

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  
Public Safety Director, Torongeau  
Village Attorney, Ryan

Council President Mooney called the regular Council meeting to order at 7:38 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 Borgon, second by Mooney, to amend the agenda by moving consent item No. 3 “Review and file bills recapped as of Monday, November 16, 2015” to the business agenda.

Motion passed.

Motion by Oen, second by Abboud, to approve the amended agenda.

Motion passed.

### **SPECIAL ORDER OF BUSINESS**

Mueller presented a proclamation to Patricia Greening:

WHEREAS, Patricia Greening has resided in the Village of Beverly Hills for nearly four decades; and

WHEREAS, Patricia Greening has dedicated herself to community service throughout her residency including as President of the Village Woman’s Club, Director of the Memorial Day parade and carnival, and member of the Village of Beverly Hills Parks and Recreation Board; and

WHEREAS, Patricia Greening, in 1996, conceived of the idea of providing a wonderful event for children known as the Halloween Hoot; and

WHEREAS, Mrs. Greening, along with her husband, Donald A. Greening, developed an all day event for the benefit of the children of the Village of Beverly Hills and surrounding communities; and

WHEREAS, in 2015 said event celebrated its 20<sup>th</sup> anniversary, and

WHEREAS, the Halloween Hoot, the brain child of Mrs. Greening, has become a premiere event in all of Oakland County which brings joy to children and adults alike; and

WHEREAS, the Halloween Hoot has, for the past 20 years, reflected in the most positive way on the Village of Beverly Hills and has further encouraged strong community participation and brought thrills and chills to children of all ages;

NOW THEREFORE, BE IT RESOLVED AND PROCLAIMED that Patricia Greening be and hereby is honored as an Outstanding Citizen of the Village of Beverly Hills for providing joy and happiness, thrills and chills, for her wonderful event known as the Halloween Hoot.

UNANIMOUSLY RESOLVED BY THE VILLAGE OF BEVERLY HILLS AND IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the Village of Beverly Hills to be affixed this 17<sup>th</sup> day of November, 2015.

Roll Call Vote:  
Motion passed (7 - 0)

Mueller presented a proclamation to Janet Mooney:

WHEREAS, Janet M. Mooney has demonstrated her dedication to the Village of Beverly Hills in a number of ways including, but not limited to, being a Village Council member, member of the Parks and Recreation Board, and currently Southfield Township Treasurer; and

WHEREAS, Janet M. Mooney has demonstrated her dedication to the community by organizing and obtaining the first citizen initiative regarding capital improvements for Beverly Park; and

WHEREAS, Janet M. Mooney has further dedicated herself, for the past two decades, to the Halloween Hoot as a community event; and

WHEREAS, the aforesaid Halloween Hoot could not be possible without the dedicated service of individuals such as Mrs. Mooney; and

WHEREAS, the Halloween Hoot has reflected most positively on the Village of Beverly Hills;

NOW THEREFORE, BE IT RESOLVED AND FURTHER PROCLAIMED that Janet M. Mooney is deemed to be an Outstanding Citizen of the Village of Beverly Hills for all of her work including but not limited to efforts with regard to the Halloween Hoot.

UNANIMOUSLY RESOLVED by the Village of Beverly Hills Council that Janet M. Mooney is deemed an outstanding citizen of the Village of Beverly Hills by Resolution of the Village Council this 17<sup>th</sup> day of November, 2015.

Roll Call Vote:  
Motion passed (7 - 0)

Mueller presented a proclamation to Jason Gross:

WHEREAS, Jason Gross has spent his entire life as a resident of the Village of Beverly Hills; and

WHEREAS, Jason Gross has committed himself to community service since his enrollment in Berkshire Middle School, through his time at Wiley E. Groves High School and even now as a business owner in the Village of Beverly Hills; and

WHEREAS, Jason Gross has demonstrated his dedication to the Village of Beverly Hills through his participation in Eagle Scout projects in Troop 1024 of the Boys Scouts of America; and

WHEREAS, Jason Gross, since 8<sup>th</sup> grade at Berkshire Middle School, has been an intricate part of the Halloween Hoot serving as the jack of all trades to assist both the children during the carving process, as manager of the volunteers, and as an instrumental part of the team that has made the Halloween Hoot the extraordinary event which reflects well on the Village of Beverly Hills;

NOW THEREFORE, BE IT RESOLVED AND PROCLAIMED by the Village of Beverly Hills Council, that Jason Gross is deemed to be an Outstanding Citizen based on nearly a decade of commitment to the Halloween Hoot which has reflected Mr. Gross' commitment to his community and his dedication to public service on this 17<sup>th</sup> day of November, 2015.

Roll Call Vote:

Motion passed (7 - 0)

Gross indicated that he enjoys working on the Halloween Hoot each year and also thanked the Village for the positive impact it has made in his life.

