

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

Absent: None

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

President Stearn called the regular Council meeting to order at 7:34 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

Council member Mooney 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 Oen, second by Mooney, to approve the agenda as published.

Motion passed (7 – 0).

PUBLIC COMMENTS

Marcia Gershenson, Oakland County Commissioner, announced that there will be free health screenings held in Pontiac on Saturday, April 18. Flyers with additional information will be available at the Village and Township Clerks' offices. Gershenson will be making an appointment from her district to the Senior Advisory Council of the Oakland-Livingston Human Services Agency. Citizens who are over the age of 50 and interested in participating in advocacy for senior issues should contact her through the Clerks' offices.

State Representative Chuck Moss reported that the State is facing its own financial issues and is working on a budget. He commented on his attendance at a Boy Scout Court of Honor where exceptional young people were elevated to Eagle Scout status.

Southfield resident Jamie Brooks stated that he is a football coach at Groves High School, and his third son will be graduating from Groves this year. He understood that Council is considering budget cuts that could effect the status of the detective who provides service to Birmingham Schools. Brooks was concerned about the loss of the School Liaison Officer and emphasized the importance of that presence in the schools.

Bruce Cobb of Beverly Road stated that he moved to Beverly Hills so his children could grow up in a safe environment. He voiced concern about the possible loss of public safety officers due to budget cuts.

Greg Mitchell of Kirkshire was concerned that Council would consider the loss of three public safety officer positions due to financial constraints. He was opposed to losing medical first responders, fire fighters, and police officers during these devastating economic times when they will be needed more than ever. Mitchell suggested that there are other fiscally responsible alternatives such as charging residents for rubbish collection. He was willing to spend a little more to have peace of mind in his community. He urged Council not to make decisions that would affect lives and property values for years to come.

Janessa Shock of W. 13 Mile Road commented that she was a new resident who moved to Beverly Hills primarily because of the public services. Council decisions on budget cuts could directly affect her family and their security. Shock said that she would pay a trash collection fee or support increased taxes in order to keep her family safe.

Paul Kleppert of W. 14 Mile Road commented on the deficit and fund balance amounts from 2009 through 2012. He believes that the people who live in this community are not destitute, but they have said that they do not want the budget to be funded with a millage. Kleppert suggested that Council has the authority to solve the budget deficit until 2012 by imposing an annual \$150 fee per household to cover the Village's rubbish collection and disposal costs.

Kathleen Berwick on Kennoway Court expressed the view that residents of Beverly Hills are paying more than their fair share for the School Liaison Officer and for the NET officer. She did not object to these positions, but the way they are being financed.

Christopher Meso of Lincolnshire related that he was fortunate that a member of his family was able to receive life saving service from the Public Safety Department. He emphasized that public safety officers are also medical first responders. Meso has also received assistance and support from the public safety department with a major fire at his house. Having less officers on Village streets is a police issue, a life saving issue, and a fire safety issue. Meso suggested that the library or another large funding issue could be revisited in some way.

CONSENT AGENDA

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

- a. Review/consider approval of regular Council meeting minutes of March 17, 2009.
- b. Review/consider approval of special Council meeting minutes of March 24, 2009.
- c. Review and file bills recapped as of Monday, March 30, 2009.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER SUBCOMMITTEE'S RECOMMENDATION TO FILL VACANCY ON FINANCE COMMITTEE

Mooney reported that a subcommittee consisting of Lee Peddie, Jon Oen and himself met earlier this evening to consider applicants to fill a vacancy on the Village Finance Committee. The subcommittee voted unanimously to recommend the appointment of William Donnelly to this position.

Motion by Mooney, second by Oen, to appoint William Donnelly to the Finance Committee for a term to expire on June 30, 2011.

Motion passed (7 – 0).

Council thanked the other individuals who applied for a seat on the Finance Committee.

RECEIVE TENTATIVE BUDGET - SET PUBLIC HEARING DATE

Council members are in receipt of the 2009/2010 Village budget prepared by Administration and a memo from the Village Manager regarding budget highlights. It is necessary to hold a public hearing on the proposed budget.

Motion by Mooney, second by Oen, to schedule a public hearing date of May 5, 2009 at 7:30 p.m. to receive comments on the proposed 2009/2010 Village of Beverly Hills Budget.

Motion passed (7 – 0).

The proposed budget will be available for public review at the Village offices or online at villagebeverlyhills.com.

SET PUBLIC HEARING DATE OF MAY 19, 2009 TO REVIEW AND CONFIRM 2008 ASSESSMENTS ROLLS FOR DUST AND OTHER MISCELLANEOUS ASSESSMENTS

It is necessary for Council to set a public hearing date of Tuesday, May 19, 2009 to review and confirm the 2008 Assessment Rolls for dust and other miscellaneous assessments. Copies of these rolls are available in the office of the Village Clerk for inspection.

Motion by Mooney, second by Koss, to set a date of Tuesday, May 19, 2009 at 7:30 p.m. in the Village municipal building for a public hearing to confirm the 2008 Assessment Rolls for dust and other miscellaneous assessments.

Motion passed (7 – 0).

PUBLIC HEARING REGARDING ORDINANCE #328 – ACCESSORY BUILDINGS

In the fall of 2008, Council held a first and second reading of an ordinance to amend Chapter 22 of the Municipal Code regarding accessory buildings, structures, and uses in residential zoned districts. The Planning Board held its required public hearing on the proposed ordinance amendment on February 25, 2009. Council will hold a public hearing and consider adoption of Ordinance #823 this evening. Notice of this public hearing has been published in the Eccentric newspaper.

The Planning Board has been discussing amendments to the Zoning Ordinance related to accessory buildings that would improve existing regulations to meet defined goals for preserving the character of the community while balancing the need to keep the Village's residential market current. Stearn declared the public hearing open at 8:15 p.m.

Kathleen Berwick of Kennoway Court disagreed with allowing more than one out building on a lot. She objected to adopting additional ordinances when current ordinances are not enforced.

Berndt referred to paragraph 'i' of Ordinance 328 and suggested that the word 'exterior' be added before the word 'wall' in line two of that paragraph. Council and attorney Tom Ryan concurred.

The public hearing was closed at 8:17 p.m.

REVIEW AND CONSIDER ADOPTION OF ORDINANCE #328 ACCESSORY BUILDINGS

Before Council for consideration is an Ordinance to Amend Chapter 22, the Zoning Ordinance for the Village of Beverly Hills. Ordinance #328 amends Section 22.04 Definitions of Accessory Building and Accessory Structure; it also amends Section 22.08.100 Accessory Buildings, Structures and Uses in Residential Zone Districts.

Motion by Oen, second by Berndt, that the Village of Beverly Hills Council adopt Ordinance No. 328, An Ordinance to Amend the Village Municipal Code, Chapter 22, Accessory Buildings, Structures and Uses in Residential Zone Districts.

Roll Call Vote:

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

Motion passed (6 – 1).

PUBLIC HEARING REGARDING ALTERNATES TO THE PLANNING AND ZONING BOARDS

There have been changes to the Michigan Zoning Enabling Act to make dual membership on the Zoning Board and Planning Board discretionary and to allow municipalities to appoint up to two alternate members to the Zoning Board of Appeals. Council will hold a public hearing on proposed amendments to Sections 21 and 22 of the Village Municipal Code to reflect changes in State law. Attorney Ryan has been directed to draft ordinance language for Council review and consideration.

Motion by Mooney, second by Berndt, to postpone this agenda item to the regular Council meeting of May 19, 2009.

Motion passed (7 – 0).

REVIEW AND CONSIDER PROPOSALS AND AWARD CONTRACT FOR 2009, 2010 AND 2011 SOUTHFIELD ROAD BUSINESS DISTRICT LANDSCAPE BIDS

Council is in receipt of bid tabulations on a three-year contract for Southfield Road Business District landscaping. Four bids were received. Administration recommended that the bid be awarded to the low bidder Total Lawn Care in the amount of \$12,113 plus sprinkler maintenance at the rate of \$35 per hour.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council resolve that the three year 2009, 2010, and 2011 landscaping contract for the landscaping maintenance work in the Southfield Road Business District be awarded to Total Lawn Care in the amount of \$12,113 plus sprinkler maintenance at the rate of \$35 per hour.

