

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

Absent: Briggs and LaFerriere

Also Present: Manager, Wilson  
Assistant Manager/Clerk, Marshall  
Public Safety Director, Torongeau  
Finance Director, Wiszowaty  
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.

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

##### **ACCEPT BRIAN LAFERRIERE'S RESIGNATION**

Council is in receipt of a letter dated September 25, 2014 from Brian T. LaFerriere in which he resigned his position as Village Council member for the reason that he no longer resides in Beverly Hills.

Motion by Mooney, second by Oen, to accept with deep regret the resignation of Brian T. LaFerriere from his position on the Beverly Hills Village Council.

Members thanked Brian LaFerriere for his service and contributions to the Village during his tenure on Council. Some of his contributions include oversight of Village finances in conjunction with Finance Director Wiszowaty and Manager Wilson as well as bringing insight into problems faced by the Village. Mr. LaFerriere's input will be missed. Mercer presented an engraved plaque to Brian LaFerriere in appreciation of his dedicated service as a Beverly Hills Council member for nearly four years. Council members wished him well.

LaFerriere stated that he regrets that he cannot serve on the Council until the end of his elected term, but he and his wife have moved their residence to Royal Oak. LaFerriere said that it has been a privilege and an honor to represent the citizens of Beverly Hills on this Council. He noted the importance of citizens serving on the Council and making decisions that effect all aspects of life in the community for decades to come. He thanked all of the members present for the work they put forth to make this Council as good as it has been. He thanked the Village's management team, Public Safety Officers, and every Village employee who makes this community a great place in which to live. Brian LaFerriere was applauded by those in attendance.

Motion passed.

### **SWEAR IN NEW PUBLIC SAFETY OFFICER**

President Mercer welcomed Officer Jon-Paul Kraft-Goltz as a new member of the Public Safety Department. He noted that funds have been budgeted to return the Public Safety Department to its full strength. Officer Kraft-Goltz is from Detroit. Mercer outlined his education, his law enforcement and fire training, and his work experience. Kraft-Goltz is currently pursuing a bachelor's degree in criminal justice from Colorado Technical University.

Clerk Ellen Marshall administered the oath of office to Jon-Paul Kraft-Goltz, officially instating him as a Beverly Hills Public Safety Officer. He was welcomed and applauded by those present.

### **2014 OFFICER OF THE YEAR**

President Mercer approached the podium with Public Safety Director Torongeau to announce the Officer of the Year for 2014. The Village has a public safety department that is second to none; Mercer thanked all of the officers for their dedication to this community. Mercer stated that he was honored to bestow this award on behalf of the Village Council to an individual who has earned and deserves this honor. He presented the Officer of the Year award to PSO Tom Danielson.

Officer Danielson stepped to the podium where Chief Torongeau presented him with an etched glass trophy symbolizing the mountain he had to climb to recover from serious injuries received in the line of duty in October of 2012. Chief Torongeau said that it is our duty to recognize the people who protect the citizens every day. Tom Danielson is an amazing individual and deserving of this award.

Tom Danielson's mother and father, his wife Janessa and his two daughters were present this evening. Many Beverly Hills public safety officers and command staff were present in the audience. Council members presented Officer Danielson with proclamations and special tributes from area politicians who wanted to recognize his service including State Representative Rudy Hobbs, State Senator Vincent Gregory, and Oakland County Commissioner Bill Dwyer. Judge William Richards from the 46<sup>th</sup> District Court was present in the audience to honor Tom Danielson.

Mercer further pronounced that the Department of Public Safety has honored PSO Tom Danielson with the Public Safety Heart Award. On October 4, 2012, while attempting to apply stop sticks in an effort to arrest an armed and fleeing felon, PSO Danielson's vehicle was struck by the suspect's car seriously injuring the officer. Officer Danielson willfully put himself in harm's way to protect the citizens of Beverly Hills. He is now back on the force, and we honor his service. Officer Danielson was applauded by those present. Tom Danielson said that he appreciated the recognition, adding that there are many fine officers in the Department.

### **COMMUNITY ANNOUNCEMENTS**

Jeremy Moss, Councilman from the City of Southfield, thanked Council members and residents of the community for his success in the primary election whereby he became the candidate for State Representative for this District on the November ballot. Moss stated that he intends to be visible in the community if he is successful in the November election. As a local elected official, Moss truly believes that the local body of government is most responsive to the people who they represent. He will be connected with the local needs of the communities he serves and will make sure that they earn the support they deserve.

Southfield Township Clerk Sharon Tischler mentioned that residents should have received their absentee ballots in the mail at the end of September. If citizens have not received their ballots, they could visit or contact the Township office and request to have their absentee ballot resent or request an application.

### **CONSENT AGENDA**

Motion by Mooney, second by Oen, to approve the consent agenda as follows:

- a. Consider approval of minutes of a regular Council meeting held September 16, 2014.
- b. Review and file bills recapped as of Monday, September 22, 2014.
- c. Review and file bills recapped as of Monday, October 6, 2014.
- d. Set public hearing date of November 3, 2014 regarding private road approval for 31805 Evergreen.
- e. Consider renewal of professional computer consulting services with Enterprise Computer.
- f. Set public hearing date of November 3, 2014 regarding proposed ordinance adding section 22.090.080 Maintenance Agreements to Chapter 22 of the Municipal Code.

Motion passed.

### **BUSINESS AGENDA**

#### **PRESENTATION OF JUNE 30, 2014 AUDIT BY PLANTE AND MORAN**

Council members are in receipt of the audited financial statements of the Village of Beverly Hills for the year ended June 30, 2014. Auditor Martin Olejnik stated that Plante & Moran has given its unqualified audit opinion on the Village's financial statements, which means that Beverly Hills' accounting records are correct and are presented in accordance with accounting standards mandated by the State. Rumzei Abdallah will review the graphs that highlight information in the financial statements. Olejnik will follow up with a discussion of the Management Letter.

Audit Manager Rumzei Abdallah used the smart board in his presentation to highlight key points of the financial statements. He referred to a graph illustrating General Fund Revenue and the sources of that revenue. The biggest sources of revenue for the General Fund continue to be State Shared Revenue and Property Tax revenue and fees, which account for 29% each. The next graph combines General Fund, Public Safety Fund and Library Fund revenue for 2012, 2013 and 2014 for comparison purposes. Property taxes increased by approximately \$126,000 from last year; licenses and permits have decreased to \$129,000 due to building department services being taken over by the City of Royal Oak. There was a slight increase in State Shared Revenue.

A subsequent graph demonstrated an increase in taxable value and SEV (State Equalized Value) in the last four years. Home values are on the rebound leading to the increase in property taxes. The increase in taxable value from last year was 3%; the increase in State Equalized Value was 12%.

State Shared Revenue has declined since 2008 and has rebounded since 2011. The Village is still about \$40,000 short of where it was. A pie chart of General Fund Expenditures by major category illustrated that approximately one-half of the expenses relate to people costs. The other expenses are consistent with previous years. Abdallah addressed a graph comparing 2013 and 2014 General Fund, Public Safety and Library Fund expenditures. Expenditures in total have increased to \$85,000, which was offset by an increase in revenue. A graph depicting fund balances from 2010-

2014 relative to the minimum target shows that the Village is above the recommended minimum of 20% of general fund expenditures.

Abdallah discussed a graph showing long-term debt obligations from 2010-2014. The last slide looks at the Village's pension plan contributions. In FY 2014 the Public Safety Officers' Retirement System was transferred to MERS (Municipal Employees' Retirement System). There is an increased expected investment return in the MERS plan that went from 7% to 8%. This reduced the actuarial required contribution into the plan. The Village did pay the required amount of \$265,000 this year compared to \$548,000 last year.

Martin Olejnik discussed the letter addressed to the Village Council. The first section contains required communication on the audit process. There were no issues discovered during the audit and no disagreements with management. Section II contains general recommendations from Plante & Moran as a result of the audit. There were no significant deficiencies in the audit. The items noted were mentioned last year and are related to information technology under the current system. Plante Moran understands that the Village is switching to a new accounting software system that will address these issues and implement the recommendations.

The Water and Sewer Fund is currently operating at a loss; the fund balance has decreased over the last few years. Plante and Moran is recommending that the Village conduct a rate study for the next five-year period to determine if the rates are appropriate.

The third section of the letter includes legislative and informational items occurring in the State. Olejnik highlighted the following topics: Revenue Sharing; Personal Property Tax; Deficit Elimination Plans; Michigan Qualifying Statement Revisions and Changes to Filing Process; Amendments to Public Act 152 of 2011 (Health Care Limitations); SB 542; SB 543; New Rules Governing Management of Federal Programs; New Pension Standards; and Potential Change in Audited Financial Statement Due Date. Olejnik commended the Village for its record keeping and thanked Village staff and particularly Finance Director Wiszowaty for their assistance during the audit process.

Questions on the audit report from Council members were addressed by Olejnik. Mercer thanked Mr. Olejnik and Mr. Abdallah for presenting the audit report. He recognized Finance Director Wiszowaty and his staff for a job well done.

Motion by Mooney, second by Oen, to accept and file the Audit Report prepared by Plante and Moran for the fiscal year ending June 30, 2014.

Motion passed.

**ACCEPT CINDY ARVANT'S RESIGNATION FROM THE PARKS & RECREATION BOARD AND MAKE FIRST ANNOUNCEMENT OF VACANCY**

Mooney informed Council that Cindy Arvant, chair of the Parks and Recreation Board, has submitted her resignation from that body. As a magistrate of the 46<sup>th</sup> District Court, Ms. Arvant is leaving her position on the Board to avoid any conflict of interest and to comply with the code of judicial responsibility. Mooney said that Cindy Arvant is dedicated to Beverly Park and has been moving the Parks and Recreation Board forward during her tenure. She has initiated the Movie in the Park event, chaired the Winter Family Fun Day, and has organized the food court for the

Memorial Day Carnival. Arvant introduced the idea of food trucks at the Carnival. Arvant's contributions to this community will be greatly missed. Her continued voluntary involvement in future events in an unofficial capacity will be welcomed.

Motion by Mooney, second by Oen, to accept the resignation of Cindy Arvant from the Parks and Recreation Board with deep regret.

Motion passed.

Mooney made the first announcement of a vacancy on the Parks and Recreation Board to fill the position of Cindy Arvant for a term to expire on June 30, 2017. The deadline for receiving applications will be Friday, October 24, 2014 at 4:30 p.m. A Council subcommittee of Mooney, Burry and Kelly will meet prior to the November 3 Council meeting to review applications and recommend a candidate for appointment by the Village Council.

### **REVIEW AND CONSIDER PURCHASE OF VEHICLES FOR DEPARTMENT OF PUBLIC SAFETY**

Motion by Oen, second by Mooney, that the Village of Beverly Hills Council authorize the purchase of three Chevrolet Tahoes for use by the Public Safety Department for a total amount of \$101,502.00. Money for this purchase is available in account #205-900-979 Vehicle Purchase Account. Council further authorizes Cynergy Wireless in Troy, MI to equip the three vehicles for use including lights, radios, safety partitions video cameras, etc. at a cost of \$15,635.04 from account #205-345-852 Radio Maintenance.

It was noted in a memo from Captain Yanosy dated September 30, 2014 that it was necessary to replace Public Safety Department vehicles with high mileage. Bids were requested for two patrol vehicles and one administrative vehicle. Pricing was obtained through the Oakland County cooperative bid process, and the bid was awarded to Berger Chevrolet in Grand Rapids, MI. Cynergy Wireless of Troy is an authorized installer for all equipment used in Village vehicles.

Director Torongeau stated that the Tahoe vehicles have worked well for the Department during all weather conditions and considering the amount of equipment carried in the vehicles. Oen mentioned that the vehicles being replaced are sold on eBay. The resale value of a Tahoe is high, plus Tahoe vehicles provide better service to the community.

Questions from Council regarding the size of the fleet, the condition of the cars being replaced, and use of the Tahoes were addressed by Torongeau. Funds were budgeted for purchase of three vehicles this year. Wilson did not see a need for a vehicle purchase in the 2015-16 fiscal year.

Roll Call Vote:

Motion passed (5 – 0).

### **FIRST READING OF AN ORDINANCE ADDING SECTION 22.090.080 MAINTENANCE AGREEMENTS TO CHAPTER 22 OF THE MUNICIPAL CODE**

Village Attorney Ryan conducted a first reading of an Ordinance Adding Section 22.090.080 Maintenance Agreements to Chapter 22 of the Village Municipal Code regarding maintenance agreements to site development requirements. Ryan reviewed that has Council adopted an ordinance to add Chapter 30, Surface Water Drainage, to the Municipal Code.

The MDEQ is currently auditing the practices and policies of all certificate of coverage holders for storm water management. That ordinance will bring the Village's ordinances into compliance with the requirements of State Law.

The proposed ordinance amendment addresses maintenance agreements as part of the Village's Site Plan Development Requirements related to storm water discharge. This proposed ordinance will require the Planning Commission and Council to approve a Storm Water Management Agreement for any new development. The new Section 22.090.080 reads as follows: "*A maintenance agreement shall be required for all vegetative and structural best management practices (BMPs) to be constructed on site.*"

A second reading and possible adoption of this ordinance will be scheduled for the November 3, 2014 Council meeting.

### **PUBLIC COMMENTS**

K. Fred Ajluni of 30470 Leemoor Drive, resident since 1967, informed Council that his last water bill was for an amount of \$992.99. He lives alone, and his usual water bill is about \$45.00 per quarter. Ajluni came to the Village office and spoke to an employee about his unusually high water bill. A DPW staff member came to his house to check the meter, which showed that his water use increased substantially from July 1, 2014 to July 20, 2014. Ajluni was advised to have his meter checked at a cost of \$200-\$300. The cost would be the Village's responsibility if there was an issue with the meter. Ajluni objected on principle to being responsible for the cost of having his meter examined and decided to bring this matter to the Village Council.

Mooney suggested that, considering that Mr. Ajluni has been diligently paying his water bill for 47 years, consideration be given by the Village office to examine his meter at no cost.

Carol Apczynski of 32420 Eastlady, homeowner for 25 years, related the history of a residence on her street that is being renovated. She expressed concern that construction began without a building permit and feared that the structure may not be capable of supporting a second story. Apczynski mentioned that code enforcement issues have transferred from Beverly Hills to the Royal Oak building department during this time period. She wanted to make certain that the house is capable of supporting a second story.

Manager Wilson will check this out with the building department and report back to Council and the resident.

Bob Walsh of 20655 Smallwood Court distributed a handout to Council members before launching into a discussion about the state of the Village's building department. After the Village building official retired, building department services were handled primarily by the City of Royal Oak building department. The Village is now under contract with Royal Oak for most building department services. Walsh described three instances of building construction projects on Bellvine Trail, Westlady and Eastlady. He expressed concern that there was inadequate review and oversight of these projects and no system of checks and balances. Another concern was that Village municipal codes are not being followed.

**REPORTS – MANAGER**

**DTE Energy** - Wilson stated that he received confirmation from DTE Energy that representatives will be present at the November 21, 2014 Council meeting to talk about area power outages that occurred in September.

**Leaf Collection** – The Village has sent out flyers to all homes in the Village providing details and regulations regarding the leaf collection service. Residents should call the Village office and talk with staff if they have any questions about leaf collection.

Curbside leaf vacuuming will begin in the Village the week of October 20. All areas of the Village east of Evergreen Road will have their leaves collected during this week. The area of the Village west of Evergreen will have their leaves collected for the first time during the week beginning Oct. 27. Leaf collection will continue to alternate between the areas east and west of Evergreen on a weekly basis with each section receiving four collections. Leaves will be collected east of Evergreen on the weeks of Oct. 20, Nov. 3, Nov 17 and Dec. 1. Areas west of Evergreen will have their leaves collected during the weeks of Oct. 27, Nov. 10, Nov. 24, and Dec. 8. Residents may still bag leaves for weekly collection if they desire. Yard waste other than leaves, including grass clippings, will still need to be bagged.

**Master Plan Update** – The Planning Commission and LSL Planning are working on an update to the Village's Master Plan. As part of this process, the Planning Commission will be hosting an open house to discuss the Master Plan revision process and receive public input as to what is desired in a revised Master Plan. The open house will be held on Monday, October 27th from 4:00 – 7:00 pm in the Village Hall.

**Halloween Hoot** – The annual Halloween Hoot will be held on Sunday, October 26th in Beverly Park.

Wilson congratulated PSO Danielson on his Officer of the Year Award. The show of support evidenced tonight was an indication of the respect that his colleagues and the Department have for him. Wilson welcomed Officer Kraft-Goltz to the staff; he will be an outstanding addition to the Department. Wilson expressed regret at seeing Councilman LaFerriere leave his position. His contributions to the Council will be missed. Wilson thanked Bob Wiszowaty for his outstanding record keeping and his 22<sup>nd</sup> audit report.

Wilson addressed inquiries from Council on the start of the leaf collection. Staff was asked to answer questions from residents who call in with questions and complaints about the leaf collection program. The process outlined in the Village Charter for filling a vacant Council seat was questioned. The selection to fill the vacant Council seat will be made by the new council that will be seated after the November 4 Election. Council asked for an update from Administration on the Royal Oak Building Department to affirm that they are complying with Village ordinances.

**REPORTS – COUNCIL**

Council members congratulated PSO Tom Danielson on receiving the Officer of the Year award and recognized the Public Safety Department for what they do on a daily basis for the community. Council will miss two valuable volunteers in the Village, Brian LaFerriere and Cindy Arvant.

Mooney announced that the Annual Halloween Hoot will be held on Sunday, October 26. Topping and gutting of pumpkins will take place between 10 and noon. Children will carve pumpkins from 12 – 2 pm. There will be 15 Trick-or-Treat stations set up along the park path starting at 6:30 pm. It will be a great event – everyone is invited.

Oen stated that a recent report from Oakland County indicates that money will be available to rehabilitate Lahser Road between 13 Mile Road and Maple in 2015. Oen related that, as a contractor, he can assure the public that Royal Oak has one of the more stringent building departments in terms of plan review and a system of checks and balances. He fully supports the Royal Oak building department.

Mercer commended Chief Torongeau for organizing the presentations at the beginning of the meeting to swear in a new PSO and recognize the Officer of the Year. In attendance were many members of the Public Safety Department, Judge Richards, former Council President Rosanne Koss and others. Mercer will miss the service of Cindy Arvant and Brian LaFerriere.

Motion by Mooney, second by Oen, to adjourn the meeting at 9:43 p.m.

Motion passed.

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

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

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