

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

Absent: None

Also Present: Manager, Wilson  
Village Attorney, Ryan  
Public Safety Director, Torongeau

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

#### **AMENDMENTS TO AGENDA/APPROVE AGENDA**

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

Motion passed.

#### **SPECIAL ORDER OF BUSINESS**

Mooney recognized Pat Greening for her 22 years of service to the Parks and Recreation Board. Mrs. Greening has assisted for over 30 years on various committees related to the Memorial Day Parade and Carnival. She developed the idea for the Halloween Hoot, and helped grow it to the major Village event that it is today. Mrs. Greening was unable to attend the Council meeting and Mooney accepted the plaque on her behalf.

#### **COMMUNITY ANNOUNCEMENTS**

Sharon Tischler, Township Clerk, reminded residents that there is an election on August 2, 2016. Absentee ballots can be picked up at the Township Hall. Tischler announced that applications for Council positions are due by July 26, 2016 at 4pm. Applications and further information are available in the office or online.

#### **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

Resident Mara Kitowski, 18240 Devonshire, expressed concern about the Village's decision regarding the removal of trees. There was a very large, very old oak tree removed from her street on July 19 and when she spoke to administration she was told the tree was removed for liability reasons. She wished to have clarity on how the Village determines what trees should be removed because it was disheartening to see a tree so large and old removed from her street. She feels that the large old trees bring character to the neighborhoods and she hates to see them removed.

Wilson explained that this tree was evaluated and removed due to a resident concern for safety. The Village has a process for tree evaluation prior to removal that includes an evaluation by an arborist. Removing trees is not a decision that the Village takes lightly, and when at all possible they seek alternatives like removing sections or thinning out. Unfortunately for the tree on Devonshire, there was no other option than removal, due to the health of the tree.

**CONSENT AGENDA**

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

1. Review and consider approval of minutes of a regular Council meeting held July 7, 2016.
2. Review and file bills recapped as of Monday, July 11, 2016.
3. Review and consider application for SMART Fiscal Year 2017 Municipal and Community Credit Agreement.

Motion passed.

**BUSINESS AGENDA**

**REVIEW AND CONSIDER ANNUAL FUNDING REQUEST AND CONTRACT FROM BIRMINGHAM BLOOMFIELD COMMUNITY COALITION FOR FY 2016/17 IN THE AMOUNT OF \$1,800.00**

Mueller explained that since 1995, the Birmingham Bloomfield Community Coalition (BBCC) provides services to reduce substance abuse by youth within the Village of Beverly Hills and the greater Birmingham Bloomfield community. These services center on reducing the access and use of tobacco, alcohol, marijuana and other dangerous drugs by teens. BBCC acts in similar fashion to a “community services” function, a service the Village of Beverly Hills does not currently staff on its own.

Mueller stated the Village Council approved funding in the FY 2016/17 budget for contract community action programs. One thousand two hundred dollars (\$1,200) was allocated for BBCC. BBCC is requesting a contribution of \$1,800 to cover the funding of these important functions being provided to the community by the organization. A contract entailing the services provided is attached for Council consideration. The BBCC receives two federal grants that are expiring this fall, warranting the increase in funding request.

Motion by Mueller, second by Peddie, be it resolved that the Council for the Village of Beverly Hills approves the funding request of Birmingham Bloomfield Community Coalition in the amount of \$1,800 for the provision of substance abuse prevention services; further that Administration is directed to sign the contract document providing for this continuing community service. The funds for this expense are available in Account #101-747-890.03 Community Action: Contracted.

Roll Call Vote:

Motion passed (7 – 0).

**REVIEW AND CONSIDER UTILITY SERVICE PARTNERS, INC. SERVICE LINE WARRANTY PROGRAM**

Mooney explained that Council has previously heard a presentation from Mike Chambers, a representative of Service Line Warranties of America, a partner of the National League of Cities (NLC). This program offers warranties to homeowners for the water and sewer service lines. These lines are generally not covered under a standard homeowner’s insurance policy and repairs when these lines fail can be quite expensive. Mooney further explained that Council supports this due to the aging water and sewer service lines in the Village. Although the Village works to

maintain the health of the infrastructure, they do not have the authority to service water and sewer lines on residential or commercial property.