Mooney clarified that this expense is assessed each year to the business owners along Southfield Road.

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

REVIEW AND CONSIDER RECOMMENDATION FROM PARKS & RECREATION BOARD TO ALLOW SCOUTING GROUPS TO RESERVE BEVERLY PARK PAVILION PRIOR TO THE FIRST WEDNESDAY IN MARCH EACH YEAR

Mooney asked to abstain from voting on this issue for the reason that he is chairman of Boy Scout Troop 1024. He said that he would like to be able to speak on this topic.

Wilson stated that the Parks and Recreation Board has recommended that Council amend the park pavilion reservation policy to allow community scout troops to reserve the pavilion for their activities before the general public.

Motion by Briggs, second by Koss, that the Village Council amend the park pavilion reservation policy to allow community Scout troops to reserve the pavilion for their activities in advance of the first regular reservation day in March of each year.

Mooney said that he has been making park reservations for Troop 1024 prior to the day set to accept reservations for the last seven years. Further, Troop 1024 has never been required to pay fees for use of the park. Mooney related numerous of public service activities provided by Troop 1024 including the Sound Garden in Beverly Park, renovation of the park path, tree planting, construction of dugouts, building and maintaining the sled hill steps, and participation in the Annual Park Cleanup events and the Memorial Day Carnival.

Mooney asked that Council waive the park opener fee for community Scout troops. He offered to pay the park opener fees for Troop 1024.

Motion by Briggs, second by Koss, to amend the ordinance to waive the park opener fee for local Scout troops.

Koss stated that this motion would apply to all community Scout troops. Mooney responded that the park deed restrictions stipulate free access by scouts. Council had no objections to Mooney's request to abstain from voting on the motion.

Roll Call Vote on Motion and Amendment:

Stearn	- yes
Berndt	- yes
Briggs	- yes
Koss	- yes
Mooney	- abstain
Oen	- yes
Peddie	- yes

Motion passed (6 yes; 0 no; 1 abstention).

REVIEW AND CONSIDER REQUEST BY ADMINISTRATION TO SEEK BIDS FOR 2009 JOINT & CRACK SEALING

Council is being asked to approve a bid request for the 2009 Joint and Crack Sealing Program. Bids will be opened on April 21, 2009. Funds for this maintenance project are set aside in the Street Fund budget.

Oen noted that a portion of this bid is for work on Village of Bingham Farms streets. Beverly Hills staff will administer the project and charge the appropriate costs to Bingham Farms.

Motion by Mooney, second by Oen, that Village Council approve the advertising for bids for the 2009 Joint & Crack Sealing Program.

Bob Walsh of Smallwood Court commented that the advertisement for this program appeared in the Sunday edition of the Eccentric newspaper. Wilson responded that running the advertisement before Council approval to go out for bids was an oversight.

Motion passed (7 – 0).

REVIEW AND CONSIDER EMERGENCY REPAIRS TO FIRE TRUCK 314 TOWER

Director Woodard reported that the tower fire apparatus is experiencing a hydraulic fluid leak from an enclosed area of the tower assembly. The exact nature of the leak cannot be defined until complete dismantling of the telescoping boom occurs. Truck 314 is currently out of service.

R&R Fire Truck Repair was provided an opportunity to submit a quote for the work on the basis that they were the low bidder over a year ago on repairs to a different area of Truck 314. They provided a worst-case scenario quote of \$6,246.21. Woodard recommended that R&R receive approval to do this repair as they have done recent work on the truck and were competitively priced at that time.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council award to R&R Fire Truck Repair the contract to provide the specified repairs to Truck 314 for the quoted price of \$6,246.21. Further bids will be obviated based on the emergency nature

of the repair and the needs of the community. Funds for this expense will be taken from Account #101-345-861, Public Safety: Vehicle Expense.

Questions from Council were addressed by Director Woodard.

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

REVIEW AND CONSIDER AGREEMENT WITH THE ROAD COMMISSION FOR OAKLAND COUNTY FOR SIGNAL UPGRADE AT 13 MILE & SOUTHFIELD ROADS

The Road Commission for Oakland County recently received approval for federal aid safety funds in reference to a signal modernization project at the intersection of Southfield Road and 13 Mile Road. The project will be funded 80% under the 2009 Federal Aid Safety Program with a 20% local match requirement (RCOC 50%, Beverly Hills 25%, and Southfield 25%). The project is estimated at \$200,000, which requires a \$40,000 local match. The Village's portion of this match will be \$10,000. Council budgeted \$10,000 for this project in account #202-451-813.01. Administration has reviewed the contract and recommends approval.

Motion by Mooney, second by Oen, that the Village Council authorize the Village Manager to enter into an agreement between the Road Commission for Oakland County and the Village of Beverly Hills for signal upgrade at the intersection of Southfield Road and 13 Mile Road. The Village's share of \$10,000 has been budgeted and is available in account #202-451-813.01.

Ryan indicated that he reviewed the contract and found it to be in order.

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

DISCUSSION ITEM – BUDGET

Wilson stated that Council members received a copy of the draft budget for FY 2009/2010 this evening. He referred to a memo presenting budget highlights based on discussion at the March 24 budget session. Steps taken in this budget will greatly reduce the current year's operating deficit by making significant and substantial cuts. Budget highlights include the following:

- Elimination of three Public Safety Officers
- Elimination of receptionist position at Village Hall
- Institution of \$50 fee per household for solid waste collection
- Phasing in of solid waste fee to \$100 in FY 2010/11 and \$150 in FY 2011/12
- Reduction in Building and Planning Department budget by over 14%. This is to be accomplished by either contracting out of Building Department services or further reduction in staff levels. Should the Building Department be contracted out, there would be a further reduction of two positions at Village Hall.
- Funding of roughly half (\$300,000) of future retiree health care costs
- Wage freeze for all employees, both union and non-union during FY 2009/10

- Transfer of all non-union employees receiving health care coverage to Blue Care Network as of July 1, 2009
- General Fund operating deficit of \$85,113
- FYE fund balance of 18% of expenditures (\$1,329,249)
- Public Services Director position moving from full time to part time

Wilson reviewed that he projected a 4.57% decrease in taxable value for this year based on fluctuating numbers received from Oakland County. His projection for FY 2010/11 appears to be low; the anticipated reduction in taxable value in the five year forecast was 8% based on County projections. The Village is looking at losing 15% over five years.

An unexpected factor responsible for increased General Fund expenditures is an increase in the required pension contribution based on numbers received from the Village actuarial firm. The five year projection illustrates the impact of increased pension obligations beginning years 2011/12.

Wilson indicated that Council could consider imposing the full \$150 fee per household for rubbish collection and stave off public safety officer layoffs for a year. He noted that a 25-person public safety department organized as it is currently will not be sustainable two-three years from now with the revenue coming in. The proposed budget will fund about half of the contribution for future retiree health care obligations. In future years, there is no money allocated for funding retiree health care.

The proposed level of budget cuts would result in maintaining a positive fund balance until FY 2012/13. If the budget cuts are implemented, it would mean eliminating six positions from Village operations, three in the public safety department. The Village office staff of 9-10 employees would lose three people.

Stearn asked Wilson to address the proposed budget for resurfacing and street maintenance on major roads in the Village. Wilson responded that there is money for routine maintenance but nothing budgeted for reconstruction projects in the Major Road Fund next year.

Stearn remarked that residents have expressed concern about cuts in the public safety department. Six Village staff positions are proposed to be eliminated. There is no money allocated for road reconstruction. Consideration will be given on whether to continue with the library contract. The Village is in crisis mode. Stearn asked Director Woodard what options he has considered to reduce budget expenditures other than cutting three staff members.

Woodard reiterated that he has little flexibility in terms of budget line items that are not controlled by a contract or other obligations. The public safety budget took a \$500,000 hit this year with an increase in the pension contribution and contribution to the future retiree health care fund. Woodard commented on the options and challenges with respect to operating the department with the remaining 22 officers.

Woodard informed Council that the Department is applying for federal grant funding through COPS (Community Oriented Policing Services) available from the economic stimulus package.

The competitive grant provides funding to local law enforcement agencies to hire and rehire additional police officers. Receipt of the grant would allow the department to forestall the proposed layoffs for up to three years. A decision is due in May.

In response to a suggestion relative to restructuring the Department, Woodard stated that the existing 25 people can be repositioned, but they still have to be paid. With 22 people in the proposed budget, there will be restructuring to cover services provided by the detective bureau, road patrol, and fire fighting coverage. Woodard said that he could move people around or eliminate staff, but he cannot unilaterally cut wages or benefits. Questions and comments from Council were addressed by Woodard.

Koss said that projections to sustain a positive fund balance until 2011/12 with the adoption of the proposed budget do not include a contribution towards the unfunded health care liability. Wilson responded that there are differences of opinion regarding the retiree health care issue. He would prefer to make a full allocation every year if funds were available, but this will not be possible in coming years. Wilson suggested getting through the upcoming labor negotiation period and looking at an actuarial report to see if the liability can be reduced through enhanced negotiation.

Koss stated that residents have expressed concern about cuts to the public safety department. The reality is that the Village can eliminate the library and trash collection expense and still not be able to afford to operate the department with the dollars that it has. The Village is not fulfilling its long-term commitments. Koss proposed that Council instruct the Village Manager to research every viable solution for this Village to sustain itself in the future even if it means contracting fire service with another community or looking at merging public safety departments. Council needs to explore all options for receiving services that everyone expects even if it involves a different method of delivering services.

Motion by Koss, second by Berndt, to authorize the Village Manager to explore and report back on any and all possibilities for consolidation or restructuring arrangements that are feasible.

Mooney did not believe that this was an appropriate motion. Ryan opined that this is a budget discussion item. It is the will of Council whether to take action on a discussion issue.

Wilson commented that he probably does not need specific direction. His duties are to look at the revenue stream, the systems in place, and provide his professional opinion on what the Village can afford and the best way to operate. If he thinks Council is opposed to something, he would not take the liberty to approach a community about shared services. Council understands the dire situation and that restructuring may be inevitable. Wilson recognized that Council would like him to report back on any and all possibilities to explore consolidation and restructuring arrangements that are feasible. There may be ways to restructure internally. Wilson will investigate any avenue that he thinks is responsible to the citizens who live here and that would provide an effective level of service.

Peddie expressed support of the motion on the basis that the Village cannot sustain the current services in the accustomed manner. This will be a time consuming process that requires thought

about how the Village can provide services. Oen concurred that the Village will need to change the way that services are delivered, but he disagreed with the timing of this motion.

Berndt commented that the discussion is about trying to maintain services at a fraction of the funding available to the Village in past years. The challenge will be to examine the options and take a functional perspective in determining what can be salvaged to give residents the most that the Village can afford.

Mooney said that a vote in favor of this motion would be a Council stamp of approval to change the way the Village delivers public safety services. Stearn thought that the motion was more of an information gathering initiative. Briggs suggested that it was prudent to explore options and consider them. He suggested adding a time frame to the motion.

Wilson expressed the view that preparation and approval of a budget for FY 2009/10 is the most pressing matter at this time. There are substantial changes being put forth this year, and alternatives have been presented for Council consideration. Discussions have focused on expenditures and restructuring. Revenue aspects can be further explored and pursued. Wilson proposed focusing on the upcoming fiscal year budget before moving beyond that.

Motion by Mooney, second by Oen, to table the motion.

Roll Call Vote:

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

Motion passed (4 – 3).

Mike Belware of Pebblestone Court commented on the importance of the public safety department to the community but realized the tough decisions and budget constraints facing Council. Public Safety expenses will not go away by raising revenue due to the exponential growth of health care and pension costs. Belware suggested that public safety officers be given the opportunity to make a choice between reduced benefits for all of them in order to preserve jobs in the department.

Brandon Love of Fox Run expressed the view that it makes sense to ask employees for concessions if residents were going to be asked to share the burden through increased taxes or fees for trash collection. His ideas included freezing the pension benefit and change it from a defined benefit to a defined contribution plan. Love questioned the pay structure of the police department and suggested eliminating people who are eligible for retirement. He suggested that Village employees pay a portion of their health care premiums. Alternative plans for library service could be considered.

Candy Repa of Shagbark thought that there was a need for more communication to the residents regarding the fiscal problems of the Village. She agreed with Council members who were open to new ideas to keep this community the way it is.

Rebecca Whitney of Lincolnshire asked Council members to listen to what residents have to say without sarcasm. She questioned whether there was a way that citizens could become more informed and involved in trying to help.

Kathleen Berwick of Kennoway Court thanked the residents for their ideas. She proposed that the Village negotiate reduced pay, fringe benefits and pension plans for all employees.

Motion by Mooney, second by Oen, to instruct administration to approach the Public Safety Department and attempt to renegotiate union contracts with all three unions.

There were comments on the motion from Council and resident Bob Walsh.

Motion passed (7 – 0).

PUBLIC COMMENTS

Sharon Tischler of Smallwood Court expressed disappointment that Council tabled a motion to look outside the box. The Village needs to consider all available options to determine what is in the best interest of the community. Stearn responded that the motion to table was more of a timing issue rather than a decision on the merits of the motion.

REPORTS – MANAGER

Wilson provided Council with a copy of a letter sent to John McCullough, Water Resource Commissioner, expressing the Village's concerns about the proposal to go to a meter-based billing system for sewers. He has not yet received a formal response to the letter. Another committee meeting is scheduled for the end of April.

The Village labor attorney has drafted a proposed contract for moving the Public Services Director Tom Meszler to part-time status. Wilson asked Council to review the contract for consideration at its next meeting.

Council is in receipt of a memo from the Finance Director regarding outstanding water bills that are being transferred to the tax rolls. Historically, the Village has chosen not to shut off water to homes but to put delinquent water bills on the homeowners' tax bills. The trend of increasing delinquencies is a detriment to the system and not sustainable. Stearn asked that this be an agenda item for the next Council meeting.

REPORTS – COUNCIL

Briggs reported that it is anticipated that the educational, public and government (PEG) channels would be up on the AT&T U-verse system by July. He announced that the Annual Beverly Park Clean Up will take place on Saturday, May 9 at 10 a.m.

Mooney commended Todd Stearn on handling the difficult job of Council President.

Peddie commented that the Baldwin Library is beginning its budget process.

Berndt announced that the Zoning Board of Appeals will meet on Monday, April 13 at 7:30 p.m. in the council chamber.

Koss reported on a recycling workshop last week held at the Village municipal building. The amount of items that can be recycled is surprising. Koss thanked Kensington Community Church for sponsoring the Easter Egg Hunt in Beverly Park last Saturday.

Stearn asked Wilson to request that Finance Director Bob Wiszowaty give his PowerPoint presentation on Beverly Hills budget projections present and future to the Public Safety Department employees in the next couple of weeks. Members of the public are welcomed.

Stearn thanked Parks and Recreation Board members for undertaking the organization of the Memorial Day Parade and Carnival this year. Stearn thanked the Planning Board for their serious review of a Southfield Road Corridor Plan. Board chairperson Jensen has asked that \$4,000 be allocated in the budget to continue that process.

Council will hold a budget study session on Tuesday, April 28, 2009 at 6:00 p.m. He invited residents to attend and provide their input on the budget.

Motion by Mooney, second by Oen, to adjourn the meeting at 10:02 p.m.

Motion passed (7 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary