

Present: President Woodrow; President Pro-Tem Koss; Members: Berndt, Oen, Peddie Pfeifer and Stearn

Absent: None

Also Present: Manager, Spallasso

President Woodrow called the meeting to order at 7:00 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

Motion by Pfeifer, second by Woodrow, to go into closed session to discuss collective bargaining.

Roll Call Vote:  
Motion passed (5 – 0).

Members Berndt and Stearn entered the closed session.

Motion by Oen, second by Koss, to return to open session after a 15 minute recess.  
Motion passed (7 – 0).

Council reconvened in open session at 7:30 p.m.

Also Present: Manager, Spallasso  
Assistant Manager/Clerk, Marshall  
Public Safety Director, Woodard  
Village Attorney, Ryan

President Woodrow called the regular Council meeting to order at 7:30 p.m. The Pledge of Allegiance was recited by those in attendance.

#### **ADDITIONS TO AGENDA/APPROVE AGENDA**

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

Motion passed (7 – 0).

#### **PUBLIC COMMENTS**

Dennis Page of 30470 Lincolnshire East urged Council to enforce all Village ordinances. He commented on recent action by the Planning Board to refer a site plan for a new gymnasium at Detroit Country Day School to Council and subsequent action by Council to approve the site plan with conditions. Site plan approval was contingent on Country Day going to the Zoning Board of Appeals for either an interpretation of the ordinance or a variance from the Zoning Ordinance.

Page related that Planning Board members, at their November 28 meeting, expressed the opinion that the sidewalk ordinance is illegal. Woodrow responded that the stance of the Village is that its ordinances are legal unless they are challenged and rescinded.

Page referred to a memo dated November 20, 2007 from Planning Board Chairperson David Jensen to a Council member citing case law that Jensen believed demonstrated that the Village cannot require Country Day to install sidewalks along major roads as a condition of approval of their project. Page pointed out what he thought were factual errors in the letter.

Woodrow interjected that the referenced memo did not impact any action by this Council and that Page should discuss the content of the letter with Mr. Jensen. Page responded that he spoke with Jensen directly about the letter at the last Planning Board meeting. Jensen indicated that the Planning Board recommended approval of the Country Day site plan without sidewalks based on the reasons stated in his memo.

Pam Murdock of 30410 Georgetown asked Council to keep the best interest of the Village in mind when it makes recommendations. She was disturbed that the Planning Board recommended approval of a site plan with a major flaw in terms of not addressing the sidewalk ordinance. Murdock also expressed concern with Council's approval of the Detroit Country Day site plan at its November 20 meeting without requiring the school to construct sidewalks as part of their proposal.

Bob Walsh of 20655 Smallwood Court mentioned the dates of previous construction projects at Detroit Country Day School to make the point that there were two previous site plans for major renovations that were approved by the Planning Board and Council without requiring sidewalks.

Kathleen Berwick of 30381 Kennoway expressed the opinion that the Country Day headmaster exaggerated the condition of the terrain along the perimeter of the school property.

Pam Murdock observed that the landscaping at the Road Commission building abutting Thirteen Mile at Lahser Road is an eyesore. She asked that Village administration take a look at it.

#### **CONSENT AGENDA**

- Motion by Oen, second by Pfeifer, to approve the consent agenda as published.
- a. Review/consider approval of minutes of the November 20, 2007 Council meeting.
  - b. Review and file bills recapped as of Monday, November 26, 2007.

Motion passed (7 – 0).

#### **BUSINESS AGENDA**

#### **SET PUBLIC HEARING DATE OF DECEMBER 18, 2007 ON A REQUEST FROM ASCENSION OF CHRIST LUTHERAN CHURCH FOR SITE PLAN AND SPECIAL USE APPROVAL**

At its June 27, 2007 meeting, the Planning Board recommended Council approval of special land use and site plan to erect a play structure and fence in the side yard at Ascension of Christ Lutheran Church at 16935 W. 14 Mile Road. Approval was contingent on the Zoning Board of Appeals granting two variances: 1) construction of a play structure in the side open space; and 2) allow a 4 ft. high fence in a side yard that abuts a road.

The Zoning Board of Appeals granted a variance on fence height and a variance to construct a play structure in the side yard based on a revised site plan at its October and November meetings. Oen commented that Church representatives have worked with the Zoning Board and area residents to present a revised site plan that is acceptable to all parties.

