

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

Absent: None

Also Present: Village 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 Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

ADMINISTER OATH OF OFFICE TO NEWLY APPOINTED COUNCIL MEMBER BY HONORABLE CYNTHIA ARVANT, 46th DISTRICT COURT

At a Special Council meeting held today at 6:30 p.m., two candidates for the vacant Council position were interviewed by Council. Robert Borgon was appointed to fill the unexpired term of Jacqueline Kelly as Council member for a term ending in November of 2016.

The Honorable Cynthia Arvant administered the oath of office to newly appointed Council member Bob Borgon. Council member Borgon took his seat at the Council table.

Roll call was taken. The Pledge of Allegiance was recited by those in attendance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

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

Motion passed.

SPECIAL ORDER OF BUSINESS

RECOGNITION OF BEVERLY HILLS LITTLE LEAGUE

President Mooney presented a proclamation honoring members of the Beverly Hills Little League Tournament Team. This is the first time in the history of the Beverly Hills Little League that a Tournament Team has won the district championship.

Moved by Mueller, seconded by Borgon to adopt the following proclamation:

Whereas, sports and recreation are an integral part of the health and well being of the Beverly Hills community; and

Whereas, the Beverly Hills' Little League Tournament Team demonstrated commitment to team, sportsmanship, and discipline; and

Whereas, the Beverly Hills Little League Tournament Team plays a key role in Beverly Hills by promoting community spirit, leadership, sportsmanship, and by inspiring all teams and individuals to make a commitment to excellence; and

Whereas, eleven outstanding athletes, Taj Abdur-Rahman, Luke Anderson, Nolan Bierl, Alex Eisenberg, Keller Fobare, Brandon Ford, Eric Fuderer, Trey Lipsey, Will Rogers, Michael Schneider, and Javi Turner demonstrated the All American Spirit and;

Whereas, for the first time in its history in the Beverly Hills Little League, a Beverly Hills Tournament Team has won the District Championship under the leadership of its coaches, Paul Turner and Todd Turner, and its assistant coach, David Fobare; and

Whereas, the Beverly Hills Tournament Team went on to compete in further World Series competition on the state level.

Now, Therefore, the Village Council of Beverly Hills does hereby proclaim September 2015 as:

“BEVERLY HILLS TOURNAMENT TEAM MONTH”

in the Village of Beverly Hills and all citizens are urged to express pride in these young athletes and thank them for a job well done by bringing honor to their community through their achievement.

Motion passed.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Paul Erickson, 19911 Old Pond Ct., thanked Village Manager Wilson and Public Services Director Meszler for their assistance regarding the Riverside Pond and Erity Dam. He stressed the importance of communication and requested that Administration submit a plan of action to Beverly Hills residents regarding both long and short term planning for the impoundment.

CONSENT AGENDA

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

1. Review and consider approval of minutes of a regular Council meeting held August 18, 2015.
2. Review and file bills recapped as of Monday, August 24, 2015.
3. Review and consider 2015 Halloween Hoot funding.

Motion passed.

REVIEW AND CONSIDER ESTABLISHING A FUND TO RECEIVE CHARITABLE DONATIONS WITH THE VILLAGE ACTING AS THE FISCAL AGENT

Wilson remarked that the Village currently keeps a separate accounting of private donations for public use, but does not segregate these funds. The Village would receipt any future donations,

but the money donated would be kept in a separate account. The Village would serve as a fiscal agent and assure donors that the contributions are utilized for their specified purpose.

Resolved by Delaney, seconded by Abboud, that the Village Council of Beverly Hills approve the following directive regarding donations to benefit the public.

Directive Regarding Donations to Benefit the Public

1. Background

The Village periodically receives funds from third parties for use either for charitable purposes or to otherwise benefit Village residents. Examples include donations for the benefit of Beverly Park, donations for the Memorial Day Parade, and donations to support a scholarship fund for deserving Village residents.

Donors seek to be eligible for a charitable donation deduction under applicable federal tax law. Under the IRS Code, donations made to a local government entity generally qualify as an itemized charitable tax deduction, if the donation is made for public purposes.

Further, donors seek to receive a receipt for the donation, and desire to receive assurances that the funds will be used for the desired public purpose.

2. Directive

The Village will cooperate with donors and community groups in handling donated funds for use for public purposes (“Donations”), in accordance with the following:

- a. The Village will continue to provide donors receipts for all Donations received;
- b. The Village will maintain the Donations in a separate fund that is segregated from Village operating funds;
- c. To the extent that the donor requests that the Donations be earmarked, the Village shall establish a separate such sub-account and maintain records showing the balance in each such sub-account;
- d. The Village shall serve as fiscal agent for the community groups in administering Donations;
- e. The Village shall take reasonable steps to ensure that all Donations are used strictly for public use, and shall honor the distribution requests of any donor or community group, in accordance with the terms of this Directive.

