

Present: President Stearn; President Pro-Tem Koss; Members: Berndt, Briggs, Mooney, Oen and Peddie

Absent: None

Also Present: Manager, Wilson
Assistant Manager, Marshall
Director of Public Safety, Woodard
Village Attorney, Ryan

President Stearn 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 Mooney, to approve the agenda as published.

Motion passed (7 – 0).

PUBLIC COMMENTS

Kathleen Berwick of 31381 Kennoway Court congratulated Villagers on the high volume turnout at the November 4 Election and for defeating the millage restoration proposal. She related that she witnessed inappropriate behavior by a public official at her polling place. Berwick questioned the legality of stealing campaign signs; the Village Attorney responded that it was illegal to take someone else's property. Berwick urged Council to consider the worsening state of the economy as they work on the Village budget for 2009/2010.

CONSENT AGENDA

Motion by Koss, second by Briggs, to approve the consent agenda as published:

- a. Review/consider approval of regular Council meeting minutes of November 3, 2008.
- b. Review/consider approval of regular Council meeting minutes of November 12, 2008.
- c. Review and file bills recapped as of Monday, November 10, 2008.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER REQUEST FROM THE AMERICAN CANCER SOCIETY TO HOLD A 24 HOUR EVENT AT BEVERLY PARK ON JUNE 13-14, 2009

The American Cancer Society has contacted the Village regarding the use of Beverly Park this summer as a location for its second Annual Relay for Life in the community. They propose using the northeastern portion of Beverly Park including the path through the woods to host the 24-hour event. Participants would arrive at the park on Saturday, June 13 to walk continuously in honor of cancer patients, survivors and loved ones until Sunday, June 14. The American Cancer Society will provide the necessary facilities for the event as well as cleanup, rubbish removal and required insurance.

Kari DeCarlo, community representative for the American Cancer Society, brought handouts describing the event. DeCarlo indicated a willingness on the part of the organization to comply with all community requests and ordinances.

Motion by Berndt, second by Mooney, that the Beverly Hills Village Council authorize Village Administration to coordinate with the American Cancer Society to hold its Second Annual Relay for Life at Beverly Park on Saturday and Sunday, June 13-14, 2009. Park hours will be waived for this event for the reason that some participants will camp overnight at the park. The American Cancer Society will provide tents, porta-potties, entertainment, insurance, clean-up and removal of all rubbish.

Motion passed (7 – 0).

SECOND ANNOUNCEMENT OF VACANCY ON THE FINANCE COMMITTEE

Stearn made the second announcement of a vacancy on the Finance Committee for a term to expire on June 30, 2010. He urged interested members of the community to submit an application for this important position by Tuesday, November 24 at 4:30 p.m. Applications are available at the Village office or can be printed from the Village web site (www.villagebeverlyhills.com). A subcommittee of Todd Stearn as chairperson, Ron Berndt, and Walter Briggs will meet on Tuesday, December 2, 2008 at 7:00 p.m. to review applications and make a recommendation to Council that same evening.

REVIEW AND CONSIDER FINAL PAYMENT TO ASIX FOR 2007 BITUMINOUS RESURFACING

Before Council for consideration is payment of \$48,667.33 to close out the contract with ASIX Asphalt Paving for the 2007 Bituminous Resurfacing Program. The required paperwork has been submitted and punch list items have been completed.

The total value of the contract for work completed is \$523,421.78. The cost to the Village was \$513,362.78, with \$10,059 reimbursed to the Village by the Road Commission for Oakland County for work done on Lahser Road south of Thirteen Mile Road. The project came in under the budgeted amount by \$35,445.68.

Motion by Oen, second by Mooney, that the Beverly Hills Village Council approve the final payment to ASIX Asphalt Paving, Llc. in the amount of \$48,667.33 for the 2007 Bituminous Resurfacing program. Funds for this work are in account #202-451-810.02 and account #203-451-810.02.

Roll Call Vote:

Motion passed (7 – 0).

REFER INVESTIGATION OF CAMPAIGN FINANCE LITERATURE TO THE FINANCE COMMITTEE

Prior to the November 4th Election, the Birmingham-Bloomfield Eagle newspaper published a campaign commentary critiquing Beverly Hills finances and the millage restoration ballot proposal. Stearn said that he read the document and thought that some of the facts were questionable. It has been suggested that the Village Finance Committee be directed to review this article and determine the accuracy of the statements that appeared in the newspaper.

Mooney stated that he was disturbed by the accusations contained in the piece of writing and thought that it merited evaluation by an independent body such as the Finance Committee. Council would determine whether to take further action based on their findings. He suggested that any Council direction to the Finance Committee be specific.

Koss expressed disappointment that the Eagle newspaper did not contact the Village office to confirm whether the facts in the printed document were correct before publishing it.

Motion by Mooney, second by Oen, that Council direct its liaison to the Finance Committee to prepare a proposition requesting the Finance Committee to evaluate specific portions of the campaign literature published in the Eagle newspaper and determine the validity of allegations contained in that commentary.

Dave Taylor of 16950 Buckingham stated that the “Ax the Beverly Tax” political action group was not responsible for the published piece referenced by Council. Taylor mentioned that a new website will be created for the purpose of providing positive input to the Village Council and administration going forward.

Council members concurred that there were factual errors and questionable implications in the piece of writing published in the Eagle. There was concern expressed that the Finance Committee will need to focus on the current financial condition of the Village following the defeat of the millage proposal.

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

SET DATE FOR STUDY SESSION OF VILLAGE FINANCES

Due to the defeat of the millage restoration proposal on November 4, Council will be meeting to evaluate Village finances in preparation for upcoming budget deliberations. Council will be seeking direction from the Finance Director and Village Manager on where cuts can be made and how to proceed with the budget. A Council study session was set for Monday, November 24 at 7:00 p.m. to discuss the future of finances in the Village of Beverly Hills.

SET DATE FOR GOAL STUDY SESSION

Council set the date of Saturday, November 22 at 9 a.m. until noon for a study session to discuss the direction of the Village and what the new Council hopes to accomplish in the next year.

PUBLIC COMMENTS

Ellen Marshall thanked Rita Battocletti, Joe Donovan, and staff from Bloomfield Community Television (BCTV) for the fantastic job they did of filming and editing the Village’s 50th Anniversary celebration for the video that is now being aired on Channel 15 at various times throughout the week. The DVD can be purchased through BCTV for \$18. Forms are available on the Village website or at the Village office.

Alda Marie McCook of 19370 Riverside Drive commented on the failure of the recent millage proposal. She read from a correspondence written by her husband, former Council President Jim McCook, regarding a Village ballot proposal for 11.5 mills that was defeated on March 10, 1986. Mrs. McCook stated that she did not vote for the recent millage restoration proposal due to the

gravity of the current economic situation and uncertainty about the future. The Village will have to make cuts or find ways to economize. She suggested that Council ask the citizens how they think the Village could save money. McCook also expressed concern about people who run in the street and are not visible to motorists.

Dave Taylor mentioned that the Village voters' political action group will put up a new web site by the end of this week, villagevoters.com. He invited members of the public to participate.

Edna Freier of Woodhaven Lane voiced her concern that the defeat of the millage proposal could potentially result in difficult circumstances for residents. She would like to be involved in any effort to retain services provided by the Village. Freier has friends and neighbors who would also like to do everything possible to maintain the integrity of this Village and the wonderful quality of life that Beverly Hills offers.

REPORTS – MANAGER

Chris Wilson's report to Council included a commentary on the difficult financial situation facing the Village as well as preliminary budget figures prepared with the assistance of Finance Director Wiszowaty. At Stearn's request, Wilson read a portion of his report as follows:

As currently operating, the Village will run out of money in the first half of fiscal year 2010/2011. After this date, the projections are even worse. As currently operating, fiscal year 2012/2013 would produce an annual operating deficit of \$1,725,259 with a projected negative fund balance in the General Fund of \$2,626,289. For the five-year period covering July 1, 2008 to June 30, 2013, the Village will have a projected operating deficit of \$4,055,209. These projections are based on no changes to current Village spending patterns and service provisions, an annual 3% decline in Taxable Value beginning with FY 2009/2010, and stagnant state shared revenue (no increases or decreases). This also assumes that contributions to retiree benefits are made on a "pay-as-you-go" basis and does not include additional annual expenditures of \$600,000 to pre-fund these benefits.

Wilson commented that Council has been aware of the economic situation for a number of years in terms of revenue growth not keeping pace with increased expenditures. The change going forward is that the largest source of Village revenue will start to decline. The County anticipates a 1.5-3.5% decrease in taxable value next year for Southfield Township with no reverse of the trend in the following year. Wilson and Wiszowaty adjusted the assumptions based on what is happening in the housing market and the estimated assessed value over the next five years. A 15% drop in taxable value over five years is possible. Wilson has provided Council with a summary of revenue and expenditure projections over the next five years.

Koss, who lives on Kinross off of Birmingham, asked that the Village revisit the traffic situation on Birmingham where speeding vehicles create a dangerous condition when people are walking on a street without sidewalks and no yield signs to slow traffic. There have been traffic studies of the intersections at Birmingham/Locherbie and Bates/Locherbie. Yield signs were relocated last spring so that they are all running east and west on Locherbie; traffic is now slower on Locherbie.

Wilson responded that he would look into the matter further with the Public Services Director and Chief Woodard and report back to Council. The intent of changing the location of the yield

signs was to create a better traffic flow on the higher volume streets and cause traffic to yield on the lower volume streets. We do not want people traveling at 45 MPH on these streets.

COUNCIL REPORTS

Mooney congratulated President Stearn and President Pro-Tem Koss for leading Council. He congratulated the other Council members, especially Mr. Briggs, who is a welcomed addition to Council. Mooney said that he was proud to serve with this Council.

Mooney commented that it has been his position for many years that Council should attempt to maintain the services that has made Beverly Hills the fine community it is. The responsiveness of the Public Safety Department is critical to retaining the values of the Village. The Baldwin Public Library is well used by many segments of the community, and it is our duty to provide citizens with the ability to use a library. Mooney stated that his goal was to keep Beverly Hills a nice community where residents feel safe.

Berndt congratulated all the individuals who were elected to serve on Council and also thanked those who responded to the call to get involved in the community and the election. He encouraged members of the public to attend the study session on Monday, November 24 at 7 p.m. to discuss the Village's financial situation. We will have to work together to move forward.

Briggs stated that he is looking forward to working with this Council to address the challenges before us. It will take everyone in the Village to come up with ways to address financial problems. He encouraged the people who were write-in candidates to continue to be involved with the Village and attend Council meetings and study sessions.

Oen reported that the Planning Board meeting scheduled for Wednesday, November 26 was canceled. He wished everyone a happy Thanksgiving.

Stearn announced that the Parks and Recreation Board will meet on Thursday, November 20 at 7:30 p.m. in the Village office. He reported that council liaison appointments are in draft form and can be modified. Stearn congratulated Stuart Sherman on his election as the new mayor of the City of Birmingham.

Motion by Mooney, second by Koss, to adjourn the meeting at 8:33 p.m.

Motion passed (7 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Sue Bernard
Recording Secretary