Janet Mooney explained that a lot of work by many community members goes into the Halloween Hoot each year. She thanked Council for its support.

Greening also thanked Council for its support of the event. She also remembered Deb Guy for her role in starting the Halloween Hoot 20 years ago.

### **COMMUNITY ANNOUNCEMENTS**

Greening gave a recap of the Halloween Hoot, indicating that the event gets bigger and better each year. She indicated there were 20 stations at this year's Halloween Hoot and noted that it made a small profit.

Janet Mooney explained that approximately 4,000 people attended this year's Halloween Hoot. She said the event went off without any major problems. Mooney thanked Borgon for his participation as well as the rest of Council members.

Council members thanked the Halloween Committee, including Greening, Gross and Janet Mooney for their efforts and complimented the event.

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

None.

**CONSENT AGENDA**

1. Review and consider approval of minutes of a regular special Council meeting held October 27, 2015.
2. Review and consider approval of minutes of a regular Council meeting held November 3, 2015.

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

Motion passed.

**BUSINESS AGENDA**

**REVIEW AND CONSIDER LIABILITY AND PROPERTY INSURANCE RENEWAL**

Delaney indicated that the automobile, sewer, police, professional, public official and data breach liability insurances need to be renewed. He also mentioned the Village's contribution to the property insurance stop loss fund is \$167,034. He added that the policy is \$127,034 and in addition the Village will contribute \$40,000 to its loss retention fund. The two together come to \$167,034.

Delaney explained that the Michigan Municipal Risk Management Authority (MMRMA) recommends the Village contribute the \$40,000 to the loss retention fund to build it up. Once the insurances are renewed, Delaney indicated the Village is entitled to a disbursement from MMRMA of \$54,745. He noted that Village administration also recommends the disbursement be placed in the loss retention fund. All contributions to the loss retention fund will raise it to \$187,303.73.

Craig Manser, representing MMRMA, confirmed figures explained by Delaney. He indicated interest being paid on the Village loss retention fund is 3.1%. Manser said law enforcement liability insurance rates for the Village are up from last year, but added they are also up for all municipalities.

Delaney asked Manser to explain the purpose of the stop loss fund. Manser indicated that the Village is responsible for \$75,000 of every liability loss up to the stop loss maximum of \$108,000 per year. Everything over \$108,000 is covered by MMRMA.

Mooney asked why the Village was putting \$187,000 into the fund instead of \$108,000. Manser indicated the Village could put \$108,000 to cover its liability cap, but that the Village benefits from the high interest rate paid out on the additional balance. Wilson concurred with Manser.

Motion by Delaney, second by Abboud, to approve the Village Administration recommendation to renew the liability insurance with the Michigan Municipal Risk Management Authority. The policy will cost \$127,034 and in addition an allocation of \$40,000 to the loss retention fund for a total of \$167,034. Once the Village renews the insurance, the Village is eligible to receive a disbursement of \$54,745 and with the

recommendation of the administration the disbursement will also be placed into the loss retention fund. Funds for this appropriation have been budgeted in the FY 2014-15 budget in the following funds: 101-248-910.00; 205-345-910.00; 205-345-910.00; and 592-540-910.00.

Roll Call Vote:  
Motion passed (7 - 0)

**PUBLIC HEARING TO RECEIVE COMMENTS ON PROGRAM YEAR 2016  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

President Mooney opened the public hearing at 8:08 p.m.

No one wished to be heard.

Mooney closed the public hearing at 8:09 p.m.

**REVIEW AND CONSIDER PROGRAM YEAR 2016 COMMUNITY DEVELOPMENT  
BLOCK GRANT APPLICATION**

Oen indicated that the Village has participated in the federally funded Community Development Block Grant (CDBG) program for more than 25 years. The Village is currently in a three year contract with Oakland County to participate in this program which is administered through Oakland County's Community & Home Improvement Division. The Village's estimated allocation for Program Year 2016 is \$14,222. The Village's estimated allocation breaks down to \$9,956 for minor home repair services for low to moderate income citizens and \$4,266 for yard services.

Motion by Oen, second by Delaney,

Whereas, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs, and;

Whereas, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan, and

Whereas, the Village of Beverly Hills has duly advertised and conducted a public hearing on November 17, 2015 for the purpose of receiving public comments regarding the proposed use of PY 2016 Community Development Block Grant (CDBG) funds in the approximate amount of \$14,222, and

Whereas, the Village of Beverly Hills found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need.

<b>Account</b>	<b>Project Name</b>	<b>Amount</b>
172160-731227	Minor Home Repair	9,956.00
172160-732170	Public Services – Yard Services	4,266.00

Therefore Be It Resolved, that the Village of Beverly Hills' CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Council President is hereby authorized to execute all documents, agreements, or contracts which result from this application to Oakland County.

