

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

Absent: None

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

President Stearn 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.

Council member Mooney welcomed and introduced Boy Scouts from Troop 1024 and their adult leaders. The Scouts, who were present to earn their Citizen in the Community merit badges, led the audience in the Pledge of Allegiance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Mooney, second by Peddie, to amend the agenda to remove the Library Millage discussion item.

Ayes - Berndt, Briggs, Koss, Mooney, Oen and Peddie

Nay - Stearn

Motion passed (6 – 1).

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

Motion passed (7 – 0).

PRESENTATION BY PSO ROBERT FISHER ON ADOPT-A-SENIOR PROGRAM

Public Safety Officer Bob Fisher addressed Council regarding the Adopt-A-Senior program instituted by the Beverly Hills Public Safety Officers' Association for the purpose of locating, assisting and befriending seniors who are in need. One of the services that the Department is providing is the Knox-Box, which is a rapid entry system that provides non-destructive emergency access into a residence similar to boxes used by realtors. Residents are asked to store an entrance key, medical history, and emergency contact data in the box mounted on their door. Each police car and fire truck has a key to open the Knox-Box. The equipment remains the property of Beverly Hills

Fisher related that there are currently six of these units installed in homes in the Village, and eight applicants are interested in obtaining a Knox-Box. The Department does not have the funding to purchase additional units at a cost of \$180 each. Fisher was present to make Council and community service organizations aware of this need. Donations in any amount towards this program will be accepted at the Public Safety Department.

Seniors wishing to participate in the Adopt-A-Senior program should contact the Public Safety Department. They can write a check to Beverly Hills Adopt-A-Senior. The Knox-Box can only be ordered through the Public Safety Department in order to secure the integrity of the lock.

PUBLIC SAFETY PRESENTATION

Public Safety Director Woodard announced that Bob Fisher has been nominated by his fellow officers as Officer of the Year. PSO Fisher has been an officer with the Department for 12 years and has been serving as Department Fire Inspector since 2003. He is also a volunteer fire fighter with the City of Troy Fire Department. Woodard related that Bob Fisher has been named in numerous thank you letters from citizens over the years. He has been awarded three individual commendations, one unit commendation, one certificate of merit, and one life saving award. He was one of the initial officers to set up the Adopt-A-Senior Program and has introduced the Knox-Box concept to the seniors group.

Bob Fisher's name will be placed on a plaque in the lobby of the Public Safety building; he will receive a new uniform name tag designating him as the 2008 Officer of the Year. Director Woodard presented Officer Fisher with an individual plaque in honor of his Officer of the Year award. PSO Bob Fisher thanked the Department for the honor. He expressed appreciation to everyone who has helped out with the Adopt-A-Senior program.

PUBLIC COMMENTS

Alda Marie McCook of Riverside Drive expressed the view that it was not a lack of information or communication on the part of Council and Administration that caused the millage restoration proposal to fail. Residents are experiencing financial difficulties due to the state of the economy and cannot commit to a tax increase.

McCook suggested the idea of erecting a cell tower disguised to look like a large tree on Village property in order to generate revenue. She also proposed that Council look to the community for donations to support Village services, noting that 40% of the residents voted in favor of the millage restoration proposal. McCook said that she and others would contribute money to the Village but could not commit to the future.

McCook recalled that the Village's contract with Baldwin Library was a topic of discussion in previous years. Her husband, former Council member Jim McCook, compiled a notebook of information related to research on library issues, which she passed on to the Village Manager.

Candy Repa of 22868 Shagbark urged Council to think creatively in terms of raising money for the Village and think about options other than losing public safety officers or terminating the library contract.

CONSENT AGENDA

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

- a. Review/consider approval of minutes of regular Council meeting of March 3, 2009
- b. Review and file bills recapped as of Monday, March 16, 2009.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER RESOLUTION RECOGNIZING 1996 GROVES HIGH SCHOOL GRADUATE ADAM SZTYKIEL

At the last Council meeting, Sheila Brice from Groves High School announced that Adam Sztykiel is the Groves Honor Alum for this year. Council President Todd Stearn read the following resolution to recognize Adam’s accomplishments. A framed resolution will be presented to him at the annual Senior Seminar on Thursday, March 19 at Temple Beth El.

***Village of Beverly Hills Resolution of Recognition
Wylie E. Groves High School Honor Alum Award***

WHEREAS, Adam Sztykiel, from the 1996 graduating class at Wylie E. Groves High School, is the recipient of the Honor Alum Award that is awarded at the 29th annual Senior Seminar on March 19th, 2009; and

WHEREAS, Adam most successfully completed elementary school at Beverly, middle school at Berkshire and graduated as a National Merit Scholar from Groves High School, and

WHEREAS, Adam was a member of the Thespian Society at Groves and performed in, wrote and directed productions for the Groves Performing Arts Company; and

WHEREAS, He was elected Groves Homecoming King; served on Student Congress and voted “Most Likely to Succeed”; and

WHEREAS, Adam graduated summa cum laude from the school of cinematic arts at the University of Southern California in 2000, where he received his Bachelor of Arts degree; and

WHEREAS, He created the story and wrote the screenplay, along with two other people, for the feature film “Made of Honor” in 2003, which he sold to Sony Pictures; and

WHEREAS, He worked on the script for “The Rocker;” and

WHEREAS, Adam has sold many original pitches and screenplays, including “Adopted,” “Housebroken,” “Matchbreaker,” and “Power Trip”.

NOW, THEREFORE, BE IT RESOLVED THAT: The Village of Beverly Hills Council congratulates Adam Sztykiel on receiving the 2009 Honor Alum Award and wishes him continued success throughout his career.

Motion by Mooney, second by Oen, to adopt the Resolution congratulating Adam Sztykiel on receiving the 2009 Groves High School Honor Alum Award.

Motion passed (7 – 0).

SECOND READING AND POSSIBLE ADOPTION OF AN ORDINANCE ADDING CHAPTER 44, LANDLORD’S LICENSE TO THE MUNICIPAL CODE

Village Attorney Ryan conducted a second reading of Ordinance No. 330, An Ordinance to Amend the Village of Beverly Hills Municipal Code by Adding Chapter 44, Landlord’s License. He reviewed that the Landlord’s License contains a purpose clause indicating that the code would establish minimum standards; fix the responsibility of owners, operators, and occupants; and provide for administration, enforcement and penalties. The provisions would apply to all existing structures and any new building construction.

Definition Section 44.01 defines the term “rental unit” and “landlord”. Section 44.02 addresses limits on remedy and states that a landlord must obtain a license before renting property in the Village. Section 44.03 outlines the application fee, which shall be established by Council resolution. Section 44.04 addresses the issuance of a license, revocation, and appeal of a landlord’s license. Section 44.05 refers to inspections by the building official. There is a penalty clause, severability clause, and an effective date clause. Pursuant to Council discussion at the first reading, the Effective Date was changed to July 1, 2009 so that the fee schedule and building department issues can be resolved by Administration.

Motion by Mooney, second by Oen, that it be resolved that the Beverly Hills Council adopt Ordinance No. 330, An Ordinance to Amend the Village of Beverly Hills Municipal Code by Adding Chapter 44, Landlord’s License.

Kathleen Berwick of 31381 Kennoway Court expressed opposition to any new ordinances on the basis that current ordinances are not enforced. She had pictures of properties in Beverly Hills where she has observed a number of code violations. Berwick was informed that the topic of code violations was not pertinent to discussion of the proposed landlord/tenant ordinance.

Bob Walsh of 20655 Smallwood Court mentioned that the Village building and planning department expenses exceed fees collected. He was concerned with the revenue neutral aspect of adopting a proposed ordinance, which would require inspection of rental units by employees or contractors. Walsh did not think that there was a groundswell of demand for this ordinance.

Stearn asked if administration has conducted a cost analysis on the implementation of this ordinance. Wilson responded that a preliminary review indicates that the requirement for a landlord license will not generate fees for the Village, but it should be revenue neutral. He requested a July 1, 2009 effective date because Council did not budget resources for implementing this ordinance in the current fiscal year.

Dorothy Pfeifer of 160 Charrington Court, former Council member, stated that she is familiar with this topic. The landlord/tenant ordinance was first proposed as a way to protect the renter. The topic was raised again due to a concern about the potential for additional rental property in the Village. She believes that the ordinance was dropped because Council did not want to deal with licensing Huntley Square Apartments.

Pfeifer stated that she had the experience of living near the apartment complex for 33 years. There were never any problems because it is a well managed and efficiently maintained

apartment complex. Council should be aware that periodic inspections are made by the Village's Fire Marshal. Pfeifer suggested that Council promote a landlord licensing ordinance if it perceives problems developing with single family residential dwellings, but she does not think that the apartments should be included in that ordinance. If Huntley Square becomes a problem in the future, the ordinance could be amended to include it.

Bruce Niezgocki of 16019 Marguerite stated that he lives across the street from a home that has been used as a rental property for over 14 years. It has been poorly managed and maintained by the owner with no improvements made to the house. He would like this situation rectified. Most of the residents in Beverly Hills try to take care of their homes. Niezgocki enjoys living in the Village, but does not like living across from a vacant home.

Stearn believed that there was a need for a rental ordinance for single family homes but that the multi-unit complex in the Village is managed adequately. Including Huntley Square in the ordinance will create a burden.

Motion by Stearn, second by Briggs, to amend Ordinance No. 330 to exclude multi-unit buildings.

Roll Call Vote on amendment:

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

Motion fails (5 – 2).

Roll Call Vote on motion:

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

Motion passed (6 – 1).

SET PUBLIC HEARING DATE OF APRIL 7, 2009 REGARDING ACCESSORY BUILDINGS/STRUCTURES ORDINANCE

The Planning Board referred amendments to the Accessory Buildings and Structures Ordinance to Council for review last fall. Council held a first and second reading in October and November of 2008 on the proposed ordinance amending Chapter 22 of the Municipal Code, Accessory

Buildings, Structures and Uses in Residential Zone Districts. No Council action was taken at that time. It is necessary for Council to hold a public hearing on Ordinance #328 and consider adopting the ordinance. The Planning Board held a public hearing on this ordinance at its February 25, 2009 meeting.

Motion by Mooney, second by Berndt, to set a public hearing for Tuesday, April 7, 2009 to receive comments on Ordinance #328, Accessory Buildings, Structures and Uses in Residential Zone Districts.

Motion passed (7 – 0).

SET PUBLIC HEARING DATE OF APRIL 7, 2009 REGARDING ALTERNATES TO THE PLANNING AND ZONING BOARDS

On February 24, 2009, the Planning Board held a public hearing on ordinance amendments that will update both the Planning Board and Zoning Board of Appeals membership restrictions as specified in the Village Ordinance. There have been changes in State legislation in terms of the Zoning Enabling Act that impact the membership of both boards and will allow for the use of alternate members on the Zoning Board. Council will schedule a public hearing on proposed ordinance amendments regarding the appointment of duo and alternate members to the Planning Board and Zoning Board of Appeals.

Motion by Mooney, second by Oen, to set a public hearing date of April 7, 2009 on proposed ordinance amendments regarding the appointment of duo and alternate members to the Planning Board and Zoning Board of Appeals.

Motion passed (7 – 0).

SECOND ANNOUNCEMENT OF VACANCY ON THE FINANCE COMMITTEE

Mooney made the second announcement of a vacancy on the Village Finance Committee for a term to expire on June 30, 2011. The deadline for receiving applications is Wednesday, April 1, 2009 at 4:30 p.m. Applications are available at the municipal office and at the village website: www.villagebeverlyhills.com. A subcommittee of John Mooney as chair, Jon Oen and Lee Peddie will meet on Tuesday, April 7, 2009 at 7:15 p.m. to review the applications and recommend an appointment.

REVIEW AND CONSIDER TRAFFIC CONTROL ORDER TO INSTALL FOUR-WAY STOP SIGNS AT BATES & LOCHERBIE

At the direction of Council, Village administration has evaluated the Locherbie and Bates intersection for potential safety improvements. Public Services Director Meszler has prepared Traffic Control Order 039-SS-09, which will establish a four-way stop at the intersection of Locherbie and Bates.

Motion by Koss, second by Mooney, to approve Traffic Control Order 039-SS-09 establishing a four-way stop at the intersection of Locherbie and Bates.

Stearn questioned whether administration will be undertaking a comprehensive overview of traffic control devices on the east side of the Village. Wilson responded that he and Meszler are working on a review of that section of the Village, which may result in further recommendations on traffic control devices. Based on discussion at the last Council meeting, the proposed TCO seems to be in order at this time.

Berndt would like to see supporting data before approving a four-way stop at this intersection. He affirmed the need for a study and data that would support traffic signals in the correct locations, slow traffic in the neighborhoods, and protect public safety.

Mooney shared the concern for a comprehensive traffic study, which was requested by Council. In the meantime, the argument made at the last meeting was that the traffic signals at Locherbie and Bates should mirror the stop signs approved at Locherbie and Birmingham.

Ayes - Briggs, Koss, Mooney, Oen, Peddie and Stearn

Nay - Berndt

Motion passed (6 – 1).

REVIEW AND CONSIDER PROPOSALS FOR 2009 DUST CONTROL SERVICES

Bids for dust control services on local gravel roads were received and reviewed by Public Services Director Meszler and Clerk Marshall. Administration recommends the award of the 2009 Calcium Chloride Dust Control Program to Suburban Oil Co. at \$0.235/gallon and the 2009 Asphalt Emulsion Program to Highway Maintenance Company at \$3.83/gallon.

Motion by Oen, second by Koss, to award of the 2009 Calcium Chloride Dust Control Program to Suburban Oil Co. at \$0.235/gallon and the 2009 Asphalt Emulsion Program to Highway Maintenance Company at \$3.83/gallon.

Questions from Council were addressed by the Manager. Wilson indicated that half of the cost of dust control services on gravel roads is assessed to the benefiting property owners with the balance paid through the Local Road Fund. In response to an inquiry about scarcity of bids, Wilson stated that administration advertised for bids. The Calcium Chloride cost is lower this year by 3.5 cents. The asphalt price has increased from \$3.19 last year to \$3.83 this year, which is indicative of the price of petroleum products over the last year.

Motion passed (7 – 0).

REVIEW AND CONSIDER REQUESTING VILLAGE ATTORNEY TO AMEND SECTIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND SECTION 22.08.150 OF THE MUNICIPAL CODE REGARDING FENCES

Council member Berndt identified and outlined several sections of the International Property Maintenance Code and Beverly Hills Municipal Code that need clarification or elimination. One of the primary mechanisms used in inspections of rental properties is the International Property Maintenance Code, which Council adopted a few years ago. In researching that adoption, Berndt found that most neighboring communities have made minor adjustments to the code.

Council has taken action on a landlord/tenant ordinance and has adopted a property maintenance code because they want to prevent deterioration of Village property. At the same time, Council does not want to place more burden on people who are already experiencing unfortunate circumstances. The goal is to adjust some portions of this code to be tolerant and not place an unnecessary burden on residents. Berndt gave several examples of proposed changes.

The recommendations made in Berndt's report were intended to be forwarded to Village Attorney Ryan for review and comment. Berndt asked that Council and Administration also provide their suggestions. Wilson said that he has asked Dave Byrwa to work together with Mr. Ryan to provide administrative input.

Motion by Berndt, second by Koss, that several sections of the International Property Maintenance Code and two sections of the Beverly Hills Municipal Code outlined in the March 9, 2009 report prepared by Ron Berndt be referred to Attorney Tom Ryan for review and possible amendments.

Ayes - Berndt, Briggs, Koss, Oen, Peddie and Stearn

Nays - Mooney

Motion passed (6 – 1).

REVIEW AND CONSIDER RECOMMENDATION FROM RETIREMENT BOARD TO CHANGE THE AMORTIZATION PERIOD FOR FUNDING THE PUBLIC SAFETY RETIREMENT SYSTEM FROM 10 YEARS TO 30 YEARS

At a special meeting of the Retirement Board held last week, a presentation was given by a representative of Gabriel, Roeder, Smith & Co. on preliminary actuarial findings and alternatives to actuarial methods used in the valuation of the Public Safety Retirement System. The result from the valuation as of December 31, 2008 that applies to the year July 1, 2009 shows a 31.45% employer contribution rate for next year if no changes are made to assumptions or methods. This percentage is driven by the market performance of assets in 2008. The Public Safety pension plan lost a substantial amount of money last year, roughly 28% of its valuation as of the beginning of the year. A five-year projection of contribution requirements demonstrated where the Fund's contribution rate is headed.

After reviewing the material and discussing alternatives, it was the recommendation of the Retirement Board to change from a 10-year amortization period for funding the Retirement System to a 30-year amortization period. The plan had a 30 year amortization previously, which was changed to a 10-year period when the fund was over 100% funded. It is not overfunded at this point, but still relatively well funded at a 75-80 percent level. Even with this change, the contribution will increase from \$221,852 in the current fiscal year to \$485,585 next year. Wilson has discussed this with Finance Director Wiszowaty and recommended approval of the Retirement Board's recommendation.

Motion by Mooney, second by Briggs, that the Village of Beverly Hills Council adopt the recommendation of the Retirement Board to change the Public Safety Retirement System amortization period from 10 years to 30 years effective for the December 31, 2008 valuation.

Mooney summarized the purpose of the Public Safety Officers' Retirement System for the benefit of those present and explained that the proposed change in valuation method is to smooth out the unexpected investment experience over a period of time.

Briggs commented that the Retirement Board reviewed the results of several scenarios whereby contribution requirements were projected over the next five years. They recommended the proposed change in amortization period, which is something that other municipalities are doing.

Stuart Sherman, Mayor of the City of Birmingham, stated that the same issue was reviewed by their Retirement Board, and a resolution was passed extending their full credit funding from 15 years to 30 years. Every community is dealing with this issue.

Roll Call Vote:

Motion passed (7 – 0).

DISCUSSION ITEM – BUDGET

Mooney related that he asked the Finance Committee to join Council in its budget study session of Tuesday, March 24 at 6:00 p.m. In response to a comment made by a resident earlier in the meeting, Mooney said that contributions and volunteerism would not solve the Village's financial problems. There are some services provided in the community that can only be performed with tax dollars. Without tax dollars, the Village will have to reduce certain services that may include the library, park maintenance, or public safety officers. These are services that impact the value of our homes.

Stearn stated that Council will hold a budget study session on Tuesday, March 24 at 6:00 p.m. He invited everyone in the community to attend.

Berndt stated that Council did not want to discourage volunteering, contributing to the community, or proposing novel approaches for increasing revenue. While these efforts are beneficial to the community, they are not enough. The Village is not broke, but it will be if cuts are not made in services.

Briggs pointed out that Council and Administration are considering the suggestion to reestablish the Friends of Beverly Park organization as an opportunity to provide funding for Village services. Attempts are being made to establish a community foundation, which is necessary to bring in money to maintain some of the things that make a difference in the Village.

Koss cited Pat Westerlund as an example of a resident who is a volunteer in the community. He is a member of the Planning Board and the Finance Committee. Westerlund participated on the Strategic Planning Committee almost six years ago. He volunteered to organize the Memorial Day Parade. Westerlund has said that we cannot look to others to take care of ourselves.

The Village applied for funds but was not considered for the stimulus package or foreclosure money. Beverly Hills is not receiving help from anyone; we have to look to one another. Attempts are being made to address the problems, but Council will have to come to the people at some point. Koss said that we have to work together as a community.

PUBLIC COMMENTS

Questions from Alda Marie McCook regarding recent expenditures approved by Council were answered by Stearn. She reiterated her suggestion that donations of time and money would be helpful to the Village. Stearn informed McCook that there has been discussion about creating a community foundation to start accepting contributions from Villagers for the park and other needs.

Candy Repa of 22868 Shagbark spoke in favor of retaining the Village's contract with the Baldwin Library. She commented on the increased usage of the library and the importance of library service to property values. Repa urged Council to consider alternatives to discontinuing library service.

Kathleen Berwick of 31381 Kennoway Court displayed numerous photographs illustrating examples of the Village's lack of code enforcement. Stearn asked Ms. Berwick to provide the addresses of these code violations to Village administration.

Pete Webster of 32906 Balmoral thanked Council on behalf of the Boy Scouts present in the audience.

REPORTS – MANAGER

Wilson reported that communities in the Evergreen Farmington district are still in discussions with Water Resources Commissioner John McCullough over proposed changes in the billing of sewage disposal rates. A meeting between communities adversely impacted by proposed sewer rate changes and McCullough was held last week, and another meeting is scheduled for next week.

Wilson has been talking with Finance Director Wiszowaty and Public Services Director Meszler about sewer charges in preparation for the budget. He did not think that Administration would be in a position to recommend changes in sanitary sewer charges at this time when next year's rates are not certain. Wilson would prefer to use money from the Water & Sewer Operating Fund on improvements to the system. However, he will recommend tapping into the fund balance if there are increased charges in sewage disposal rates next year and no legal recourse. Council will be kept informed on this matter.

REPORTS – COUNCIL

Stearn publicly acknowledged the presence of Stuart Sherman, City of Birmingham Mayor.

Briggs reported that the Parks and Recreation Board will meet on Thursday, March 19 in the council chamber. Residents with ideas and an interest in helping to establish a community foundation are welcomed to attend. There is a need for volunteers with organizational or fund raising skills.

Briggs commented on the budget study session scheduled for next week. The library contract is revisited occasionally because it is one of the Village's largest budget items. While running for Council, Briggs realized that there would be a need for efficiencies but did not envision the dramatic drop in property values or the plummeting stock market. He will do what he can to

protect the library, but everything will be on the table during budget deliberations. Council may have to ask the voters what they think about the library.

Mooney reported that the Finance Committee is making progress on efforts to educate the public about the financial issues facing the community. Members presented their reports at the last meeting. Council hopes to have a presentation in April on the effects of a declining real estate market on the Village.

Mooney talked about the frustration of Council and the community with respect to facing budget problems that may effect library service and public safety department staffing. He was concerned about reductions in service that would change the character of the Village and effect the sale of homes in Beverly Hills. He mentioned that Council has been talking about these financial difficulties for several years.

Peddie commented that the library is an invaluable and important part of the community. The reality is that funds are not available to retain existing services.

Berndt agreed that there are reasons to be upset, but he encouraged the exchange of ideas. Berndt talked about Village revenue and expenses to explain why high cost items continue to be a topic of discussion.

Oen related that a Village staff member recently received additional training in grant writing and has been looking for every possible grant available to Beverly Hills. He announced that the Planning Board will meet on Wednesday, March 25 at 7:30 p.m.

Motion by Mooney, second by Peddie, to adjourn the meeting at 9:26 p.m.

Motion passed (7 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary