

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
Finance Director, McCarthy

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. Those present recited the Pledge of Allegiance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Mueller, second by Mooney, to amend the agenda by moving consent item No. 4 “Review and consider proposal to purchase and plant trees at Beverly Park” to the business agenda.

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

Motion passed.

COMMUNITY ANNOUNCEMENTS

Nancy Gale, Beverly Court, explained that DTE is marking trees for removal along Beverly and Greenfield Roads. She added that a door hanger left on her home indicated trees marked for removal would be marked with white Xs. Gale indicated that DTE marked four trees on her property with white dots, which mean the Village has to grant permission for the tree removals. Gale expressed concern about how the trees are being marked along the south side of Beverly Road and Greenfield Road. She asked that the Village consider the effect the tree removals will have on the appearance of the area.

President Mooney directed administration to investigate the matter and contact Gale with its findings.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

None.

CONSENT AGENDA

1. Review and consider approval of minutes of a regular Council meeting held October 20, 2015.
2. Review and file bills recapped as of Monday, November 2, 2015.
3. Set public hearing date of November 17, 2015 to receive comments on the Program Year 2016 Community Development Block Grant application.

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

Motion passed.

BUSINESS AGENDA

PRESENTATION AND REVIEW AND FILE OF JUNE 30, 2015 AUDIT BY PLANTE & MORAN

Council members are in receipt of the audited financial statements of the Village of Beverly Hills for the fiscal year ended June 30, 2015. Auditor Martin Olejnik stated that Plante & Moran has given its unmodified 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 Abdallah highlighted 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 27.9% and 31.7% respectively. The next graph combines General Fund, Public Safety Fund and Library Fund revenue for 2013, 2014 and 2015 for comparison purposes. Licenses and permits have decreased to \$8,000 due to building department services being taken over by the City of Royal Oak.

A subsequent graph demonstrated an increase in taxable value and State Equalized Value (SEV) 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 2.9 % and is projected to be 3.6 % for next year. State Shared Revenue declined from 2008 – 2010, and has rebounded slowly since then. The Village is now receiving an amount equivalent to that in 2009. 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 2014 and 2015 General Fund, Public Safety and Library Fund expenditures. Expenditures in total have increased by \$309,000, \$150,000 of which was leaf collection in 2014. In Capital Outlay there was \$160,000 in building improvements and software updates. A graph depicting fund balances from 2011-2015 relative to the minimum target shows that the Village is above the recommended minimum of 20% of the next year's general fund expenditures.

Abdallah discussed a graph showing long-term debt obligations from 2011-2015. The last slide looks at the Village's pension plan contributions. In FY 2013 the Public Safety Officers' Retirement System was transferred to MERS (Municipal Employees' Retirement System). The Village did pay the required amount of approximately \$260,000.

Martin Olejnik discussed the letter addressed to the Village Council. The first section contains required communication on the audit process. Section two discusses the audit process in general. There were no issues discovered during the audit and no disagreements with management. Section three 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 as well as physical security of the Village's information technology.

The Water and Sewer Fund is currently operating at a loss; the fund balance has decreased over the last few years. The Village has implemented a fixed cost program on the water bills effective October 1, 2015 to help eliminate the deficit. It was also noted that it has been some time since the Village performed an analysis of the allocation of costs between departments. Although the amounts appear reasonable, the Village is encouraged to update the analysis and re-evaluate it regularly, at least every two to three years. The Village presently maintains various accounts pertaining to collection of money from third parties which are later utilized to pay costs on behalf of those parties. Plante & Moran recommends the creation of a trust and agency fund to assist in maintaining the accounts, instead of in the General Fund.

The fourth 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, and changes to Federal Programs funds. Olejnik indicated new rules require a compliance audit for funds received and spent greater than \$750,000 instead of \$500,000. Act 51 performance audits are now going to be required by the Michigan Department of Transportation. Plante & Moran will keep the Village apprised of the new process. Olejnik commended the Village for its record keeping and thanked Village staff for their assistance during the audit process.

Questions on the audit report from Council members were addressed by Olejnik. Mooney thanked Mr. Olejnik and Mr. Abdallah for presenting the audit report. He recognized the Village staff for a job well done.

PUBLIC HEARING TO RECEIVE COMMENTS ON SPECIAL LAND USE REQUEST FROM DETROIT COUNTRY DAY FOR MULTI-PURPOSE FIELD IMPROVEMENTS

Sam Ashley, Cunningham-Limp, spoke on behalf of Detroit Country Day. He explained that the upper field area is a natural grass area where field sports are played. Ashley noted that the Stadium Field, adjacent to Lahser Road, is the most frequently used area of the upper field. The school is asking for approval to replace the natural turf with artificial field turf for sports like baseball, lacrosse, field hockey and soccer. Amenities like baseball dugouts, foul poles, outfield walls, fencing and scoreboards, will also be added.

President Mooney opened the public hearing at 7:55 p.m.

No one wished to be heard.

Mooney closed the public hearing at 7:56 p.m.

REVIEW AND CONSIDER SPECIAL LAND USE REQUEST FROM DETROIT COUNTRY DAY FOR MULTI-PURPOSE FIELD IMPROVEMENTS

Motion by Abboud, second by Oen, to approve special land use to Detroit Country Day for multi-purpose field improvements with the provision that a storm water maintenance agreement is signed with the Village and that a 20-foot chain link fence is acceptable as ancillary to the athletic field.

Mueller asked what the height of the scoreboard would be from the ground. Ashley indicated it would be eight feet.

Peddie commented that she is happy Detroit Country Day removed 80-foot light towers from its special land use request.

Manager Wilson explained that the storm water maintenance agreement is required by Village ordinance. He added that the addition of the synthetic turf field does effect storm water drainage.

Roll Call Vote:

Motion passed (7 - 0)

REVIEW AND CONSIDER ANNUAL FUNDING REQUEST AND CONTRACT FROM NEXT FOR FY 2015/2016 IN THE AMOUNT OF \$30,000

Motion by Borgon, second by Peddie, to approve the funding request from Next in the amount of \$30,000 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.

Mueller asked if the contract for Next is automatically renewed when the funding is reviewed by Council. Mooney answered in the affirmative.

Greg Burry, Pierce, thanked the Village for its contribution. He indicated the contribution allows for an increase in hours and services. He noted that 250 new members have been added to Next in the past year and that program attendance has improved dramatically.

Roll Call Vote:

Motion passed (7 - 0).

REVIEW AND CONSIDER SUBCOMMITTEE'S RECOMMENDATION TO FILL THE BIRMINGHAM AREA CABLE BOARD VACANCY

Borgon reported that one application has been received for the vacant seat on the Birmingham Area Cable Board. He reported that the subcommittee consisting of Mooney, Delaney and himself met prior to tonight's regular Council meeting and recommends Greg Burry be appointed to the Board.

Motion by Borgon, second by Delaney, to appoint Greg Burry to serve on the Birmingham Area Cable Board, with a term that will expire on June 30, 2016.

Motion passed (7 – 0).

SECOND READING AND POSSIBLE ADOPTION OF ORDINANCE #355 AMENDING CHAPTER 22, SECTION 22.08.220 TEMPORARY AND PORTABLE STRUCTURES

Village Attorney Ryan said the proposed amendment would move variance approval from the Zoning Board of Appeals to Administration to allow temporary and portable structures on residents' property. He explained that residents would be able to have a portable structure on site for 14 days within a six-month period. Residents may ask administration for additional time at the end of the six-month period.

Motion by Abboud, second by Oen, that the Beverly Hills Village Council adopt Ordinance #355 amending Chapter 22 of the Zoning Ordinance Section 22.08.220 to allow temporary and portable structures without Village approval when four specific conditions are met. Such ordinance to take effect 20 days after publication in the Eccentric Newspaper.

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

Ordinance #355 is available at the Village office for public review.

SECOND READING AND POSSIBLE ADOPTION OF ORDINANCE #356 AMENDING CHAPTER 22, SECTION 22.30.040 NONCONFORMING STRUCTURES

Ryan explained the proposed amendment would more closely define a nonconforming structure, noting that no structure could be enlarged or altered unless it conformed to the provisions of the ordinance.

Motion by Abboud, second by Oen, that the Beverly Hills Village Council adopt Ordinance #356 amending Chapter 22 of the Zoning Ordinance Section 22.30.040 to more accurately define a nonconforming structure and assure that no structure may be enlarged or altered unless it conforms to the provisions of the ordinance. Such ordinance to take effect 20 days after publication in the Eccentric Newspaper.

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

REVIEW AND CONSIDER RESOLUTION GRANTING THE BEVERLY HILLS VILLAGE COUNCIL AUTHORITY TO APPROVE THE BEVERLY HILLS MASTER PLAN

Motion by Abboud, second by Oen, that the Beverly Hills Village Council shall assert its authority to approve or reject the Beverly Hills Master Plan update for the Village once it is presented to them by the Planning Commission, in accordance with plan preparation and adoption procedures set forth in Michigan Public Act 33 of 2008, as amended.

Attorney Ryan explained that the Planning Commission can adopt the Master Plan update, but the Council has the right by State law to make a final decision.

Abboud noted that the Planning Commission will review the final revision of the Master Plan and then make a recommendation to the Village Council.

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

SECOND ANNOUNCEMENT OF A VACANCY ON THE ZONING BOARD OF APPEALS FOR AN ALTERNATE MEMBER

Mooney explained that the vacant alternate member's seat term would expire on June 30, 2018. He added that Tuesday, November 10, 2015 is the application deadline for the opening. A Zoning Board of Appeals subcommittee will meet prior to Council's next regular meeting on November 17 to interview applicants and make a recommendation to Village Council for an appointment.

Borgon asked if he could be a part of the subcommittee. Mooney answered no and explained that subcommittee assignments are done on a rotational basis.

REVIEW AND CONSIDER PROPOSAL TO PURCHASE AND PLANT TREES AT BEVERLY PARK

Mueller explained that the Parks and Recreation Board recommended additional trees be purchased and installed at Beverly Park up to \$10,000. He noted that the Village received just one bid in response to its solicitation for the trees and installation services.

Motion by Mueller, second by Oen, to rebid the purchase and installation of trees at Beverly Park in early spring 2016.

Mueller indicated the timing of the first bid is probably the reason only one response was received. He said the solicitation was sent to four qualified bidders.

Motion passed.

PUBLIC COMMENTS

None.

MANAGER'S REPORT

Wilson explained that Lahser Road will open on November 15, 2015, according to the Oakland County Road Commission. Work on the Erity Dam will begin when Lahser Road opens. A coffer dam will be installed and repairs to the left spillway will be completed with two to five days once work begins.

Wilson noted that two new employees recently began working for the Village. Sheila McCarthy is the new Finance Director. She holds an MBA from the University of Michigan and is a Certified Public Accountant. McCarthy has held various positions in finance and accounting, most recently as Assistant Controller at Walsh College. McCarthy is a current resident of Birmingham and was raised in Beverly Hills. Chanda' Simmons is the new Utility Billing Clerk and has more than 15 years of experience in municipal government.

Wilson reported a deficit in the Local Road Fund. He noted the Village completed major road projects this year including Beverly Road, Riverside, and Fairfax. He added that because of the Road Commission's Lahser Road project, the Village's road construction projects were moved up as early as possible in the construction season. Projects were budgeted for the current fiscal year but due to the timing of invoices, the auditors have accrued many of the costs to the FY 2014-15. Wilson explained that at no time was the Village in danger of running out of funds for road maintenance or

construction. Revenues for the current fiscal year will eliminate the deficit and no further major construction is planned for the 2015-16 FY. Wilson said the Village will need to file a deficit elimination plan with the State of Michigan. Village administration will have the plan prepared by the next Council meeting.

Wilson indicated that the Village recently had a problem with several recycling trucks leaving broken glass on Village streets. He explained that the issue was caused by a manufacturer's defect in the trucks and that they are currently being repaired.

COUNCIL COMMENTS

Mueller indicated that the 20th annual Halloween Hoot was a tremendous success. He suggested the Village Council honor Janet Mooney, Pat Greening and Jason Gross at its next meeting for their efforts in making the event a success.

Aboud summarized recent work of the Planning Commission. He reported his attendance at a recent Southeast Michigan Council of Governments conference at Schoolcraft College in Livonia. He thanked residents for attending Council's special meetings on water rates and the Ery Dam.

Delaney thanked Wilson for his presentations on water rates and the Ery Dam. He asked if Village administration had received any phone calls regarding the leaf program. Wilson said they had.

Mooney indicated that he is honored to serve with the Village Council's members. He noted that council members consistently participate in community events.

Mooney called for a study session for the Village Council. The meeting will be held at the Village Hall on Saturday, December 5 starting at 9:00 a.m. It will be an open meeting to the public.

Mooney reported that Beverly Hills has been ranked the fourth happiest town in the State of Michigan.

Mooney congratulated Birmingham Groves High School on its recent football win.

Mooney expressed his thanks to the Public Safety Department for its excellent work at the house fire on Marguerite.

Motion by Oen, second by Mueller, to adjourn the meeting at 8:47 p.m.

Motion passed.

John Mooney
Council President

Ellen Marshall
Village Clerk

Scott Daniel
Recording Secretary