Council will hold a public hearing on December 18, 2007 on site plan and special use approval of a play structure and fencing requested by Ascension of Christ Lutheran Church at 16935 W. 14 Mile Road.

**REVIEW AND CONSIDER RATIFICATION OF SETTLEMENT AGREEMENT BETWEEN THE VILLAGE AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME)**

Woodrow passed the gavel to President Pro-Tem Koss. This item was tabled at the last meeting for the reason that Council members had questions regarding the contract. Council held a closed session prior to tonight's Council meeting to discuss collective bargaining relative to the AFSCME contract.

Motion by Woodrow, second by Stearn, that the Beverly Hills Council ratify the settlement agreement with the AFSCME union with the changes discussed in closed session.

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

Woodrow resumed the chair.

**CONSIDER ADOPTION OF POLICY REGARDING WATER BILL DISCREPANCIES**

Stearn stated that water meters are being replaced throughout the Village with new meters that have the capability of being read electronically from the street. The process of replacing water meters in the Village has resulted in discrepancies in some instances between the outside reading device (ORD) and the inside meters.

At the last Council meeting, there was discussion on how to proceed with a policy that would be fair to both the residents and to the Village. Council has arrived at a formula in terms of a policy for handling large water bills that may result when an actual meter reading is obtained at the time the new meter is installed. An adjustment to the homeowner's bill has to be made in order to charge them for the amount of water they actually used, but were never billed. A proposed policy was conceived by a joint effort of Council.

Motion by Stearn, second by Pfeifer, to establish the following policy for calculating cost recovery of unbilled water.

Establish water/sewage rate:

- If actual read was between January 1, 1995 and the present, establish the mean water/sewage rate from the year of the actual read to present.
- If actual read was prior to January 1, 1995 (or unknown), establish the mean water/sewage rate from 1995 to present.

Establish consumption:

- If actual read was within last 6 years, charge 100% of the discrepancy times the mean water/sewage rate (as established above).
- If actual read was more than 6 years ago:
  - ❖ Divide units of discrepancy by number of years since last actual read to establish annual average consumption. If actual read is unknown, begin with 1995.
  - ❖ Multiply the annual average consumption times 6 years (statute of limitations) to determine the number of units to be billed.
  - ❖ Multiply number of units to be billed times the mean water/sewage rate as established above.

Penalty/Interest:

- No penalty or interest charges will be assessed against the unbilled discrepancy

(Mean = Sum of all the members of a list of numbers divided by the number of items in the list)

There followed Council discussion of the policy. Spallasso addressed questions regarding payment policy, uncertainty of water meter service and installation records, the amount of discrepancies detected to date, and the Village's annual water loss.

In response to an inquiry on time limits for payment, Spallasso indicated that Village administration will consider extending a payment plan to residents receiving large bills depending on the circumstances. Spallasso commented that approximately 8% of the meters replaced were found to have discrepancies with the outside reading device. This percentage may increase when meters in the older sections of the Village are replaced.

Stearn stated that he disagreed with the policy on the basis that six years is too long a period to go back and establish consumption; he thought that Council should set a cap.

Pfeifer pointed out that the Village does not experience a large water loss compared to other communities. She expressed the view that the average being used in the proposed policy is not fair to Village residents who have been paying their bills over a long period of time.

Dennis Page stated that a discrepancy was found when his meter was recently replaced. Using the proposed formula, the charge for his additional water use will be \$5.12. He mentioned that homeowners could have prevented discrepancies by comparing the reading on the outside device with the reading on the inside water meter. Residents who accurately fill out their post card registering the inside meter readings will not be affected by a discrepancy in water use.

Page thought that it was important to note that whoever sets the water rate determines that rate based on the cost of operating the system including administrative fees. The charge to an individual user is based on the amount of water used. Over the years, the water rate is adjusted to cover the cost of operating the water system. The units of unbilled water ascertained as a result of an actual reading do not reflect fluctuating water rates.

Roll Call Vote:

Woodrow - yes  
Berndt - no  
Koss - yes  
Oen - yes  
Peddie - yes  
Pfeifer - no  
Stearn - no

Motion passed (4 – 3).

**REVIEW AND CONSIDER RECOMMENDATION FROM RETIREMENT BOARD FOR ACTUARIAL REVIEW OF VALUATION ASSUMPTIONS AND FUNDING POLICIES**

Stearn stated that the Retirement Board is the body that oversees the Beverly Hills Public Safety Officers Retirement System. The basic financial objective of the Retirement System is to establish and receive contributions that will remain approximately level as a percent of active member payroll. The annual actuarial valuation mathematically combines the known aspect of the retirement system with assumptions concerning future experience in a number of risk areas including long-term rates of investment return; patterns of pay increases; rates of mortality among members, retirees and beneficiaries; rates of withdrawal of active members; rates of disability among members; and age patterns of actual retirement.

Village actuarial firm Gabriel Roeder Smith & Company has recommended performing an updated actuarial review of valuation assumptions and funding policies for the Retirement System to determine whether it is appropriate to modify one or more of the assumptions to reflect experience trends. This was last done after the December 31, 2000 valuation.

The Retirement Board at its November 27 meeting recommended that Gabriel Roeder Smith & Company undertake a detailed study at a cost of \$7,000. The money will come out of the Pension Fund and not the Village General Fund.

Motion by Stearn, second by Oen, to authorize Gabriel Roeder Smith & Company to perform an actuarial review of valuation assumptions and funding policies for the Village of Beverly Hills Public Safety Officers' Retirement System at a cost not to exceed \$7,000 to be completed in eight weeks and to be funded from the Pension Fund.

Roll Call Vote:

Motion passed (7 – 0).

**PUBLIC COMMENTS**

Dennis Page commented that the new remote water meters do not have an external reader. He suggested that the Village prepare an instruction sheet advising residents how to verify their meter readings.

Sharon Tischler of 21415 Virmar Court agreed that there should be a procedure in place for the Village to conduct spot checking of the new meters to assure that they are working properly. Tischler questioned the status of the Wireless Oakland program.

Spallasso responded that Beverly Hills will be included in the second phase of the Wireless Oakland project, which could be up and running early next year. With respect to the new water meter system, the readings will raise a red flag if there is any change in normal usage for each individual unit.

### **REPORTS – MANAGER**

Spallasso reported that Steve Egan from the Mercer Group is working on final details for the Operational Study of the Public Safety Department. The document will be distributed to Council as soon as it is received.

The Villager newsletter was delivered to the Post Office today and will be received by residents this week. December 18 is the last day for yard waste pickup.

Woodrow asked that Council contact Spallasso or Steve Egan directly if they have any questions regarding the Public Safety Study. It is expected that there will be a presentation by Mr. Egan on the operational study at the December 18 Council meeting.

Koss referred to a letter from County Executive L. Brooks Patterson regarding the decrease in Oakland County property values over the past year. She asked if Finance Director Wiszowaty could address the effect of lower property values and decreasing revenue on the upcoming Village budget. Spallasso will attempt provide estimates at the joint session of Council and the Finance Committee on Saturday, December 8.

### **COUNCIL**

Peddie attended a recent meeting of the committee working on the Village's 50<sup>th</sup> Anniversary Celebration. She urged anyone who has historical photographs or information to bring it to the Village office. The material will be scanned and returned to the owner.

Stearn commented that the Eagle newspaper misquoted him in its article covering the last Council meeting. Stearn clarified that he voted to send the Country Day sidewalk issue to the Zoning Board of Appeals.

Stearn congratulated administration for doing a great job on the 2008 Village calendar. He wished everyone a Happy Hanukah.

Pfeifer expressed the opinion that Zoning Ordinance Section 22.08.410 Sidewalks or Bikeways is poorly written and vague. She proposed that Council discuss this ordinance language as a future agenda item.

Pfeifer announced that the Birmingham Area Seniors Coordinating Council (BASCC) is selling playing cards featuring scenic views in the area as a fund raiser at \$10/deck. Pfeifer updated the public on the Wireless Oakland program. She reminded everyone of a joint meeting of the

Council and Finance Committee this Saturday, December 8 at 9 a.m. until noon in the Council chamber.

Stearn thanked Public Safety Officer Sonia Koenig for meeting with his daughter, who is writing a report on a “community helper”.

Koss mentioned that Council received letters from the Birmingham Youth Assistance Committee and the Birmingham Bloomfield Community Coalition thanking the Village for funding of services provided by their organizations. Koss noted that the first Council meeting in January will be on Wednesday, January 2.

Spallasso mentioned that the Village Women's Club of Beverly Hills will be holding its annual Luminaria Sale at the Village Offices on Saturday, December 8 and Saturday, December 15th from 10:00 a.m. until 2:00 p.m.

Motion by Pfeifer, second by Oen, to adjourn the meeting at 8:31 p.m.

Motion passed (7 – 0).

**Hugh Woodrow**  
**Council President**

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

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