDER RESOLUTION TO ADOPT 2015/2016 RATE SCHEDULE FOR WATER CONSUMPTION AND SEWAGE DISPOSAL

Motion by Oen, second by Abboud, to adopt a Resolution establishing 2015-2016 Water and Sewer Rates as set forth in a document available for public review at the Village offices and on the Village website. These water and sewer rates will be effective with all bills mailed after July 1, 2015.

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

PUBLIC COMMENTS

None

MANAGER’S REPORT

Wilson congratulated Officer Leedy and Sergeant Trussler on their appointment and promotion. He remarked that it was good to see a large number of public safety officers attend the ceremonies tonight, including retired officers.

Wilson announced that there will be road paving work beginning as early as next week on Beverly and Riverside; signage will be erected later this week. The Village will have additional money set aside for road repairs under this contract. Consideration will be given to repaving Fairfax from 13 Mile to Amherst. The County will begin work on the Lahser Road project soon. There may be intermittent road closures of Lahser between 14 Mile and Maple. The County is coordinating this work with schools in the area.

Delaney questioned whether there were complaints received regarding our trash hauler leaving trash cans in the street. The Village ordinance requires trash cans to be taken in by 7 a.m. the day following the pickup. Delaney suggested that people who consistently leave their trash receptacles at the street well beyond that period should first receive a reminder and then be issued a citation by the code enforcement officer.

COUNCIL COMMENTS

Abboud and Oen congratulated new PSO James Leedy and Sgt. Trussler on his promotion.

Abboud congratulated the Class of 2015 of Groves High School, noting that his daughter was selected to give the commencement speech. Abboud encouraged residents to attend Council meetings and to get to know their public safety officers. Abboud will be attending the SEMCOG General Assembly at the Detroit Zoo in June. He was invited through the Chamber of Commerce to attend Legislative Day in Lansing.

Mooney agreed with Sgt. Trussler’s comment this evening that there is no better public safety or police department in the State of Michigan than the Beverly Hills Public Safety Department. Police departments have come under some criticism in recent months. Mooney maintains that 99% or more police officers in this county do an outstanding job. The Beverly Hills public safety officers are concerned with the safety and welfare of this community, and they respect the civil rights of everyone. Mooney is proud of our Department’s actions, bravery and professionalism.

Motion by Oen, second by Abboud, to adjourn the meeting at 8:20 pm.

Motion passed.

John Mooney
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary