

Present: President Mooney; President Pro-Tem Peddie; Members: Abboud, Borgon, Delaney, and Oen

Absent: Mueller

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

Council President Mooney called the regular Council meeting to order at 7:30 p.m. in the Southfield Township municipal building at 18550 W. Thirteen Mile Road.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Borgon, second by Oen, to amend the Consent agenda to include Item 3: Set Public Hearing date of November 15, 2016 to receive comments on Program Year 2017 Community Development Block Grant application.

Motion passed.

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

Motion passed.

COMMUNITY ANNOUNCEMENTS

Doug Koschik, Baldwin Library Director, provided the annual update on the upcoming renovation project. The project is scheduled to begin on October 17, 2016 and will be completed in early May. The Library will be open during renovations; however, the Adult Services wing of the Library will be unavailable throughout the renovation. The renovation will bring improved acoustics, efficiency, infrastructure, circulation and wayfinding, access for families, increase study & collaboration spaces. It will respect integrity of 1980 Birkerts addition, honor and elevate the beautiful, historic 1927 building and bring in more light to create an inviting atmosphere.

Frank Pisano, Library Board member, thanked Beverly Hills for their partnership in the library renovations and looks forward to the ways the Village will benefit from these renovations. The Council expressed their appreciation for the library and support of the renovation project.

Sharon Tischler explained that absentee ballots are now available. If someone applied for one and hasn't received it they should contact the Township office. The Township Office will be open Saturday, November 5, 2016 from 8:30 am until 2:00 pm. Saturday is the last day to pick up an absentee ballot and take it home. An absentee ballot can be voted on Monday, November 7, 2016 until 4:00 pm in the Township Office. If you wish to write in a candidate you must write their name in the space provided and fill in the circle next to that name; for that vote to count the person must have filed a declaration of intent.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Kate Timlin, Buckingham, explained she was recently before the Zoning Board of Appeals (ZBA) petitioning for a five-foot fence. She explained they have two young boxers that can jump the current four-foot fence. Their street is close to Southfield putting the dogs at risk of causing or being in an accident. A resident on another street has already threatened police action after their dogs got out. The current cyclone fence was there when they bought the house and is in terrible condition. The fence they are proposing is a vast improvement. The ZBA did not approve her variance request, citing the problems they face as ones they created themselves. They love the community, and do not want to have to move, but they do not feel like they are being heard.

Mooney reassured her that this is an issue the Council is aware of, and in November the Council will look to set their agenda for the year and plan to give the fence ordinance consideration.

Dan Nunez announced his candidacy for Village Council. He is running for an unopposed seat. He invited the residents to email him the issues that matter to them and that they would like to see addressed by Council.

CONSENT AGENDA

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

1. Review and consider approval of minutes of a regular Council meeting held October 4, 2016.
2. Review and file bills recapped as of Monday, October 17, 2016.
3. Set Public Hearing date of November 15, 2016 to receive comments on Program Year 2017 Community Development Block Grant application.”

Motion passed.

BUSINESS AGENDA

REVIEW AND CONSIDER ANNUAL FUNDING REQUEST AND CONTRACT FROM NEXT FOR FY 2016/2017 IN THE AMOUNT OF \$35,483.00

Borgon explained Next works to identify and meet the needs of older adults by coordinating community resources to provide educational, recreational and social programs; supportive outreach services; and volunteer opportunities to seniors in the Village of Beverly Hills and the greater Birmingham School District community. The Village of Beverly Hills does not currently provide these services on its own. The Village Council approved funding in the FY 2016/17 Budget for contract community action programs. Thirty thousand four hundred and eighty three dollars (\$35,483) was allocated for Next. Next is requesting a contribution of \$35,483 to cover the funding of these important functions being provided to the community by the organization. A contract entailing the services was provided for Council consideration.

Motion by Borgon, second by Delaney, be it resolved that the Council for the Village of Beverly Hills approves the funding request from Next in the amount of \$35,483 for the provision of senior services, further that Administration is directed to sign the contract document providing for this continuing community service. Funds are available in account #101-747-891.

Roll Call Vote:
Motion passed (6-0)

REVIEW AND CONSIDER RESOLUTION APPROVING RENEWED VIDEO SERVICE LOCAL FRANCHISE AGREEMENT FOR AT&T MICHIGAN

Borgon explained the Village is in receipt of the Uniform Video Service Local Franchise Agreement with AT&T Michigan. This agreement has been reviewed by the Birmingham Area Cable Board, Cable Board Attorney, Timothy Currier and Village Attorney, Tom Ryan. This is a 10-year contract, and once signed will be uniform PEG and franchise fees with AT&T.

Motion by Borgon, second by Delaney,

WHEREAS, effective January 1, 2007, the Uniform Video Service Local Franchise Act, Act No. 480 of the Public Acts of 2006 (“Act”) went into effect; and,

WHEREAS, Section 3 of the Act requires a Video Service Provider (Provider) to submit a complete Franchise Agreement with the local unit of government, prior to offering video services within the boundaries of a local unit of government (Franchising Entity); and,

WHEREAS, Section 3(2) of the Act requires a Franchising Entity to notify the Provider as to whether the submitted Franchise Agreement is complete as required by the Act within 15 business days after the date that the Franchise Agreement was filed. If the Agreement is not complete, the Franchising Entity shall state in its notice the reasons the Franchise Agreement is incomplete; and,

WHEREAS, Section 2 of the Act sets forth all of the provisions and information that a Provider must submit to a Franchising Entity in order to deem the Provider’s proposed Franchise Agreement “complete”.