Roll Call Vote:

Motion passed (7 – 0).

Mooney clarified that the Village would set up a different accounting system for private donations that are made to the Village for public use.

Attorney Ryan advised that a mechanism will need to be put into place to govern this directive.

Village resident, David Domzal, 22750 King Richard Ct., stated that the Village looked at this type of accounting a few years ago and indicated that there are several ways to handle private

donations. As a municipality, donations are tax exempt. The benefit of the directive is to encourage residents to donate and also to assure them that proper oversight will occur in managing those funds.

Administration was directed to establish a method of governance before the end of 2015.

PROCLAMATION RECOGNIZING SEPTEMBER 2015 AS NATIONAL RECOVERY MONTH

Resolved by Oen, seconded by Borgon to adopt the following proclamation:

Whereas, substance use recovery is important for individual well-being and vitality, as well as for families, communities and businesses; and

Whereas, approximately 20.7 million people in the United States have a substance use disorder; and

Whereas, we believe everyone facing substance use disorders deserve the benefit of recovery; and

Whereas, Friday, September 25, 2015, has been designated for Oakland County's 8th Annual Substance Use Recovery Celebration and Walk; and

Whereas, stigma and stereotypes associated with substance use disorders often keep people from seeking treatment that could improve their quality of life; and

Whereas, substance use disorders occur when the recurrent use of alcohol and/or drugs causes clinically or functionally significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home; and

Whereas, substance use disorder recovery is a journey of healing and transformation, enabling people to live in a community of his/her choice while striving to achieve his/her full potential; and

Whereas, substance use disorder recovery benefits individuals with substance use disorders by focusing on their abilities to live, work, learn, and fully participate and contribute to our society, and also enriches the culture of our community,

Now, therefore, be it resolved that the Village Council for the Village of Beverly Hills hereby recognizes September 2015 as National Recovery Month. Beverly Hills calls upon citizens, government agencies, public and private institutions, businesses and schools to recommit our state to increasing awareness and understanding of substance use, and the need for appropriate and accessible services to promote recovery.

Roll call vote
Motion passed (7 – 0)

PUBLIC COMMENTS

Janet Mooney, 19111 Devonshire, thanked Council for approving funding for the 20th anniversary Halloween Hoot coming up on Sunday, October 25, 2015.

Ann Marie Erickson, 19911 Old Pond Ct., inquired about plans for the Erity Dam and expressed hope that a public presentation will be made to address those plans.

Ellen Christensen, 32201 Rosevear, also commented about the Erity Dam and the need for public dialog.

MANAGER'S REPORT

Lahser Road Construction

The Road Commission of Oakland County has provided an update on the progress of the Lahser Road project. Unfortunately, Lahser will not be open to traffic by the beginning of the school year. RCOC is predicting that Lahser will be open to traffic by the end of September. The construction project will continue through the middle of October. The project has been delayed due to poor weather conditions earlier in the construction process.

FY 2014-15 Audit

The auditors from Plante Moran were onsite last week conducting the field work for the FY 2014/15 audit. With the extended vacancy in the Finance Director position this process has been more difficult than in previous years. The office staff has all pitched in to help out in the process. It is anticipated that the audit will be presented to Council in October.

Village Hall Renovations

Partners in Architecture began their work analyzing the Village Hall building. A structural analysis of the building and systems was completed as well as analyzation of the office and building interior. Partners in Architecture will use these findings to produce some preliminary design and renovation proposals and cost estimates. Village Administration will review these proposals with the Council subcommittee to formulate a recommendation for Council.

Erity Dam

As a result of the right spillway failure in May, several trees needed to be removed that had fallen over the waterway. JH Hart removed those trees on August 20, 2015. Hubbell, Roth & Clark is conducting soil borings of the area around the right spillway. It is possible that a coffer dam will be installed on the east side of the right spillway provided the soil is secure. The Village is waiting for a response from the Michigan Department of Environmental Quality regarding the level to which the pond should be restored.

COUNCIL COMMENTS

Council members welcomed new member, Bob Borgon, to the Council.

Mueller and Abboud remarked on the success of Come Out & Play and Movie Night in the Park on Thursday, August 27, 2015.

Abboud reported that the Planning Commission discussed the Master Plan update at their August meeting as well as a request from Detroit Country Day to construct a multi-sport field. Abboud complimented the Zoning Board of Appeals members on their hard work.

Mooney thanked Dan Mooney, Kurt Melendy and Connor Nowland for their hard work at Beverly Park this summer. Mooney explained the history and ownership of the Erity Dam.

Motion by Oen, second by Peddie, to adjourn the meeting at 8:50 pm.

Motion passed.

John Mooney
Council President

Ellen Marshall
Village Clerk