

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

Absent: Oen

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

President Pro-Tem Koss called the regular Council meeting to order at 7:03 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

Motion by Mooney, second by Berndt, to adjourn to closed session to discuss issues of pending litigation and personnel.

Roll Call Vote:  
Motion passed (4 – 0).

Briggs entered the closed session at 7:15 p.m.

Motion by Mooney, second by Koss, to adjourn the closed session at 7:25 p.m.  
Motion passed (5 – 0).

President Stearn reconvened the Council meeting in open session at 7:32 p.m. The Pledge of Allegiance was recited by those in attendance.

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

Motion by Mooney, second by Koss, to approve the agenda as published.

Motion passed (6 – 0).

#### **PUBLIC COMMENTS**

Cindy Arvant, Parks and Recreation Board member, reported on Winter Family Fun Day held in Beverly Park on Sunday, January 25. The turnout was good, and the day was a huge success. Arvant thanked Council for funding the event and for their support. She did not have a final expense report but expected costs to be well under the budgeted amount. Arvant expressed appreciation to all those who volunteered to help make it a fun day.

Hildreth Buterbaugh on Dunblaine discussed how Council meetings are conducted, commenting that people who speak at the podium should be treated with respect. It was his opinion that snow plowing in Beverly Hills is satisfactory. Citizen complaints about county snow plowing should be forwarded to Oakland County by Council as elected representatives of the people.

Pamela Rijnovean of 32420 Evergreen related statistics about library use in Beverly Hills. She thought that consideration should be given to the fact that Beverly Hills has no ownership in the Baldwin Public Library in terms of equity in the building or its contents; the Village has no library board representation and no influence on policy and spending. The Village deserves to be

a full partner and have a voice on the library board if Council proposes to guarantee the library a dedicated millage. Rijnovean expressed the view that the Village's financial problems are due to head count and unrealistic salaries and benefits.

Bunker Kelly of 21526 Corsaut read a press release issued by the Village on January 30 having to do with a public safety incident that occurred on Sunday, January 25. He questioned what he believed to be a delay in sending out the press release and lack of information contained in the communication. He suggested that it was the responsibility of management to utilize a fast phone system to inform people on nearby streets of public safety matters.

Kathleen Berwick of 31381 Kennoway Court clarified remarks she made about snow removal at the last Council meeting. She has found it difficult to enter Thirteen Mile Road from her street because of excessive snow on the last 10-15 feet of the road.

### **CONSENT AGENDA**

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

- a. Review/consider approval of special Council meeting minutes of January 14, 2009.
- b. Review/consider approval of joint Council/Parks and Recreation Board meeting minutes of January 15, 2009.
- c. Review/consider approval of regular Council meeting minutes of January 20, 2009.
- d. Review and file bills recapped as of Tuesday, January 20, 2009.
- e. Review and file bills recapped as of Monday, February 2, 2009.

Motion passed (6 – 0).

### **BUSINESS AGENDA**

#### **SET PUBLIC HEARING DATE TO REVIEW AND CONFIRM 2008 SPECIAL ASSESSMENT ROLL FOR SOUTHFIELD ROAD BUSINESS ASSESSMENT DISTRICT**

The Village 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 2008 Special Assessment Roll for the Southfield Road Business Assessment District.

Motion by Mooney, second by Peddie, that the Village of Beverly Hills Council set a public hearing date of Tuesday, February 17, 2009 to review and confirm the 2008 Special Assessment Roll for the Southfield Road Business Assessment District.

Motion passed (6 – 0).

#### **SECOND READING AND POSSIBLE ADOPTION OF ORDINANCE #329 AMENDING THE ZONING MAP IN CHAPTER 22 OF THE MUNICIPAL CODE**

Attorney Tom Ryan reviewed that Council held a first reading of Ordinance No. 329 two weeks ago. A public hearing on the rezoning proposal was held by the Planning Board on September 24, 2008 and by the Village Council on December 2, 2008. At its second meeting of December, Council adopted a motion authorizing the Village attorney to prepare this ordinance. The

ordinance would amend Chapter 22, the Zoning Ordinance for the Village of Beverly Hills, to amend the Zoning Map to rezone Lot #5 of Gould Court, Crystal Springs Subdivision, from R-3 Residential to P-Parking.

The ordinance contains a Severability clause, Saving clause, Repealer clause, and Effective Date clause. If adopted, the provision of this Ordinance would become effective 20 days following its publication in The Eccentric newspaper.

Motion by Mooney, second by Berndt, that the Village of Beverly Hills Council resolve to adopt Ordinance No. 329, An Ordinance to Amend the Village Municipal Code, Chapter 22, Zoning Ordinance for the Village of Beverly Hills, specifically its Zoning Map.

Rukni Abboud of 18207 Gould Court referred to the Severability Clause and asserted that the proposed rezoning is unconstitutional and an incursion on the rights of residents. Every resident on Gould Court directly affected by this action opposes the rezoning. Abboud referred to information he had presented to the Village at previous public meetings. He asked Council to reassess its decision.

Berndt explained why he will vote in favor of this rezoning that would impact only one property and would serve to extend the boundary of the commercial district on Southfield Road. He thought it was the right thing to do for the community as a whole.

Ryan noted that there are six Council members in attendance, which could result in a tie vote. Council could postpone action until all seven members are present.

Roll Call Vote:

Briggs - no  
Koss - yes  
Mooney - yes  
Peddie - no  
Stearn - no  
Berndt - yes  
Motion fails (3 – 3).

**REVIEW AND DISCUSS PROPOSED GENERAL FUND MILLAGE REALLOCATION**

Wilson has introduced the concept of millage reallocation of the General Fund, which would have the effect of separating revenues and expenditures for public safety from the remainder of the general fund operations. Council is in receipt of spread sheets representing three projections on this scenario based on a 3.0%, 4.0% and 5.0% drop in taxable value in FY 2009/10. There is currently a general operating fund deficit. The purpose of the three projections was to allocate a proportional amount of the proposed operating deficit to public safety and to non-public safety functions based on their current share of the general fund.

As the drop in taxable value increased, the relative proportion of operational millage set aside for public safety increased. Public safety would be receiving an operational millage plus any revenue the department brings in directly through fines or charges for service. The purpose of this report was to give Council a breakdown of what is being considered in terms of a millage reallocation

proposal. Wilson assumed that any action on a revised accounting structure would take place at the adoption of the budget for FY 2009/10.

Sharon Tischler, Southfield Township Clerk, stated that she anticipated a 4.0% drop in taxable value in FY 2009/10 Township-wide.

Council discussed the information provided on millage reallocation. Questions and comments were addressed by Wilson.

Hildreth Buterbaugh of Dunblaine said that it sounded like Council was proposing to separate public safety from the general fund and go out for a public safety millage at some point. He mentioned that Council has the authority to levy millage for rubbish collection and disposal. Buterbaugh expressed the view that, if residents want the basic services received in prior years, they will have to pay for them. He suggested that there is a need to increase the millage rate.

### **REVIEW AND CONSIDER INTERLOCAL AGREEMENT WITH OAKLAND COUNTY NARCOTICS ENFORCEMENT TEAM**

Public Safety Director Karl Woodard reviewed that the Public Safety Department assigned an officer to duty with the Oakland County Narcotics Enforcement Team (NET) in July, 2008. This is a task force operation with specific attention to drug detection, interdiction and enforcement with primary attention given to Oakland County communities. The officer assigned from the Department has completed his first six months of service to NET as well as the required training and orientation. His performance on the job to date has been very satisfactory. It is the intent of Oakland County government to formalize this interagency, shared-service relationship through joint approval of an Interlocal Agreement. The duration of the agreement is for an indefinite period, with either party allowed a 30-day-out capability.

Woodard outlined advantages of this NET assignment to the Village:

- Proactive drug enforcement activities in the Village and associated communities
- Major crime task force capability for response to local crime incidents
- Generation of forfeiture fund revenue through drug investigations to support the department's capital budget

Woodard summarized the task force's activity in the last six months as it applies to the Village of Beverly Hills. In December of 2008, the Department received the annual disbursement based on the participation of its officer from the fourth quarter in the amount of \$13,700; that forfeiture amount would have been \$55,000 had the officer been in the unit for the full 12 months.

The Public Safety Department provides an officer with a sidearm to the NET task force. Costs to the Village include: wages and benefits to the assigned employee per the contract (\$88,000); overtime pay to the officer: \$20,000 budgeted, \$6,962.58 paid at mid-year. All other costs and equipment are covered and/or provided by Oakland County funds. These include vehicle, phone, pager, equipment and armament, and training.

By having an officer assigned to NET, Beverly Hills receives priority attention to any issues, drug or major crime related, which may be occurring in the Village. Woodard stated that the

most recent public safety study indicated that the department should be involved and be a participant in task forces and shared services.

The Interlocal Agreement has been reviewed by the Village Attorney. Questions from Council were addressed by Director Woodard. It was clarified that there was nothing new in the proposed contract that the officer was not already providing. There were concerns raised about overtime expenses incurred as a result of an officer assigned to the task force. Council members concurred that the Department's participation in NET was beneficial to the Village. However, a major topic of discussion was the projected deficit in the upcoming public safety department budget. It was suggested that Council may have to revisit the 25<sup>th</sup> officer during budget deliberations due to the failure of the millage restoration proposal.

Woodard clarified that the officer would be rotated back into the department if Council did not approve the Agreement and the officer was withdrawn from the task force. Council action in February of 2008 was to hire a 25<sup>th</sup> officer to fill a funded vacancy. Woodard affirmed that a deficit in the 2009/10 budget may have to be addressed by a change in staffing.

The point was made by Council members that the Agreement has a 30-day out. It was suggested that it is an administrative decision to determine the best course for the community in terms of the Department's participation in NET. Cutting officers is a separate issue. The Director will have to make administrative decisions regarding cost reductions during budget deliberations. Briggs proposed that Council postpone action on this matter until the next meeting to allow further consideration.

Motion by Mooney, second by Koss, that the Village of Beverly Hills Council approve the Interlocal Agreement between the Village of Beverly Hills and the Oakland County Narcotics Enforcement Team (NET), thus providing a Beverly Hills Public Safety Officer to serve on that interagency drug task force.

Roll Call Vote:

Koss	- yes
Mooney	- yes
Peddie	- yes
Stearn	- yes
Berndt	- yes
Briggs	- no

Motion passed (5 – 1).

## **DISCUSSION ITEMS – FINANCE COMMITTEE ASSIGNMENTS**

Mooney drafted the following Council assignments to the Village Finance Committee:

### Assignment #1 for Finance Committee

1 - Update Westerlund presentation:

- Headlee Amendment
- Proposition A
- Declining home values
- Declining taxable values

- 2 - Make arrangements for PowerPoint presentation to Council in terms lay persons can understand.
- 3 - Present the PowerPoint to Council.
- 4 - Ensure that the presentation can be viewed on the Village web site.

Assignment #2 for Finance Committee

- 1 - Research the issue of unfunded health insurance for retirees.
  - Determine means of presentation similar to Headlee PowerPoint presentation.
  - Explain the reasons for the unfunded liability: history; past efforts to fund; contractual obligations; and comparative review of similar municipalities' approach.
- 2 - Explain GASB-45 or other requirements and the impact on Beverly Hills
- 3 - Outline the recommendation of Village Finance Director and auditors and how issue can be resolved.
- 4 - Be prepared to present the PowerPoint presentation.

Assignment #3 for Finance Committee

- Appoint a subcommittee to research and apply for all grants available to relieve budget problems.
- Research to be done independent of Village staff, but approval by staff before presentation to Council
  - Report monthly on progress

Assignment #4 for Finance Committee

Appoint a subcommittee to explore all relevant actions that could and should be taken by the Village to increase taxable value.

- A committee thinking “outside the box” including ideas for rezoning and redevelopment with tax incentives.

Council members discussed the assignments and unanimously approved the four tasks by a voice vote. A majority of Council members agreed to an additional assignment proposed by Koss, which was to inform the public why differing amounts of revenue are generated by one mill depending on the community.

**PUBLIC COMMENTS**

Sharon Tischler of 21415 Virmar Court stated that property assessment notices will be going out in the mail to residents. Included with the notice will be a pamphlet that is specific to Proposal A. The Township Board of Review will be scheduling appointments starting on March 5. Tischler advocated the suburbs having a larger voice in what transpires with the Water and Sewer Department in the City of Detroit.

Hildreth Buterbaugh of Dunblaine explained that there is no direct correlation between taxable value and State Equalized Value. He commented on problems with legislation drafted in the 1990s that hamstrung government and then the people as property values started decreasing.

**REPORTS – MANAGER**

Wilson referred to a Library Cost Comparison review compiled by Ellen Marshall that compares surrounding communities by population, households, library used, overall library expenditures, and cost per household. Beverly Hills falls in the middle range on a per household basis.

Wilson has met with Attorney Ryan on two possible ordinances, a Cost Recovery Ordinance and a Landlord-Tenant Ordinance. Based on discussion with Council members, Wilson has reconsidered his original intent to propose an ordinance that would focus only on single family homes. Administration will work on drafting an ordinance that will address rental property in the Village regardless of zoning classification.

The Village has received some comments from residents regarding the plowing of local streets. Beverly Hills has not implemented any new policies this year with respect to snow plowing on local streets. The existing policy calls for a minimum of four inches of snowfall before streets are cleared. Due to heavier than normal snowfall amounts, the Village has expended 96% of budgeted funds for snow plowing on local streets. If there is another snow storm, money will have to be allocated from Road Fund reserves to meet the demand this year.

Council has received a copy of an email sent out to a number of residents from Public Safety Director Woodard regarding an incident that occurred on Sunday, January 25<sup>th</sup>. A report of the occurrence appeared on local television news. Ellen Marshall has been working to compile an email list for the release of public service announcements to residents as was discussed at a recent Council goal setting session. Administration decided to use the press release as a test run to notify residents in the immediate area of this occurrence.

Due to an ongoing criminal investigation, the Village was limited on what could be released early on. If there was a public safety concern in the area, administration would have made information known sooner. The information distributed informed the public of the incident and requested their assistance in the investigation.

Stearn questioned the status of a memo from the Manager regarding the feasibility of a part-time building department. Wilson responded that he has had conversations with the building department and also with an outside agency on the possibility of contractual services. He assumed that this would be part of the upcoming budget discussions. Stearn would like to begin reviewing the data.

## **REPORTS – COUNCIL**

Briggs thanked everyone for their participation in the Winter Family Fun Day. It was a great time, and costs were well under budget for this event. The Parks and Recreation Board will be attempting to identify sponsors in the future for this type of event. The Cable Board pointed out at its last meeting that, as cable rates are rising, subscribers have been calling Comcast about their bill in an attempt to negotiate lower rates; some have succeeded.

Peddie has been attending Baldwin Library Board meetings. Because the cost of library service has become a part of budget discussions, Peddie suggested that it would be a good time to invite the Baldwin Library Director to give a presentation to Council. It was the sense of Council that this will be an item for an upcoming agenda.

Mooney thanked the Parks and Recreation Board for organizing a great Winter Family Fun Day. He thanked Mr. Briggs and his son for clearing the steps going up the sled hill. He commended the scouts of Troop 1024 for their hard work as well as all of the volunteers who helped out that day.

Mooney referred to critical remarks made at the podium by some residents and the positive and helpful remarks made by others. He cited the dedicated work done by the Village's Public Safety Department to protect our citizens and the job performed by the Department of Public Works in clearing snow at 4,000 residences. Mooney expressed the view that Council should have the support of the community to keep the Village running the way it is. Beverly Hills is a frugally managed operation. Mooney stated that he stands behind the Library and the Public Safety Department and intends to keep this town the way it is.

Berndt announced that the Zoning Board of Appeals will meet at 7:30 p.m. on Monday, February 9, 2009 in the Council chamber.

Berndt talked about the public comment portion of the meeting. There is a need for diversity of views expressed by people who are setting forth genuine input and criticism without grandstanding. There is also a need for citizens to become involved. Berndt encouraged residents to come in with suggestions and help Council with a solution to local budget issues.

Koss attended her first BASCC meeting last week. There are many opportunities for people to take advantage of the programs and activities available at the Midvale school facility.

Stearn asked if Council was interested in considering a separate library millage as a ballot proposal in November. Wilson was asked to place this on the next Council meeting agenda as a discussion item.

Stearn thanked the Planning Board for an interesting presentation by Gibbs Planning Group last week regarding the potential redevelopment of the Southfield Road corridor to create a town center. The ideas presented were worth further investigation. This will be a topic of discussion at the upcoming joint meeting of the Planning Board and Council on February 11, 2009 at 7:30 p.m.

Stearn asked that administration place a budget discussion item on each Council meeting agenda.

Motion by Mooney, second by Berndt, to adjourn the meeting at 9:43 p.m.

Motion passed.

**Todd Stearn**  
**Council President**

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

**Sue Bernard**  
**Recording Secretary**