

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

Absent: Stearn

Also Present: Assistant Manager, Marshall  
Finance Director, Wiszowaty  
Building Official, Byrwa  
Public Safety Director, Woodard

President Pro-Tem Koss 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. The Pledge of Allegiance was recited by those in attendance.

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

Koss proposed removing the Library Millage Discussion Item from the agenda for the reason that Todd Stearn, who requested that this be placed on the agenda, is not present this evening.

At the request of the Finance Committee, Mooney asked to add an item ‘g’ to the Business Agenda, “Adjourn joint meeting of Council and the Finance Committee in March to a date to be determined later”.

Motion by Mooney, second by Oen, to amend the agenda to remove discussion of Library Millage and add an item “g” to the Business Agenda.

Motion passed (6 – 0).

Motion by Oen, second by Mooney, to approve the agenda as amended.

Motion passed (6 – 0).

#### **PUBLIC COMMENTS**

Hildreth Buterbaugh on Dunblaine commented that he has been receiving a publication in the mail from resident Norm Downey. Buterbaugh objected to being included on his mailing list and said that he voiced his opinion at Council meetings as a private citizen and not as part of a political action group.

Buterbaugh corrected a statement that he made at a previous meeting citing a 100% increase in Blue Cross/Blue Shield rates this year; it was a 50% increase. On a sad note, Buterbaugh related that his long time companion Barbara Hughey passed away on February 5 from emphysema.

Ken Faber of 30319 Fox Run was present in response to a request by Councilman Berndt that residents come forward to help Council with local budget issues. Faber said that he voted against the millage restoration ballot proposal because he and his neighbors did not believe that the Village needed the amount of money that Council asked for. It has been said that Council can either cut services or raise taxes. Faber maintains that there is another option that involves a balance between cutting services and raising taxes.

Faber offered the following recommendations to Council: 1) Consolidate services; 2) Arrive at a new approach to the library issue and the trash collection issue; 3) Finance Director attendance at every meeting; 4) Zero based budgeting; 5) Ask for what you need and share the numbers; 6) Consider going back to the voters to seek approval of a millage restoration proposal. Council should state that it will only levy that portion of the millage that it needs so that there will be additional millage available to balance the budget in the next year.

Marcia Gershenson, Oakland County Commissioner, reminded citizens that there are agencies that can help if they are having difficulty making utility payments or face foreclosure. She reminded people of the United Way 2-1-1 local resource service and OLHSA (Oakland Livingston Human Service Agency). A new program was announced today from the County's Community Home Improvement Division aimed at helping low and moderate income families take ownership of vacant, foreclosed homes and condominiums as their primary residence. There will be an informational meeting on Saturday, February 28 on how to qualify. Gershenson will leave information at the Clerk's office about these agencies.

Gershenson announced an opening for a member of the general public for an appointment to the Oakland County Mental Health Authority. The deadline is in March; applications are available online.

Kathleen Berwick of Kennoway Court commented that Birmingham and Bloomfield Township are discussing the feasibility of joining their police and fire departments as a cost saving measure. She asked if Beverly Hills is exploring this issue with surrounding communities. Berwick suggested that the Beverly Hills dispatch operation be combined with another community's department for a more cost effective operation.

#### **CONSENT AGENDA**

- Motion by Mooney, second by Oen, to approve the consent agenda as published:
- a. Review/consider approval of special Council meeting minutes of February 3, 2009.
  - b. Review and file bills recapped as of Tuesday, February 17, 2009.

Motion passed (6 – 0).

#### **BUSINESS AGENDA**

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

The Village maintains the public right-of-way along the Southfield Road business district and assesses the cost of landscape maintenance, water for the sprinkling system, and electrical costs 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.

Koss declared the public hearing open at 7:51 p.m. In response to an inquiry from Hildreth Buterbaugh, Mooney stated that this public hearing involves the Southfield Road beautification special assessment. No one else wished to be heard; therefore, the public hearing was closed at 7:52 p.m.

**REVIEW AND CONFIRM 2008 SPECIAL ASSESSMENT ROLL FOR THE SOUTHFIELD ROAD BUSINESS ASSESSMENT DISTRICT**

Motion by Mooney, second by Oen, that the Southfield Road Business District incurred the following costs for 2008: maintenance \$4,035.00; water costs for the sprinkling system \$2,770.89; and electrical costs for Beverly Hills Grill \$942.87. In addition, each property incurred a 10% administrative fee for a total of \$774.88. Therefore, the Village of Beverly Hills Council confirms the Village Business District Assessment Roll for the 2008 season in the amount of \$8,523.64 as follows:

Beverly Hills Club	\$ 1,456.34
Bed, Bath & Beyond	569.26
Beverly Hills Grill	1,263.80
C.G. Holdings, LLC	416.80
Emile's	700.45
Taco Bell	492.64
31333 Building	624.40
Beverly Venture	1,464.25
J & D Karmo Real Estate	1,535.70

Roll Call Vote:  
Motion passed (6 – 0).

**REVIEW AND CONSIDER REFINANCING JOHN GARFIELD DRAINAGE DISTRICT BONDS**

Finance Director Wiszowaty informed Council that the Village has an opportunity to refinance outstanding bonds resulting in an eventual cost savings to residents of approximately \$5,500. Wiszowaty and the Village Manager recommend approval of the refinancing proposal. Before Council for consideration is a resolution for review and action.

Motion by Mooney, second by Oen, to approve the resolution to authorize refunding of the John Garfield Drainage District Bonds, Series 2009, as submitted.

Roll Call Vote:  
Motion passed (6 – 0).

*The resolution in its entirety is on file at the Village office and available for public review.*

**REVIEW AND CONSIDER PROPOSALS FOR PLANNING CONSULTANT SERVICES**

Assistant Manager Marshall stated that a percentage of the Village's annual Community Development Block Grant fund allocation can be used for planning consulting services. In order to receive this funding from the Department of Housing and Urban Development (HUD) through the CDBG program, it is required that the Village seek competitive bids every three years for planning consultant services. Bid proposals were solicited this year, and bids were received from Carlisle Wortman; Langworthy, Strader, LeBlanc (LSL) Planning; and McKenna Associates.

Marshall stated that the Village has been very satisfied with the services provided by LSL Planning for the past six years. It is administration's recommendation that Council enter into a

three-year contract with LSL Planning to continue providing planning consultant services to the Village.

Motion by Oen, second by Peddie, that the Beverly Hills Village Council direct and empower administration to contract for planning consultant services with Langworthy Strader LeBlanc Planning for three years beginning April 1, 2009 at the rates indicated in their proposal for services to be incorporated by reference into this motion.

Briggs questioned the basis for administration's recommendation to contract with LSL Planning. Marshall responded that the Village has been satisfied with the services provided by LSL. In addition, the firm of Carlisle Wortman requires a \$600 per month retainer.

Mooney understood the reasons for entering into a three year contract and concurred that LSL Planning was probably the best selection at this time. He thought that the Village should be negotiating for a reduction in fees due to its current economic difficulties.

Berndt asked whether the Village was required to pay LSL Planning a minimum annual fee or whether it is a pay-for-service contract. Marshall responded that the Village only pays for the services provided by the planner. Berndt made the point that the Village could decrease its expenditures in this area by reducing the amount of service it requests.

Oen related that the Planning Board has had discussions about reducing some of the services provided by LSL as a way of decreasing costs. However, there are projects and opportunities coming up relative to Southfield Road that will require the services of a planning consultant.

Bob Walsh of Smallwood Court questioned the terms of the contract with LSL Planning and the bid amounts from the other two firms that submitted proposals. Walsh was given a copy of the comparison sheet showing planning consultant service bid results. Koss read the bid information for the benefit of the audience. Copies of the bid comparison sheet are available for public review at the municipal office.

Roll Call Vote:  
Motion passed (6 – 0).

#### **REVIEW AND CONSIDER 2008/09 FISCAL YEAR BUDGET AMENDMENTS**

Wisowaty stated that the Village Manager and Administration have been evaluating expenditures in each department on a regular basis. After an analysis of the six month report and review of revenues and expenses on a department basis, administration has recommended changes to a number of General Fund line items. A review of expenditures in the Road Funds and Water and Sewer Operating Fund will follow.

Wisowaty summarized the proposed 2008-2009 budget amendments to revenue and expenditure items by department. He highlighted larger account increases and decreases from the budgeted amount and explained reasons for the differences. The overall impact of these amendments on the General Fund budget will be a total increase in revenues of \$11,311; General Fund expenses are expected to decrease by \$51,434.

Motion by Mooney, second by Peddie, that the Beverly Hills Village Council approve budget amendments for Fiscal Year 2008-2009 as presented by Administration and outlined by Finance Director Wiszowaty.

A copy of the 2008-2009 budget amendment memo is available for public review at the municipal office.

Oen said that he will approve the budget amendments proposed by Administration. He is not in agreement with the suggested reductions in the planning consultant budget for the reason that the Planning Board is working on a couple of important projects. Hopefully, the Village can recoup some money that can be allocated towards planning consultant expenses.

Mooney underlined the fact that, in these difficult financial times, Village administration has been successful in reducing expenditures by \$51,000. There have been significant sacrifices made to the budget.

Berndt referred to the substantial savings in Repair and Maintenance (R&M) building and grounds in a couple of categories. He expressed concern that these savings could result in future maintenance problems. Wiszowaty responded that administration will review the budget amendments again at the second Council meeting in June to look at the reserves and consider whether there is a need to transfer money to other funds. Any significant increases in expenses between now and June 30 could be addressed at that time. Administration is trying to spend only what is needed to maintain current services in the Village.

Ken Faber of Fox Run asked for clarification on the budget amendment process; he was informed by Wiszowaty that the budgeted amounts as noted were projected. Faber expressed concern that public safety overtime expenses were \$70,000 over budget. He suggested that the approval system for overtime be reviewed.

Mooney explained that public safety officers are required under Michigan Law to have the requisite number of officers on duty at all times to operate the fire trucks. If an officer is sick or disabled, it is necessary to bring in another officer on an overtime basis. There are currently two officers on disability leave. Berndt elaborated on the fact that Beverly Hills officers provide police and fire protection and are first medical responders.

Kathleen Berwick of Kennoway Court suggested that a presentation such as the budget amendments should be displayed on an overhead projector so the audience can view the material.

Roll Call Vote:  
Motion passed (6 – 0).

### **PRESENTATION OF BUDGET PROJECTIONS PRESENT AND FUTURE**

Wiszowaty narrated a PowerPoint presentation to review Village of Beverly Hills budget projections present and future and explain why it is difficult to balance the budget. Property taxes are the Village's primary source of revenue. Wiszowaty outlined the intent of Proposal A and how the Village would fare in an ideal situation when property values were not declining. He then summarized how the Village's property tax revenue is affected by Proposal A under current

conditions where property values are decreasing. Tax collections will decrease annually. Wiszowaty displayed a chart showing substantial reductions in State Revenue sharing since the year 2000.

The Village's five year revenue and expense projections have been updated. The budget assumes a 5% taxable value reduction in 2010-2011 and an additional 3% taxable value reduction in 2011-2012. It is assumed that there will be wage freezes for all employees (union and non-union). There will be an increase in the public safety pension contribution next year. It is assumed that the Village will maintain current staffing levels and current services. The 2009-2010 expense estimates do not take into account any additional OPEB (Other Postretirement Obligations) contribution beyond pay-as-you-go for current costs.

Wiszowaty displayed the General Fund summary for the current and next two fiscal years. The budget is balanced in the current year (2008-2009) by taking \$78,203 from the Fund Balance. In 2009-2010, total revenue will drop as expenses continue to increase for a deficit of \$372,455. Taking into account the same revenue reductions and expense estimates, the deficit for 2010-2011 will be \$819,690. If no new revenue is generated, the fund balance in 2008-09 is projected to decrease to \$1,350,607, or 18.65% of the general operating budget. If the Village balances the budget by taking money from the fund balance in the next two years, the fund balance will decrease to \$978,152 or 13.98% in 2009-2010 and \$158,462 or 2.35% in 2010-2011. By June 30, 2012, the projected deficit will be \$1,077,468.

Wiszowaty commented on the future and options. The Village is a service oriented organization. Unlike the private sector that can reduce staff and capacity due to economic downturns, the Village still has 10,437 people (2000 census) that expect the current level of services. The Village is 4.2 square miles with 10.99 miles of major roads and 44.30 miles of local streets. We have 4,210 dwellings. The Council and most residents are aware of this problem. The Village Council and Administration have discussed different options including service and staff reductions or service sharing. The discussions in the next three months will determine next year's budget and set policy for future budgets.

Council thanked Wiszowaty for the presentation. It was the sense of Council to post this information on the Village web site.

Mooney commented on efforts the Village has made to share services with other communities. The Village is currently housing prisoners for Lathrup Village.

Hildreth Buterbaugh said that the presentation indicated a projected deficit of about \$1 million in the fourth year. If this amount was divided by the 4,000 households in Beverly Hills, it comes out to about \$250 per house. If the electorate had voted for the millage restoration, the Village would not be in this position.

Bob Walsh understood that a wage freeze is proposed. He heard nothing about a change in fringe benefits or requiring contributions from retiree or active employees for health insurance.

Koss responded that Walsh's concerns are noted. She informed the public that administration and Council have started negotiations in preparation for collective bargaining when contracts come to

term in December. The Village is in fiscal crisis and will be looking into the issues raised by Walsh. It would be inappropriate for Council to speak to those issues. Mooney added that he did not think that anybody disagreed that there has to be some changes in the future.

Motion by Oen, second by Mooney, to receive and file the Budget Projection report.

Roll Call Vote:

Motion passed (6 – 0).

### **ADJOURN JOINT MEETING OF COUNCIL AND FINANCE COMMITTEE IN MARCH TO A DATE TO BE DETERMINED LATER**

At its meeting of February 10, the Finance Committee recommended that its joint meeting with Council scheduled for March be postponed to a later date for the reason that the Committee was working to complete its assignments from Council.

Motion by Mooney, second by Peddie, to adjourn the joint meeting of the Finance Committee and Council to a date to be determined by the chairman of the Finance Committee, Finance Director Wiszowaty, and the Council liaison to the Committee.

Roll Call Vote:

Motion passed (6 – 0).

### **PUBLIC COMMENTS**

Sharon Tischler of 21415 Virmar made an inquiry and was informed that Council did approve the consent agenda earlier in the meeting.

### **REPORTS – MANAGER**

Council is in receipt of the Village Manager's report dated February 13, 2009. Koss mentioned that Wilson has asked Council members to review the proposed landlord-tenant ordinance for consideration at the March 3<sup>rd</sup> Council meeting. She reminded administration to contact Huntley Apartment management and advise them that Council will be considering this ordinance.

### **COUNCIL REPORTS**

Briggs reported that the Birmingham Area Cable Board will meet tomorrow morning, February 18 at 7:45 a.m. The Parks and Recreation Board will meet on Thursday, February 19 at 7:30 p.m. in the Council chamber. One of the items to be discussed is the Memorial Day Parade. The Parks and Recreation Board will consider organizing the event this year in lieu of the Village Woman's Club announcement that they will no longer sponsor the Memorial Day parade and carnival. Briggs encouraged community members who support the Memorial Day festivities to volunteer to help out this year.

Koss asked Briggs to inquiry at the Cable Board meeting about the status of AT&T broadcasting the government channels on its U-Verse product.

Mooney suggested that members of Council attend the Parks and Recreation Board meeting on Thursday to show their support for efforts to continue the Memorial Day Parade and Carnival in

the community. Mooney extended his sympathy to Hildreth Buterbaugh on the passing of Barbara Hughey. She was a class lady, and he was saddened by her loss.

Peddie responded to comments from a resident about the difficulty in obtaining information from Baldwin Library. She explained the problem with receiving certain types of data from any library due to privacy laws. The library used SEMCOG data to extrapolate the number of households that use the library.

Peddie related information that was received from Baldwin Library regarding Beverly Hills usage. As of December 16, 2008, Baldwin had 3,933 registered patrons who reside in Beverly Hills, representing 2,302 unique addresses. Based on 2008 SEMCOG data, these numbers represent 39% of the Village's population and 57% of the households. The Baldwin Library Director cautioned that these numbers change daily and noted that a single member of a household will often hold the card for the entire family. The library installed a new computer system last May and will report on updated figures after they have an opportunity to re-register Beverly Hills residents.

Peddie asked that Council members consider the following motion:

Motion by Peddie, second by Mooney, that Council reconsider Ordinance No. 329 at its regular Council meeting of March 3, 2009 in light of the fact that Council member Jon Oen was not able to be present for the first two readings of that ordinance.

Assistant Manager/Clerk Marshall affirmed that this motion was in proper form.

Roll Call Vote:  
Motion passed (6 – 0).

Berndt mentioned that this is a community of volunteers and that Beverly Hills has a Planning Board that consists of many capable people who are kind enough to share their talents with the Village. He thanked them for that. Berndt also thanked residents who are becoming involved in helping the Village via their comments and suggestions.

The Zoning Board of Appeals has been hearing requests for variances from the fence ordinance. Berndt expressed concern with the public safety aspect of nonconforming privacy fences that enclose and screen a side and rear yard, particularly if the fence is not open to air and light. Koss encouraged residents to apply for a permit before erecting or replacing a fence.

Oen expressed enthusiasm about the meeting between the Council and Planning Board last week, particularly with respect to plans for redevelopment of the Southfield Road business corridor. It is important to have adequate funding for the Planning Board and planning consultant to proceed with important projects. There will be more information forthcoming on plans for the Southfield Road corridor.

Koss reminded people that the Birmingham Area Seniors Coordinating Council (BASCC) offers income tax assistance on Tuesdays from February 3 – April 4.

Koss stated that she and Peddie sat in on a Department Strategic Planning session at the Public Safety building on Wednesday, January 28. The purpose of the session was to develop the Department Mission Statement and formulate goals and objectives. The Department is interested in going out into the community and communicating with residents. Many residents do not realize that Beverly Hills public safety officers are fire fighters, police officers, and medical first responders.

Koss related that Lt. Vargas spoke to the Beverly School PTA last week and provided information on the Village's Neighborhood Watch Program. Residents can call the Public Safety Department if they would like an officer to speak to their group or organization (248/540-3400).

Motion by Briggs, second by Mooney, to adjourn the meeting at 9:06 p.m.

Motion passed (6 – 0).

**Rosanne Koss**  
**President Pro-Tem**

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

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