WHEREAS, on August 31, 2016, AT&T filed its Uniform Video Service Local Franchise Agreement (Agreement) with the Village of Beverly Hills (Franchise Entity); and,

WHEREAS, the Agreement submitted by AT&T satisfies the requirements of the Act, and the Agreement meets the technical requirements of the Act, and, therefore, the Village undertakes to adopt this Resolution approving the Agreement, as required by the Act; and,

WHEREAS, Notice of Completeness of the Agreement was provided by the Village of Beverly Hills to AT&T on September 2, 2016, the 2nd business day after receiving the above referenced Agreement and Attachment, in compliance with Section 3(2) of the Act; and,

WHEREAS, Section 6 of the Act (MCL 484.3306) requires video service providers to pay to the franchising entity a fee as support for public, education, and government access facilities an annual fee equal to the fee paid to the franchising entity by the incumbent video provider.

NOW, THEREFORE, BE IT RESOLVED, that the Village finds that the Agreement meets the technical requirements of the Act, and solely for that reason, the Village hereby approves the

Agreement with AT&T on the 2nd day after receiving the above referenced Agreement and Attachment, in compliance with Section 3(3) of the Act.

BE IT FURTHER RESOLVED, AT&T agrees to pay PEG fees as follows:

2.5% from the effective date to April 30, 2017;
2.25% from May 1, 2017 – April 30, 2018; and,
2% from May 1, 2018 to the termination of the Agreement

BE IT FURTHER RESOLVED, such approval by the Village is given only because it is required by the Act, and is not an indication of the Village's Agreement with or assent to any provisions of the Act or Agreement.

BE IT FURTHER RESOLVED, that by approving the Agreement, the Village shall not be found to have waived its rights to challenge any provisions of the Act and/or any related provisions of the Agreement on the basis that such provisions are invalid and unenforceable as violations of law, including on the grounds of unconstitutional impairment of contractual rights, and further reserves any and all rights stemming from any successful challenge to such provisions undertaken by any other local franchising entity.

Roll Call Vote:

Ayes –Borgon, Delaney, Mooney, Oen, Peddie, and Abboud

Nays – None

Absent - Mueller

Motion passed (6-0)

PUBLIC COMMENTS

None.

MANAGER'S REPORT

Wilson reported Village Staff will be moving into the renovated office space on October 19, 2016. It will be necessary to close the office that day while all phone and data lines and equipment are moved into the new office space. Building permits will not be issued on this day. Residents will be able to drop off water bill payments in the drop box. Village Administration is working the scheduling of this phase of the project around the election. The Council Chambers will be used on election day for counting absentee ballots.

Village Administration met with representatives of Michigan Municipal Risk Management Authority (MMRMA) for the annual renewal of the liability insurance policy. Renewal of this policy will be on the agenda for Council's review and consideration at the first regular meeting in November. Village Administration will be meeting with the auditors from Plante Moran next week to review the audit results for the 2015-16 fiscal year. The annual presentation of the audit to the Council and public is scheduled for Tuesday, November 15, 2016.

Wilson presented information that was provided at the last SOCWA meeting regarding summer water sales. Water sales across all communities was up significantly in 2016 over 2015. In the

Village, water sales for June, July and August were up 41.6%. 2013, 2014 and 2015 were not good years for water sales. Temperatures were relatively low and there was a lot of summer rain during these years. 2016 was a more typical summer season with higher temps and significant periods of dry weather. The last similar season was 2012. When you compare 2016 sales with 2012 sales there is also a clear pattern. Water sales in all communities were down in 2016 as compared with 2012. Overall sales were down over 9%. In the Village, sales in 2016 were down 16.6% from 2012. These figures support the theory that while overall sales volumes fluctuate from year to year, the overall trend for water usage is a negative one.

COUNCIL COMMENTS

Borgon reported that Next is moving forward with their strategic plan. The Cable Board will meet October 19, 2016.

Abboud reported that Detroit Country Day is moving forward with their plan for the middle school renovation. Beverly Hills Club is renovating their building face and parking lot lights. He thanked Chairperson Michelle Tilman and the Zoning Board for all their hard work. He attended a SEMCOG general meeting. The topic was Marketing Successful Communities; the difference between branding and marketing.

Delaney reminded residents to drive carefully due to the deer population in Beverly Hills.

Mooney reminded residents to come out for the Halloween Hoot on Sunday, October 23, 2016. There will be pumpkin carving starting at 12:00 pm and trick-or-treating begins at 6:00 pm.

Mooney thanked the Council and administration for their tireless work making the Village of Beverly Hills a wonderful place to live.

Motion by Oen, second by Abboud, to adjourn the meeting at 8:48 pm.

Motion passed.

John Mooney
Council President

Ellen Marshall
Village Clerk

Elizabeth Lyons
Recording Secretary