Roll Call Vote:

Motion passed (7 - 0)

**REVIEW AND CONSIDER SUBCOMMITTEE'S RECOMMENDATION TO FILL ALTERNATE VACANCY ON THE ZONING BOARD OF APPEALS**

Abboud indicated that a Council subcommittee met at 7:15 this evening to recommend an applicant to fill a vacancy on the Zoning Board of Appeals for an alternate member position. The subcommittee was composed of Abboud, Mueller and Oen. Abboud explained that four qualified candidates applied and were interviewed by the committee.

Motion by Abboud, second by Oen, to appoint Ben Wilensky to fill an alternate member position on the Zoning Board of Appeal, whose term will expire on June 30, 2018.

Roll Call Vote:

Abboud	no
Borgon	yes
Delaney	yes
Mooney	no
Mueller	yes
Oen	yes
Peddie	no

Motion passed (4 - 3)

**REVIEW AND CONSIDER PROPOSAL FROM GIBBS PLANNING GROUPS, INC. REGARDING CONSULTING SERVICES FOR THE VILLAGE CENTER PLAN**

Abboud explained that the Planning Commission had discussed the Village Overlay District on Southfield Road. He noted that Gibbs Planning has significant experience in the redevelopment of commercial areas. Given that experience, the Planning Commission asked for a proposal to review the final Village Center Plan and the development of a marketing plan with marketing materials.

Mueller expressed disappointment that the Planning Commission spent a year on an overlay plan that has not already been optimized for its marketability. He indicated spending additional money to redo work that had already been paid for was disappointing. Mueller indicated that since money has already been spent, it would be a shame for it not to be in a marketable condition. He indicated that he would reluctantly support the motion to get the plan in some form of reality.

Abboud explained that Gibbs' proposal is broken down into three tasks. He added that Gibbs Planning would not go beyond the scope of those tasks and would not exceed the proposed

amount. Abboud indicated that an investment needs to be made to improve the Overlay District to invite new development to give residents a place to shop within the community.

Mooney is troubled by the proposal. The Village's current planning consultant spent years developing the Overlay District Plan. Wilson indicated that the Village's current planning consultant has spent two years on the plan. Wilson noted that under the proposal, Gibbs would evaluate the Village's current Overlay District Plan and see how appropriate it is for existing conditions.

Mooney questioned what Gibbs will provide different from LSL Planning. Wilson indicated that LSL developed the Overlay Plan but the Planning Commission wants a firm that can market the Plan professionally to attract businesses that would potentially redevelop the area. He added that some piecemeal redevelopment has occurred but on a small scale. He explained that Gibbs would look at the Village's current Overlay District Plan and give the Planning Commission an assessment of its viability and any needed improvements.

Mooney summarized the Gibbs proposal and asked if the Planning Commission had unanimously recommended it for Council approval. Wilson answered affirmatively and explained that the current condition of the Overlay District Plan has been discussed at length by the Planning Commission. Mooney does not support the proposal.

Peddie noted that currently, only one parcel in the Overlay District is vacant. She wonders how a plan could be put together when no land is available. The Gibbs proposal does not make sense to her. Wilson suggested the matter be tabled to the joint meeting of the Village Council and the Planning Commission on February 10, 2016.

Motion by Abboud, second by Borgon, to table the proposal to the joint meeting of the Village Council and Planning Commission in February 2016.

Motion passed.

#### **REVIEW AND CONSIDER RESOLUTION FOR ROAD PROJECTS FUND DEFICIT ELIMINATION PLAN**

Oen reported the Village was shown to have a deficit in the Local Streets Fund of \$174,648 as of June 30, 2015. This deficit was the result of the planned construction for the 2015-16 year being advanced in the construction to be completed prior to the shutdown of Lahser Road. Oen noted Per Public Act 140 of 1971 any local unit of government with a deficit in any fund shall file a deficit elimination plan with the Michigan Department of Treasury when the audit for that year is filed. A deficit elimination plan should ideally be for one year but can last as long as five years. Village Administration is recommending the submission of a deficit elimination plan for the Local Streets Fund for only one year.

Motion by Oen, second by Peddie,  
WHEREAS, the Village of Beverly Hills Local Streets Fund had an accumulated deficit of \$174,648.00 fund balance on June 30, 2015;

WHEREAS, Act 275 of the Public Acts of 1980 requires that a Deficit Elimination Plan be formulated by the local government and filed with the Michigan Department of Treasury;

NOW, THEREFORE, BE IT RESOLVED that the Village of Beverly Hills legislative body adopts the following as the Village of Beverly Hills Local Streets Fund Deficit Elimination Plan.

