

Present: Council President Domzal; President Pro-Tem Woodrow; Members: Downey, Koss, McCleary, Pfeifer and Taylor

Absent: None

Also Present: Village Manager, Spallasso
Assistant to the Manager, Pasieka
Village Clerk, Marshall
Building Official, Byrwa
Director of Public Safety, Woodard
Village Attorney, Ryan

President Domzal called the 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 Koss, second by Downey, to amend the agenda to move the following discussion item to the business agenda: “Change of shift length from 8 hours to 12 hours for Public Safety sworn officers”.

Ayes – Domzal, Downey, Koss, McCleary, Pfeifer and Woodrow

Nays – Taylor

Motion fails (6 – 1). *A vote to amend the agenda must be unanimous.*

Domzal related that a proposal for a trial 12-hour work schedule was discussed at a January 13 Council study session. There was a request at that meeting for additional information, which was provided by Director Woodard and distributed to Council members. Domzal interpreted the sense of Council to be that it would review and discuss the additional information tonight and vote on the issue at a subsequent meeting.

Taylor expressed the view that Council does not have enough information to move forward on this item tonight.

Koss stated that the Public Safety Department shift selection process begins tomorrow. If Council does not vote on the trial work schedule this evening, consideration and action on a shift change will have to be deferred until August. McCleary added that he expected the matter to be on the business agenda tonight for this reason.

Domzal remarked that it appears to be the sense of the majority of Council to take action on this item as soon as possible. He proposes scheduling this as an agenda item for the February 15 Council meeting.

Motion by Woodrow, second by Pfeifer, to approve the agenda as published.

Ayes - Domzal, Koss, Pfeifer, Taylor and Woodrow
Nays – Downey and McCleary.

Motion passed (5 – 2).

CONSENT AGENDA

Motion by Pfeifer, second by McCleary, to approve the consent agenda as follows:

- a. Review and consider minutes of a special Council meeting held on January 13, 2005.
- b. Review and consider minutes of a regular Council meeting held on January 18, 2005.
- c. Review and file bills recapped as of Monday, January 24, 2005.

Motion passed (7 - 0).

BUSINESS AGENDA

REVIEW AND CONSIDER ANNUAL FUNDING REQUEST FOR BIRMINGHAM YOUTH ASSISTANCE

Council is in receipt of an annual funding request from the Birmingham Youth Assistance Committee (BYAC). Taylor introduced Rich Durda, Principal of Berkshire Middle School and a volunteer with BYAC.

Durda described the Birmingham Youth Assistance Committee as a unique partnership of the municipalities of Beverly Hills, Birmingham, Bingham Farms and Franklin, their police and public safety departments, the Birmingham Public School system, the Family Division of the Oakland County Probate and Circuit Courts, and volunteers. The mission of the organization is the prevention and reduction of child abuse, child neglect and juvenile delinquency. BYAC pursues its mission through its case worker who works with children who are first time offenders to provide an alternative to official court involvement. Durda outlined a number of programs offered by BYAC. Director Woodard remarked that the Public Safety Department's school liaison officer is involved in the BYA program.

Durda commented that the BYAC partnership with Beverly Hills dates back to 1969. The organization greatly appreciates the support of the Village and is requesting a contribution from Beverly Hills in the amount of \$5,514.00. Durda is aware that Beverly Hills has allocated \$4,794 to BYAC for fiscal year 2004/05. The Village reduced the amount of its support for services provided by non-profit organizations by ten percent during last year's budget deliberations.

Durda responded to inquiries from Council and the public. He was asked for statistics on the number of Beverly Hills youths who have been referred to Birmingham Youth Assistance.

Motion by Taylor, second by McCleary, that the Village of Beverly Hills approve the expenditure of \$4,794 to the Birmingham Youth Assistance Committee for fiscal year 2004/05.

Pam Rijnovean of 32420 Evergreen expressed the view that Council should receive data from the BYAC that specifies how many Beverly Hills students use the programs as well as feedback on the results received.