Wilson explained the NLC Service Line Warranty program will offer warranties for water service lines to Village homeowners for a price of \$5.75 per month (\$64.00 annually). Warranties for sewer lines will be offered at \$7.75 per month (\$88.00 annually). They are also now offering a new program for in-home plumbing warranties for \$6.99 per month (\$78.99 annually). These costs are standard for all residents throughout the Village regardless of the length or size of the service line or the age of the home. Prices are subject to an annual review after the first year. Repairs covered include breaks, leaks, and blockages.

Wilson reiterated that this is a voluntary purchase and there are other companies that provide similar warranty programs. Warranty programs from other companies will remain valid and homeowners may choose to purchase these policies in the future if that is their choice. Currently, the Cities of Royal Oak, Huntington Woods, Clawson, Pleasant Ridge and Berkley have agreements with SLWA and have many customers in their communities. Wilson shared that he has spoken with the Managers or Public Works Directors in all these communities about their opinion of the program, and the response has been positive from all.

Wilson explained Service Line Warranties of America (SLWA) does require a municipality to sign a marketing agreement to participate in the program. Through this agreement, Service Line Warranties of America will handle all the marketing to Village residents. Village Attorney Ryan has also reviewed this agreement.

Mooney explained that this agreement means that the Council is allowing for solicitation of the residents by this company, but participation in the program is completely voluntary. They are requesting the use of the Village logo.

Peddie mentioned that the policy does max out at \$4,500 for each incident, and that this is a great program to enroll in.

Mueller expressed support for the program. Because the Village is allowing the use of the logo to be used in marketing, this is a form of endorsement. Upon reviewing the pricing and response nationally to the service of the company, he found only 43 complaints nationally over the last three years, and all complaints were resolved with complete satisfaction. Mueller stated he recommends that administration and communications subcommittee take an active role in the creation and review of all marketing materials and letters sent out. He suggested that the Village issue a letter clarifying that this is an endorsed solicitation and not a service provided by the Village, and have copies of that letter available in the Village office and sent in the Village email.

Oen agrees with Mueller and wants to be sure that it is clear to residents that this is not insurance sold by the Village or serviced by the Village.

Borgon asked Ryan for clarity on whether this is an exclusive or non-exclusive agreement.

Ryan clarified that it needs to be a non-exclusive agreement, the Village cannot grant exclusive rights.

Resident Sharon Tischler asked why the program needs Council endorsement. Mooney explained that an endorsement from the Village Council helps promote sales for the company. Ryan explained that this is the business model that this company follows, authority from the Village is a marketing technique.

Mooney stated SLWA will provide a payment of \$0.50 per month to the Village for each policy sold, and this money will go into the Water and Sewer or Infrastructure Fund. They will also coordinate the use of any contractors for work in the Village with Village Administration.

Delaney requested clarification on the terms of the agreement. Ryan clarified the terms of the agreement.

Motion by Oen, second by Peddie, be it resolved that the Village Council authorizes the Village Manager to sign the Marketing License Agreement Between the Village of Beverly Hills, Michigan and Utility Service Partners Private Label, Inc. d/b/a/ Service Line Warranties of America, after striking the line under Agreement, 2. Grant of License; “Village agrees it will not extend a similar license to any competitor of SLWA during the term of this agreement”. Further all marketing materials must be viewed and approved by the Marketing Sub-committee before distribution.

Roll Call Vote:  
Motion passed (7 – 0).

**REVIEW AND CONSIDER ADOPTING SECOND RESOLUTION TO ESTABLISH BALLOT LANGUAGE FOR NOVEMBER 2016 ELECTION REQUESTING A CHARTER AMENDMENT REGARDING PURCHASE SPENDING LIMIT**

Delaney explained that at a previous Council meeting during a review of the Village Charter, the Council discussed an amendment to Section 12.1. Section 12.1 currently reads, “The Council may authorize a Purchasing Officer to make purchases and sales in amounts not in excess of One Thousand dollars (\$1,000.00), without prior approval of the Council.” This language has been in effect since 1958, however, the value of a dollar has changed since then. The proposed ballot language is to increase that amount to five thousand dollars (\$5,000.00).

Delaney suggested, for consistency of language, the addition of a comma after Council in the QUESTION; “...prior approval of Council,” and the addition of the word “in” in the same sentence; “...the Council, and IN all...”

Motion by Delaney, second by Oen, that the following Charter Amendment be voted upon by the qualified electors of the Village of Beverly Hills at the regular Village Election to be held on Tuesday, November 8, 2016, with the addition of the comma and word “in” to-wit:

1. Shall Section 12.1 of the Charter of the Village of Beverly Hills be amended to read as follows:

**PURCHASE AND SALE OF PROPERTY**

Section 12.1. The Council may authorize a Purchasing Officer to make purchases and sales in amounts not in excess of Five Thousand Dollars (\$5,000.00), without prior approval of the Council. In all sales and purchases in excess of Five Thousand Dollars, the sale or purchase shall be first approved by the Council, and formal sealed bids shall be called for.

All other sections remain the same.

Roll Call Vote:

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

Nays - None

Motion passed (7-0)

**REVIEW AND CONSIDER LOCATION FOR TUESDAY, AUGUST 2, 2016 COUNCIL MEETING**

Mooney explained that the Township will be conducting election business on Tuesday, August 2, 2016, and the room currently being used for Council meetings will be unavailable. It is suggested that the Council meet in Beverly Park, where the meeting will be recorded and broadcast later. Mooney gave allowance for casual attire at this meeting only.

Motion by Oen, second by Peddie, to hold the August 2, 2016 Council meeting at Beverly Park in casual attire.

Motion carries.

**REVIEW AND CONSIDER CHANGE ORDER #1 FOR VILLAGE HALL AND OFFICE RENOVATION TEMPORARY ELECTRICAL, WINDOWS AND CONCRETE**

Abboud explained this change order covers work that was performed to establish temporary power in the Council Chamber to allow Village staff to operate out of this space during the renovation. This change order also includes the replacement of all windows in the building at a cost of \$31,696.88. An additional section of new sidewalk was also included at a price of \$763.13.

Abboud stated the replacement of windows was discussed and reviewed by the Village prior to bidding the project. Window replacement was not included as it was estimated to cost between \$70,000 and \$80,000. As the construction project began, the contractor provided the price of \$31,696.88 for the replacement of all existing windows. The new windows are thermally broken and will be much more energy efficient than the current windows. The Village anticipated replacing the existing windows at a future date. However, given these prices it is the opinion of Village Administration that it is in the best interest of the Village to move forward with window replacement at this time. Approval of this Change Order would increase the project cost from the base bid of \$605,900.00 to \$640,981.76.

Motion by Abboud, second by Oen, be it resolved that the Village Council approve and authorize the Village Manager to sign Change Order # 1 for the total cost of \$35,081.76 for the 2016 Village Hall and Office Renovation. Funds for this project are available in fund 401-905-982.00.

Roll Call Vote:

Motion passed (7-0)

**REVIEW AND CONSIDER CHANGE ORDER #2 FOR VILLAGE HALL AND OFFICE RENOVATION NEW ROOFTOP UNITS AND DOOR HARDWARE**

Abboud explained Change Order #2; the most significant portion of this change order involves the installation of two (2) new rooftop units that were not part of the original design and bid. The plan as bid by the contractor called for the removal of one of three (3) existing furnaces in the mechanical room, maintaining two existing furnaces, reversal of existing furnace flow from the floor to the ceiling and installation of one new rooftop unit. Upon the commencing of the project, and after review by our HVAC contractor, it was recommended to remove the two furnaces that were to remain and to go with all rooftop units. It was the desire of Village Administration to maintain two of the furnaces as they were only 10 years old. Eventually, however, these furnaces were going to need replacement and rooftop units would have been installed then. With the changes that were going to be required to the ductwork the Village was advised that it would be preferable to make the change today to new, more efficient rooftop units rather than have to go through substantial renovations to the building again in 10 years or less. The two proposed rooftop units have been designed to be properly zoned with the new layout of the offices. The price for Change Order #2 is combined with the original base bid (\$605,900.00) and Change Order #1 (\$35,081.76) the new contract price inclusive of this work would be \$697,032.26.

Motion by Abboud, second by Oen, be it resolved that the Village Council authorize the Village Manager to sign Change Order #2 for the total cost of \$56,050.50 for the Village of Beverly Hills Village Hall Office Renovation. Funds for this project are available in fund 401-905-982.00.

Roll Call Vote:

Motion passed (7-0)

**REVIEW AND CONSIDER CHANGE ORDER #3 FOR VILLAGE HALL AND OFFICE RENOVATION HANDRAIL, LIGHTS, DOOR, FRAME, HARDWARE, CABINETS, LIGHTING, POWER, AND DATA**

Abboud reviewed Change Order #3. This change order contains modifications including the installation of an exterior handrail, additional circuits for electrical outlets and data receptacles and minor modifications to doors, windows and cabinets. Almost \$10,000 of this cost is for electrical upgrades.

Approval of Change Order #3, assuming approval of Change Order #1 (\$31,696.88) and Change Order #2 (\$56,050.50) would increase the total project amount from the base bid of \$605,900.00 to \$713,117.56.

Sharon Tischler asked how much the change orders are adding to the original cost. Oen explained that it added a little over \$100,000.

Motion by Abboud, second by Oen, be it resolved that the Village Council authorizes the Village Manager to sign Change Order #3 for \$16,085.30 for the Village of Beverly Hills Office Renovation. Funds for this project are available in Fund 401-905-982.00.

Roll Call Vote:  
Motion passed (7-0)

**REVIEW AND CONSIDER APPROVAL OF LOCAL ROAD FUNDING APPLICATION TO OAKLAND COUNTY BOARD OF COMMISSIONERS**

Wilson explained Oakland County has established a new program by which they are providing matching funds to local communities for local road improvements. For the first year, the Village of Beverly Hills is eligible for \$21,398 in funding. A 50% local match of \$10,699 is required. Public Services Director Meszler has prepared an application requesting funding for an anticipated 2017 project with the City of Southfield on Evergreen Road. The Village's projected portion of this project at this time is estimated at \$644,359.45. It is the intent of the Village to use our portion of the funding from Oakland County on the Evergreen Rd. project.

Motion by Peddie, second by Delaney, be it resolved the Village Council authorizes the Village Manager to sign the 2016 Local Road Improvement Matching Fund Pilot Program Application. Funds for the Village's required match are available in the Village's FY 2017-18 budget in fund 203-451.810.02.

Roll Call Vote:  
Motion passed (7 - 0)

**SECOND ANNOUNCEMENT OF TWO VACANCIES FOR ALTERNATE MEMBERS ON THE ZONING BOARD OF APPEALS**

Abboud explained that due to Ashley Lepidi's appointment as a full member to the ZBA and Ben Wilensky's appointment to the Planning Commission, two vacancies for alternate members exist on the Zoning Board of Appeals. Tonight is the second announcement of these vacancies and both terms have an expiration date of June 30, 2018. The application deadline is Wednesday, July 27, 2016 at 4:30 p.m. The subcommittee will meet Tuesday, August 2, 2016 at 7:15 p.m.

**SECOND ANNOUNCEMENT OF TWO VACANCIES ON THE BIRMINGHAM AREA CABLE BOARD**

Borgon stated that two vacancies exist on the Birmingham Area Cable Board with terms expiring June 30, 2019. These vacancies have been announced previously at Village Council meetings. The application deadline is Wednesday, July 27, 2016 at 4:30 p.m. The subcommittee will meet Tuesday, August 2, 2016 at 7:00 p.m.

**PUBLIC COMMENTS**

Sharon Tischler, inquired why the new sign being installed in front of the Village Hall was placed in the right-of-way; she expressed concern about obstructed views for drivers at the Chelton stop sign.

Wilson explained that the sign is not in the right-of-way, it is located on Village property and meets all appropriate clear vision standards.

**MANAGER’S REPORT**

Wilson explained that Administration remains in discussion with SAFEbuilt regarding the provision of building department services for the Village and Southfield Township. The Village has been providing SAFEbuilt with data regarding work volume and processes to allow them to develop a proposal that is appropriate for the Village. Village Administration will also be working with Royal Oak and BS&A on the transition of permit data and handling of open permits.

Wilson announced that on Friday, July 22, 2016, the Village offices will be closing at noon due to construction work on the Village Hall. The removal of the tile in the lobby area will be done on that day. Based upon our experience with the previous removal of tile it will not be safe to have employees or the public in this area while this is occurring. Over the weekend, repairs to the areas of the concrete floor damaged during tile removal will be done so that the Village can return to normal operations the following Monday. Water bills that are due on July 22, 2016, will be accepted until Monday, July 25, 2016 without penalty.

Wilson reported that the 2016 asphalt paving program was scheduled to begin on Monday, July 18, 2016. The paving contractor, Pavex, and HRC will be notifying residents in impacted areas prior to the start of construction. The following roads will be paved during this program:

- Evergreen between Thirteen Mile & Beverly
- Bellvine Trail between Smallwood & Corsaut Lane
- Weston between Beverly & Riverside
- Dunblaine between Sheridan & Madison
- Dunblaine between Southfield & Pierce
- Eastlady between 14 Mile and Smallwood

**COUNCIL COMMENTS**

Borgon attended the Next board meeting and they have finalized their FY 2016-17 budget. He announced the Cable Board will meet July 20, 2016 for their regular meeting.

Mueller announced that the Parks & Recreation meeting for July has been canceled.

Abboud said that the Planning Commission will be discussing the Southfield Corridor Plan, a tree ordinance, construction fences and front yard setbacks at their July meeting. The Zoning Board meeting for July was canceled. He thanked Public Safety for all that they do for the community.

Delaney stated that there were a number of items in the Public Safety report that deserve congratulations passed along to the Public Safety team. He encouraged residents to vote on August



2, 2016. He shared his endorsement for Beverly Hills resident and nominee for District Court Judge Cynthia Arvant.

Oen expressed his support of Delaney's praise of the Public Safety Department. He also echoed an endorsement of Judge Cynthia Arvant for District Court.

Mooney expressed his condolences to the family of former Village Council President Andrew Wong who passed away on June 19, 2016. He echoed other Council members support of Judge Cynthia Arvant for District Court. He congratulated two swimmers from Groves High School, Annie Lazor and Scott Crosthwaite who attended the Olympic Trials. He expressed his belief that attacks on police officers is an attack on society, and attacks by police officers on citizens is abhorrent. He expressed his pride in the level of service the Village Public Safety Department provides and the level of integrity they act with respect to everyone they encounter. This is a reflection of the training they have received and the leadership they are given. He made clear that attacks on officers will not be tolerated and asked that the Chief express to the officers that they have the full support of Council.

Motion by Oen, second by Delaney, to adjourn the meeting at 9:24 pm.

Motion passed.

**John Mooney**  
**Council President**

**Ellen Marshall**  
**Village Clerk**

**Elizabeth Lyons**  
**Recording Secretary**