The Fund Balance is in deficit as of July 1, 2015: \$174,648. Revenues include State Gas & Weight Tax \$210,752; Contribution from General Fund \$600,000; Contribution from Major Road \$112,000; Other \$ 2,200; Total Revenue \$924,952. Expenditures: Routine Maintenance \$329,000; Traffic Services \$ 13,000; Winter Maintenance \$ 42,000; General Admin. & Engineering \$ 3,500; Total Expenditures \$387,500. Revenues – Expenditures on June 30, 2016: \$537,452. Fund Balance Deficit as of June 30, 2016 \$362,804.

BE IT FURTHER RESOLVED that the Village Manager for the Village of Beverly Hills submit the Deficit Elimination Plan to the Michigan Department of Treasury for Certification.

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

Wilson confirmed that the deficit was merely a bookkeeping issue because of when road projects were completed.

#### **REVIEW AND FILE BILLS RECAPPED AS OF MONDAY, NOVEMBER 16, 2015**

Borgon asked if the Comcast bill was for cable services at the Village Hall. He also asked if the bill was paid for by a grant from the cable board. Wilson indicated that he would investigate if paperwork has been submitted for a grant reimbursement. Borgon asked if the Village's Wide Open West (WOW!) bill was submitted for grant reimbursement. Wilson indicated that a portion of the WOW! bill is for cable television and for phone services. Borgon indicated that grants are available for everything except for the phone services.

Motion by Borgon, second by Mueller, to approve and file bills recapped as of November 16, 2015.

Motion passed.

#### **PUBLIC COMMENTS**

Daniel Nunez, Marguerite, explained that he has given the Village's future a lot of thought. He indicated he would like to help the Village in its efforts to develop a downtown.

## **MANAGER'S REPORT**

### **Lahser Road/Riverside Pond**

Wilson explained that Lahser Road will open on November 25, 2015, according to the Road Commission for Oakland County. Work on the Erity Dam will begin the first weekend of December. A coffer dam will be installed and repairs to the left spillway will be completed within two to five days once work begins.

### **Village Offices Closed**

Wilson noted that Village offices will be closed November 26-27 for the Thanksgiving holiday. He reported that the Planning Commission canceled its November meeting and will next meet on December 16.

### **Recycling Bins**

Wilson reported that recycling bins will be available through the end of November at half price. They can be picked up for \$6 at Village Hall.

### **Audio Difficulties**

Wilson noted the technical difficulties with the audio of the broadcast of the November 17 Village Council meeting. He said it would be corrected and available to watch with full audio for residents.

## **COUNCIL COMMENTS**

Mooney expressed frustration with the Road Commission's failure to complete the Lahser Road project on time. He noted that the reopening date has been pushed back four times. Mooney directed administration to communicate his frustration to the Road Commission.

Borgon attended the Next board meeting and reported that the program is doing extremely well. He added that newer members are younger, in the 55-70 age range. Next has also been the recipient of grant money from the Cable Board. He reminded Public Safety Director Torongeau that the Cable Board has grant money available for web design.

Mueller indicated that he has heard many complaints about streaming video via Comcast. He asked Borgon to inquire with Comcast if it is throttling streaming video during peak hours. Mueller noted that the Tremont Lane development has been acquired by Pulte Homes. He commended Pulte for its willingness to meet with and discuss concerns of adjacent homeowners.

Mooney asked Mueller to talk with the Parks and Recreation Board about allowing the Boy Scouts to launch a rocket in Beverly Park.

Abboud reported that the Planning Commission will not meet in November. He noted that recent ordinance approvals by the Council should help alleviate the Zoning Board of Appeal workload. Abboud believes the Village's fence ordinance should also be modified to reduce the number of fence variance requests before the ZBA. He congratulated Wilensky on his appointment to the ZBA and thanked other applicants. He urged residents to keep applying for open volunteer positions. Abboud indicated that he attended the investiture ceremony of 46th District Court Judge Cynthia Arvant. He expressed sorrow over the recent terrorist events in Paris, France.

Delaney asked Public Safety Director Torongeau if the Village would seek recovery for the damage caused to a police cruiser caused by a fleeing and eluding incident, which started in a different community. Torongeau answered affirmatively.

Oen echoed Abboud's comments about Paris. He expressed concern over the negative way police are portrayed in local news.

Peddie noted that on December 1 a presentation will be made to Council on the library.

Noting earlier technical difficulties, Mooney reiterated thanks to Patricia Greening, Janet Mooney and Jason Gross for their efforts in making the Halloween Hoot a success. He also thanked Council members for their participation in the event. Mooney congratulated Arvant for her new role at the district court.

Motion by Oen, second by Abboud, to adjourn the meeting at 8:55 p.m.

Motion passed.

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

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

**Scott Daniel**  
**Recording Secretary**