Durda will provide the Village with figures on how many individuals receive services from BYAC and how many are from Beverly Hills. He was also asked for a copy of the organization's annual report.

Kathleen Berwick of 30381 Kennoway Court questioned how many of the communities in the Birmingham School District support the Birmingham Youth Assistance Committee. Durda responded that all seven of the communities are asked to contribute to BYAC. Funding is received from Beverly Hills, Birmingham, Bingham Farms and Franklin.

Domzal clarified that Beverly Hills is providing a stipend for services that are provided to Village residents.

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

**REVIEW AND CONSIDER RESOLUTION HONORING GEORGE GOODMAN,
EXECUTIVE DIRECTOR OF THE MICHIGAN MUNICIPAL LEAGUE**

Pfeifer related that Executive Director of the Michigan Municipal League George Goodman has announced his retirement effective March 2005 after two decades of leadership. Before Council for consideration is a resolution recognizing Mr. Goodman for his dedication and service.

Motion by Pfeifer, second by Downey, to adopt the following resolution.

RESOLUTION

Whereas, George D. Goodman has served the Michigan Municipal League as Executive Director for 22 years; and

Whereas, he served as Mayor of Ypsilanti, Michigan from 1972 – 1982 and President of the Michigan Conference of Mayors for 1976 – 77; and

Whereas, in 1987, his considerable expertise was recognized when he was one of seven persons across the country who were recognized by Common Cause with its Public Service Achievement Award; and

Whereas, in 1998, he was selected as a Fellow of the National Academy of Public Administration, which is chartered by Congress to provide advice and counsel on all matters of public policy; and

Whereas, he has been instrumental in the development of the Michigan Black Caucus; and

Whereas, he has held numerous civic leadership roles including Chair of the United Way of Michigan, Board Member of Starr Commonwealth and of Youth for Understanding, and Chair of the Washtenaw County Community College Foundation; and

Whereas, he has served as President of the Michigan Municipal League Foundation since its inception in 1991; and

Whereas, he has served as a Board Member of the National League of Cities and of Public Technology, Inc., the technology arm of the National League of Cities, the International City/County Management Association, and the National Association of Counties; and

Whereas, he has actively promoted sharing of Michigan's local government expertise with local officials in developing nations throughout the world through exchange programs; now

Therefore Be It Resolved that the Village of Beverly Hills does hereby recognize and acknowledge the contributions and efforts made by George D. Goodman over his many years of dedicated service to Michigan's villages and cities; and

Be It Further Resolved, that a copy of this resolution be presented to George D. Goodman on the occasion of his retirement from the Michigan Municipal League.

Motion passed (7 – 0).

SET PUBLIC HEARING DATE OF FEBRUARY 15, 2005 TO REVIEW CONSUMERS ENERGY BUILDING EXPANSION AT 30319 LAHSER ROAD

At its December 7, 2004 meeting, Council referred a site plan and special approval request for expansion of the Consumers Energy building located at 30319 Lahser Road to the Planning Board for review, recommendation and public hearing. The Planning Board has scheduled a public hearing for Wednesday, February 9, 2005 on this item. It will be necessary for Council to schedule its public hearing on the same proposal.

Motion by Woodrow, second by Taylor, to schedule a public hearing for Tuesday, February 15, 2005 to receive comments on a request from Consumers Energy for Site Plan and Special Approval at 30319 Lahser Road for a proposed 8' x 25' addition to the control building and various site improvements.

Motion passed (7 – 0).

Preliminary site plans are available for review in the Village Office.

SET PUBLIC HEARING DATE OF FEBRUARY 15, 2005 TO REVIEW AND CONFIRM 2004 SPECIAL ASSESSMENT ROLL FOR THE SOUTHFIELD ROAD BUSINESS DISTRICT

Beverly Hills maintains the public right-of-way along the Southfield Road business district and assesses the cost of landscape maintenance and water for the sprinkling system to the property owners on the west side of Southfield Road. It is necessary for Council to hold a public hearing to review and confirm the 2004 Special Assessment Roll for the Southfield Road Business District.

Motion by Pfeifer, second by McCleary, to set a public hearing date of February 15, 2005 to review and confirm the 2004 Special Assessment Roll for the Southfield Road Business District.

Motion carried (7 – 0).

REVIEW AND CONSIDER RETAINING PROFESSIONAL ENGINEERING SERVICES FOR SANITARY SEWER INFILTRATION/INFLOW STUDY

The Village of Beverly Hills received and accepted the Administrative Consent Order issued by the Michigan Department of Environmental Quality for the Evergreen Farmington Sewage Disposal System at its December 7, 2004 Council meeting. The first action item in the compliance program is the evaluation of the sanitary sewer system to determine and address the excess infiltration/inflow into the system by installing meters to identify the source areas. This plan has already been submitted to the Michigan Department of Environmental Quality (MDEQ).

The Village applied for a grant to offset the cost of this project and has received approval that will cover approximately 40% of the total estimated cost of \$52,500.00. One of the requirements to obtain the grant is to follow procurement procedures for the selection of the professional engineering consultant that will provide the service.

The Village advertised for Requests for Qualifications and received two proposals. Proposals were received from Spalding Dedecker Assoc. and Hubbell, Roth & Clark, Inc. Manager Spallasso asked Mr. Dick Cole, P.E. to do an evaluation of these proposals for Beverly Hills. Mr. Cole recently retired after 30 years as the engineer for the City of Royal Oak. His recommendation was to retain Hubbell, Roth & Clark to perform the Sanitary Sewer Infiltration/Inflow Study.

Motion by McCleary, second by Pfeifer, to accept Mr. Dick Cole's evaluation and recommendation to retain Hubbell, Roth & Clark to perform the Sanitary Sewer Infiltration/Inflow Study for an amount not to exceed \$52,500.

There followed a discussion of the proposal criteria ranking and selection of a consulting engineering firm to do this work. Spallasso used an independent party to evaluate the companies. The firms are qualified and comparable in terms of their professional services and rates. It appears that the advantage of selecting HRC is that the company is more familiar with the Village's functions and sewer system. There were members of Council who thought that the proposal from HRC should be lower in cost for this reason.

It was questioned whether quotes were received for this project. Council is not required to go out for bids for professional services. Spallasso explained that an estimated cost figure was based on anticipated hours and equipment necessary to perform the service. The grant application was submitted for that \$52,500 amount. The total project cost could come in less than that number.

Spallasso added that the Village committed to start the metering work in March in order to complete the project by December so work can begin on preparing a long term plan to address infiltration/inflow problems as required by the DEQ.

Residents had questions and comments on the project with particular interest in the selection of the firm to perform the infiltration/inflow study. Residents urged Council to go out for bids on the project. There was a concern that it is not an optimum situation to use the same engineering firm for the majority of Village projects. Communication of sewer system problems and solutions to the residents was stressed.

Lawrence Needham	15588 Kirkshire
Norm Downey	23042 Nottingham Drive
Bunker Kelly	21526 Corsaut Lane
Susan Cory	31155 Pierce Street
Sharon Tischler	21415 Virmar Court

Spallasso responded that other engineering consultants are used on Village projects, and he gave one example of this.

Wally Alix from Hubbell, Roth & Clark stated that HRC has been serving the Village for a number of years. He commented on several projects that have been undertaken in Beverly Hills and elaborated on the proposed program to meter local sewers. It was emphasized that the Evergreen Farmington and Acacia Park are two different districts. Questions from Council were addressed by Alix.

Roll Call Vote:

Koss	- yes
McCleary	- yes
Pfeifer	- yes
Taylor	- yes
Woodrow	- no
Domzal	- yes
Downey	- no

Motion passed (5 – 2).

DISCUSSION ITEMS

STRATEGIC PLAN – ISSUE #1 MAINTAIN CURRENT LEVEL OF SERVICES

Council was presented with a Strategic Plan for the Village at its January 18, 2005 regular Council meeting. The plan prepared by the Strategic Planning Development Committee identified six key strategic issues and presented action plans to accomplish strategic objectives. Domzal suggested that Council talk about how it wants to approach the prioritization and implementation of the plan. One of the recommendations from the Strategic Planning Committee was to form teams to carry out a particular key strategic issue and to engage members of the ad hoc committees to be a part of those teams.

It was the sense of Council that it is premature to address any one of the key strategic issues tonight. There was agreement that Council would consider the strategic plan further and discuss how to proceed with prioritization of the six major issues at an upcoming study session. The suggestion was made to post the strategic plan on the Village web site.

Art Liberty of 20850 W. Thirteen Mile Road suggested that Council concentrate on addressing the top five priorities identified by residents who returned the Village-wide survey.

Bunker Kelly of 21526 Corsaut Lane recommended discussing the strategic plan at a Saturday session. Kelly distributed written material to Council that features other communities that have developed a strategic plan and are in the process of implementing and tracking their plans.

CHANGE OF SHIFT LENGTH FROM 8 HOURS TO 12 HOURS FOR PUBLIC SAFETY SWORN OFFICERS

At Council's work session of Thursday, January 13, Director Woodard gave a presentation regarding a shift change for all sworn public safety officers and supervisors from an 8-hour shift to a 12-hour shift. Woodard presented a brief overview of the topic.

Director Woodard related that there have been requests from public safety labor groups during his six-year tenure with the Village to change from the Department's current 8-hour schedule in favor of a multiple hour schedule. A Public Safety Department Operational Review was initiated by Council last spring. The study looked at a number of issues including work schedule alternatives and whether there was a sense of need for change in the work schedule by the officers and supervisors. The consultant recommended in his report that something other than the current 8-hour schedule be considered.

Discussions have recently taken place between the Department administration and officer and command unions regarding the proposed implementation of a trial 12-hour work schedule. An ad-hoc committee was established to arrive at a generalized package that would be acceptable to the labor unions in terms of its impact on labor agreements.

A 12-hour schedule is being proposed on a trial basis that could go from 12-24 months. During that period of time, officers would work an average 42-hour work week. Each officer and supervisor would ultimately work 104 hours extra each year. There is an increased cost with the 12-hour schedule over the current 8-hour system. The department currently staffs 26 officers with the 8-hour system. It would cost an estimated \$96,000 more to fund the 12-hour shift with 26 officers. The expense to the Village above the current 8-hour schedule with a staff of 25 people would be about \$24,000. Woodard stated that the 25 officer staffing level could be achieved through attrition due to an officer retirement in April.

Woodard stated that one of the advantages of a 12-hour shift may be better retention of officers. Council has requested and received data on overtime expenses based on short staffing. Woodard provided information that shows that the cost of overtime to maintain minimal staffing has averaged \$60,000 over the last three fiscal years.

The advantages of a 12-hour shift from an officers' standpoint is that they are scheduled for half the work days in a calendar year. Every other weekend is a three-day weekend off. They are compensated for the extra time worked. An advantage to the Village is that the Department is able to schedule a supervisor on every shift at all times.

Koss stated that the officers will begin shift selections tomorrow for the next shift schedule. She questioned whether there is any benefit to discussing the proposed shift change at the February 15 Council meeting. Woodard responded that there are agencies that depend on the Department publishing its schedule in terms of court and training dates. If there is not a vote of Council tonight, action would best be deferred to spring or summer for implementation with the winter schedule.

Motion by Woodrow, second by McCleary, to place the Public Safety Department shift change item on the business agenda.

Taylor stated that the main reason he did not think this should be an item on the business agenda is that the cost to implement a 12-hour shift change exceeds the cost of the current 8-hour shift schedule. Council has a responsibility to its residents to stay within the budget. He is not opposed to a 12-hour shift but will not support a shift change unless it is revenue neutral.

Woodrow remarked that it is his understanding that short staffing occurs under the current structure and results in unbudgeted overtime expenses. Moving to a 12-hour shift may result in reductions in overtime costs. Whether the 12-hour shift schedule can be revenue neutral will be determined during the trial period.

Downey commented on the proposal and expressed a willingness to offer the opportunity to the Department to implement the program on a temporary basis as a challenge for the system to be revenue neutral.

In response to comments from Council, Director Woodard stated that the Public Safety Department Operational study proposed that the 12-hour schedule could be implemented with a staff of 24 with an actual savings to the Village. Woodard proposes a 12-hour schedule with a staff of 25. This allows for a third detective position that would provide the flexibility of an extra person to assign as necessary during scheduling shortages. It is good experience for the officer and provides efficiency from the detective bureau. If there is a shortage of staff, that person is brought out of the Detective Bureau.

Roll Call Vote:

Motion passed (7 – 0).

Motion by Koss, second by McCleary, that the Village Council support a Public Safety Department shift schedule change from 8-hour to 12-hour shifts for all sworn Public Safety Officers and Supervisors for a 12-month trial period to begin on March 21, 2005. A memo of understanding will be provided to Council for signature prior to the date of implementation.

There was further Council discussion on the proposal. The majority of Council members spoke in favor of authorizing a 12-hour shift schedule for a trial period of 12 months. There was agreement that there is a need to monitor this system. Woodard stated that he plans to do a review internally that will be shared with Council.

Woodard clarified that a memo of understanding has been drafted and reviewed by the Village Labor Attorney. It will be signed by members of the officers union, the command union, Council members and administration. The memo of understanding qualifies some areas of the current collective bargaining agreement for the purpose of the 12-month trial period for a 12-hour shift schedule.

Domzal stated that he is not in favor of the 12-hour shift as it is currently proposed with his main concern being the cost to the Village. The base cost of maintaining 25 employees working 12-hour shifts will cost approximately \$24,000 over the cost of the current 8-hour shifts. There may be unknown benefits or disadvantages in terms of sick time and overtime.

Domzal stated that the Public Safety Operational Study recommended eight or nine items, some of which have been implemented or are in process of being implemented. There were measures recommended that deal with sick time policies. Domzal's preference would be to consider the shift change proposal as part of negotiations at the bargaining table in order to provide the Village with an opportunity to benefit by further implementing policies recommended in the operational study. Domzal stated that he is not opposed to the shift change. He feels that there could be suggestions at the bargaining table that would reduce costs and result in a more revenue neutral plan.

The following residents voiced strong opposition to approving a trial 12-hour shift schedule for the Public Safety Department. The view was expressed that the proposed shift change is not fiscally responsible. The benefit to Village residents was questioned. There

was concern that 12-hour shifts would result in less alert public safety officers and a reduced level of protection. Residents felt that there was not enough discussion by Council on this item in an open forum. The point was made that the Village should hold to its contracts and consider a shift change proposal as a bargaining issue during contract negotiations. Changing to a 12-hour shift schedule should be revenue neutral.

Sharon Tischler	21415 Virmar Court
Art Liberty	20850 W. Thirteen Mile Road
Gladys Walsh	20655 Smallwood Court
Bunker Kelly	21526 Corsaut Lane
Kathleen Berwick	30381 Kennoway Court
Norm Downey	23042 Nottingham Drive

Council members offered final comments on the proposal. It was clarified that public safety officer staffing levels are dictated by OSHA (Occupational and Safety Health Administration) firefighting requirements and not by population.

Roll Call Vote:

Pfeifer	- yes
Taylor	- no
Woodrow	- yes
Domzal	- no
Downey	- yes
Koss	- yes
McCleary	- yes

Motion passed (5 – 2).

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court had a question on the bills, which was addressed by Pfeifer. In answer to an inquiry, Ryan stated that the Village does not have any current pending matters in litigation. Tischler was informed that Council expects a report on the library survey results this week.

Tischler made an observation with regard to the new traffic signal at Dunblaine and Southfield Road. The square box signals are located on the opposite side of the intersection and not in the center. She has seen vehicles stop for the light in the center of the intersection particularly at night or when the road is snow covered.

Pamela Rijnovean of 32420 Evergreen asked if statistics on how many Beverly Hills residents use the library will be available from Baldwin Public Library. The Village Clerk has informed her that the Library reports that it has issued 7,622 library cards to Beverly Hills residents. Rijnovean stated that this does not indicate how many people use the library. She thinks that a formal report should be requested from the library on how many Beverly Hills resident cards are in circulation and how many times they are used.

Robert Walsh of 20655 Smallwood Court asked specific questions about the Beverly Park pavilion renovation project. The Parks and Recreation Board has been working on pavilion plans for a year or more. He expressed the view that Council should discuss this project at a regular Council meeting and provide a presentation that addresses the scope and cost of the project so that the citizens of Beverly Hills know what is going on at the park.

Bunker Kelly of 21526 Corsaut Lane pointed out that the homeowner association listings were left out of the 2005 Village Calendar. Kelly commented on the population of the Village over a period of years.

Chuck Cory of 31155 Pierce, new resident, questioned the procedure for requesting a meeting with Village staff members. He was advised to contact the Village office.

Pam Rijnovean requested that the Village erect a sign at Riverside Park saying, “Do not feed the geese”.

REPORTS – MANAGER

Construction for the water main project is proceeding on schedule; however, slow progress is being made due to weather conditions. Spallasso thanked the residents who live along the segments where the contractor has been working for their patience and understanding.

The winter weather has put the Village’s DPW crews to the test, and they performed very well. Spallasso received three calls from residents thanking the Village for doing a good job of plowing the roads.

COUNCIL

Koss commented that residents have indicated that they are not well informed on Council matters. She thinks it is important that study sessions be cablecast and that public questions be answered.

Woodrow welcomed the Corys to the Village. He recalls that Council approved the budget for the pavilion renovation with the understanding that Council would review and consider approval of final plans and specifications. Woodrow commented that he will not approve a proposal that exceeds the budgeted amount.

Taylor stated that the Southfield Township Board of Trustees will meet on Tuesday, February 8 at 8:00 p.m. in the Township building.

Downey remarked that a search function would be a useful tool for the new Village web site. Downey commented on democracy, voting, and participation. He would like people to have choices for who represents them on Council.

Downey philosophized that people should put aside their differences and act as a team to achieve top performance. He has talked about Beverly Hills in terms of a business. Business is defined as a purposeful activity. He thinks this is a fair comparison and that

Council needs to consider how efficiently Beverly Hills is run. If this Village is to move forward, we need to move together as a team.

Downey wished code enforcement officer Dan Gosselin a quick recovery from a home injury.

Pfeifer reported that a representative from a company called Granicus made a presentation on web streaming at the last Cable Board meeting. The company provides comprehensive solutions for creating, managing and distributing live and on-demand streaming media content to support and enhance public meeting communications for local government. The Cable Board may consider providing grants to the communities for this service depending on a proposal received from Granicus.

Spallasso updated Council and the public on the status of the park pavilion plans. The Parks and Recreation Board will be making a recommendation on a pavilion renovation plan at its February 17 meeting. It is expected that there will be a proposal for Council consideration at its first meeting in March.

Domzal thanked the public service employees for their fine efforts to keep streets clear during this tough winter.

The Village received a letter from Southfield Township stating that the Township Board adopted a resolution authorizing the Township Clerk to bill villages for costs incurred in the conduct of any regular September or special election authorized by the village using the reimbursement guidelines of the State of Michigan Election Division. Domzal spoke with Township Clerk Sharon Tischler, who informed him that there are no current plans for the Village of Beverly Hills to be billed by Southfield Township for costs associated with the upcoming September election. The Township resolution would apply to special elections requested by the Village.

Council will hold a study session at 5:30 p.m. prior to its regular February 15 Council meeting beginning at 7:30 p.m. Two items on the study session agenda will be: 1) Preliminary presentation of budget figures and receipt of the five year financial forecast, and 2) Discussion regarding staffing with respect to the Village Manager position.

Motion by Pfeifer, second by McCleary, to adjourn the meeting at 10:38 p.m.

Motion passed.

Dave Domzal
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary