

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

Absent: None

Also Present: Manager, Wilson
Assistant Manager/Clerk Marshall
Finance Director, Wiszowaty
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 three Boy Scouts in attendance who 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, made several announcements. With regard to the swine flu threat, she reassured residents that Oakland County has a comprehensive pandemic plan in place. The County web site contains up-to-date information (oakgov.com).

Gershenson reported on a County-wide economic forecast lunch with two economists from the University of Michigan who predict that the County will be adding new jobs in 2011, predominantly in sectors related to health care, information technology, wireless, and certain types of manufacturing and hospitality jobs. There is federal recovery money available in Michigan for people who want training for available jobs through the No Worker Left Behind statewide initiative. People can find out more about programs by calling the United Way Resource Line (2-1-1).

Gershenson attended a local economic forecast event hosted by the Birmingham Bloomfield Chamber of Commerce that included panelists from various communities, including Beverly Hills Manager Chris Wilson. One of the topics focused on consideration being given to merging Bloomfield Hills and Bloomfield Township. It was noted that Oakland County was one of the few counties in the State and in the nation that has as many local forms of government. There was agreement that the idea of consolidation has to come from the people and not legislators. Gershenson affirmed that all of our communities are looking at ways of sharing services.

Gershenson announced the appointment of Beverly Hills resident Mary White Block to the Senior Advisory Council of the Oakland-Livingston Human Services Agency. She related that the population of seniors will increase by 134% in the next 20 years. Oakland County is doing everything it can to strategize and prepare for that population shift.

Gershenson reported that metro Detroit's SMART (Suburban Mobility Authority for Regional Transportation) bus service provides free pick-up service to eligible residents who call ahead for transportation to a doctor appointment. She encouraged people to call SMART or check the web site to learn about the services provided.

Gregory Bader of 31139 Belmont said that he was an attorney whose practice focuses on senior housing issues. He recognizes the growth of the senior population and is producing a cable television show called *Graceful Aging* with the assistance of Bloomfield Community Television. The show will cover a variety of senior topics such as fall prevention and mature driving issues. The program will be aired at noon on Tuesdays and rebroadcast at 8 p.m. on Thursdays on public access Channel 15.

CONSENT AGENDA

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

- a. Review/consider approval of regular Council meeting minutes of April 21, 2009.
- b. Review and file bills recapped as of Monday, April 27, 2009.
- c. Review and consider purchase of report scanning service through MiDeal for public safety records.

Roll Call Vote:

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER REQUEST FROM THE LUPUS FOUNDATION OF AMERICA TO HOLD A FUNDRAISING WALK AT BEVERLY PARK ON SEPTEMBER 12, 2009

The Lupus Foundation of America has requested the use of Beverly Park on Saturday, September 12 as a location for its 2nd Annual Detroit Metro Walk for Lupus. It is proposed to use a portion of Beverly Park including the path through the woods to host their 8-hour event; they anticipate leaving the park by 5:00 p.m. The Lupus Foundation will provide tents, porta-johns, insurance, cleanup and removal of all rubbish. Administration has reviewed the request and finds it in order.

Motion by Briggs, seconded by Mooney, that the Beverly Hills Village Council authorize Village Administration to coordinate with the Lupus Foundation of America, Inc. to hold its 2nd Annual Detroit Metro Walk for Lupus on Saturday, September 12, 2009. The Lupus Foundation will provide tents, porta-potties, entertainment, insurance, clean-up and removal of all rubbish. Approval is subject to receipt and review of liability insurance agreement.

Roll Call Vote:

Motion passed (7 – 0).

PUBLIC HEARING ON 2009/2010 BUDGETS FOR GENERAL FUND, MAJOR & LOCAL ROADS, WATER & SEWER OPERATING AND OTHER SPECIAL REVENUE FUNDS

President Stearn stated that Council will not vote on approval of the 2009/10 budget documents at this meeting. Before proceeding with the public hearing, administration was asked to provide an informational presentation on the proposed budgets.

Wisowaty used a PowerPoint presentation to outline the proposed 2009/2010 General Fund budget. He discussed General Fund revenue sources and explained the effect of the Headlee Amendment and Proposal A on limiting property tax revenue received by the Village. As a result of Proposal A and the continued decline in property values, the Village will lose \$501,749 in charter millage revenue in 2009. State Revenue Sharing has decreased from \$1,088,436 in 2000 to a projected \$826,305 in 2009.

Wisowaty summarized pie charts showing General Fund revenue sources by percentage and allocation of expenditures by department for 2009/10. General Fund revenue plus a contribution from the fund balance will result in a balanced budget of \$7,438,343 based on the current version of the proposed budget. The Charter millage rate of 9.3801 will remain the same as last year since taxable value increased less than the CPI of 4.4%. The combined 2009/10 millage rate is projected to be 11.8042.

The General Fund budget will increase by \$249,153 from the previous year. A retiree health care contribution of \$501,844 will be made in addition to the pay-as-you-go amount. Full time employees will be reduced by at least four positions, three in the Public Safety Department and one in the Village Hall. Residents will be charged a \$50 per household service fee for rubbish collection and disposal. The Fund balance will be reduced to 15% of expenditures, which is \$1,115,000.

Under the Uniform Budgeting Act, the Village is required to budget for special revenue funds, which is revenue derived from specific taxes or another revenue source such as Act 51 Gas and Weight Tax monies. Expenditures are restricted to the purpose of the fund. Wisowaty summarized the Village Special Revenue Fund budgets including the Major Road Fund, Local Street Fund, Drug Law Enforcement Fund, Retiree Health Care Fund, Vacation Reserve Fund, and Sick Pay Fund.

The Water & Sewer Operating Fund budget for 2009/10 will decrease by \$472,097 from last year. This is primarily due to a significant reduction in consumption. Water & Sewer rates will not increase this year. The Water & Sewer Budget for 2009/10 will be \$3,811,877 for revenue and expenditures.

The proposed 2009/10 General Fund and Special Funds budgets are available for public review at the Village offices.

Manager Wilson reiterated some of the recent changes in the Village's operation that are reflected in the General Fund budget proposed for 2009/2010. The receptionist position at the

municipal office has been scheduled to be eliminated as of July 1, 2009. Public Services Director Tom Meszler has agreed to go to part-time contract basis. The Village will not transfer money from the General Fund to the Major or Local Street Funds this year. Pay freezes for all non-union personnel as of July 1, 2009 have been budgeted. No pay increases are anticipated for union personnel as of January 1, 2009 when contracts expire, subject to negotiation. All non-union employees will transfer to the Blue Care Network as of July 1, 2009.

The Village's contractual arrangement with the Birmingham Baldwin Public Library has been a topic of discussion. Beverly Hills has had a contractual arrangement with the Library Board for a number of years. The library contract currently represents an expenditure of over \$500,000 annually. The contractual arrangement includes a two-year notification requirement to opt out of the contract. That notification would have to be made by June 30, 2009 if the Village intended to end the agreement by June 30, 2011. Wilson said that the ideal situation would be to find alternative funding sources other than the General Fund within the next two years. He anticipates Council discussion on library service in the coming months given the time constraints of the contract.

Wilson informed Council that he spoke with the President of the Baldwin Library Board today about the Village's position and its relative satisfaction with the services received. He explained that library service is something that the Village may not be able to afford under the current arrangement as pressure becomes greater on the General Fund over time. The Library Board President was understanding, and Wilson was encouraged that she may be willing to work with the Village on an agreement in the months to come.

Wilson stated that the Village has four union contracts up for negotiation on December 31, three involving public safety personnel. A Council negotiating team has begun discussing the direction for these negotiations. There has been contact with the Village's labor attorney, which will increase in the coming months. Wilson stressed that these contract talks will be crucial to future service delivery mechanisms in the Village and to providing a basis for future sustainability. Following approval of this budget, contract negotiations will be a primary focus of his time and attention in the coming months.

Wilson provided an update on the status of items discussed at the April 28 budget meeting. Two public safety command employees are eligible for retirement and were considering a buyout offer from the Village. If these two employees were to accept the buyout packages, it would forego the need to engage in involuntary layoffs of up to three public safety officers. Wilson has received word that one of the eligible employees, Sgt. Ted Wink, is agreeable to a buyout offer conforming to the terms presented to Council. The other eligible employee, Lt. Eric Ottney, chose not to accept the offer at this time.

Assuming Council approval of the buyout offer for Sgt. Wink, Wilson proposed possible options relating to the FY 2009/10 budget: involuntary layoff of one public safety officer; involuntary layoff of two or more public safety officers; hold off on layoffs of any public safety personnel pending outcome of upcoming contract negotiations.

Should Council choose to forego involuntary layoffs at this time, it should be done with the understanding that significant concessions are mandatory by December 31, 2009 to maintain current staffing levels and/or service delivery arrangements. Failure to achieve significant concessions in current labor contracts by December 31, 2009 will necessitate either a significant reduction in public safety manpower or alternate delivery methods for public safety services.

To the extent that expenditure rejections may fall short of previously anticipated targets, Council will have the option of reducing the amount of OPEB funding for retiree health care while maintaining a fund balance level of 15% of expenditures.

Wilson stated that Requests for Proposals for providing building department services are due to the Village on Friday, May 15. Wilson will make a presentation to Council on the results of those proposals at its May 19 meeting.

Wilson reported that the Village received information today on further revenue sharing cuts from Lansing. Anticipated revenue for the remainder of FY 2008-2009 will be \$35,000-\$40,000 less than previously projected by the State of Michigan. Wilson did not have confidence in the current figures provided by the State for 2009/2010.

Stearn opened the public hearing on the proposed 2009/2010 budget at 8:19 p.m.

Bob Walsh of 20655 Smallwood Court commented that legacy costs in terms of pensions and retiree health care are a major budget concern, and costs will continue to increase unless there is a change in the way labor contracts are written. He suggested going from a fixed benefit to a fixed contribution. Walsh also commented on expenditure line items in the Water & Sewer Fund in terms of the CSO maintenance contract costs and a study to reduce the Village's overflow into the Rouge River.

No one else wished to be heard; the public hearing was closed at 8:25 p.m.

REVIEW AND CONSIDER AWARDING CONTRACT FOR 2009 JOINT AND CRACK SEALING PROGRAM

Bids were opened on April 21 for the 2009 Joint & Crack Sealing Program. Council is in receipt of bid tabulations. There were three bidders for this project, two of which were tied for the low bid with the same unit price. The bid includes quantities for work on streets in Beverly Hills, the parking lot at Beverly Park, the parking lot at the municipal office, and streets in Bingham Farms. The cost of work in Bingham Farms will be billed to that municipality in addition to an administrative fee. Bingham Farms has agreed to this cost in writing.

Public Services Director Meszler recommended that the Village award this contract to Scodeller Construction based on their experience and satisfactory service provided to the Village since 2003.

Motion by Oen, second by Mooney, that the Village of Beverly Hills Council approve awarding the contract for the 2009 Joint and Crack Sealing Program to Scodeller Construction in the amount of \$12,174.40.

A question from Briggs on the money appropriated for this expense was answered by Wilson. Additional money will be transferred to an account to cover the cost of an unanticipated repair to a crack in the municipal parking lot. Southfield Township will be approached for a contribution to the \$784 cost of sealing the crack.

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

REVIEW AND CONSIDER REQUEST FROM THE BEVERLY HILLS LIONS CLUB FOR USE OF VILLAGE STREETS ON MONDAY, MAY 25, 2009 FOR THE 27TH ANNUAL FUN RUN/WALK

The Lions Club of Beverly Hills will sponsor a Fun Run/Walk on May 25, 2009 starting at 9:30 a.m. to kick off the Memorial Day Parade and Carnival. The Village will coordinate with the public safety department to provide assistance that day. A map of the route has been provided as well as a certificate of liability insurance.

Motion by Koss, second by Oen, that the Village Council approve the request of the Beverly Hills Lions Club to use Village streets and sidewalks for its 27th Annual Fun Run/Walk to be held on Monday, May 25, 2009.

Motion passed (7 – 0).

Stearn thanked the Beverly Hills Lions Club for volunteering to sponsor the Fun Run/Walk every year as part of the Village's Memorial Day festivities. He noted that the Village Parks and Recreation Board has volunteered to put on the Memorial Day Parade and Carnival this year.

DISCUSSION ITEM – BUDGET

Motion by Mooney, second by Berndt, to remove the budget discussion item from the agenda.

Motion passed (7 – 0).

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court suggested that Council give consideration to employing a different labor attorney for its upcoming contract negotiations.

Laverne Cleary hoped for a sunny day on May 25th for the Memorial Day Fun Run, Parade and Carnival.

REPORTS – MANAGER

Wilson provided Council with a copy of correspondence to the Water Resource Commissioner detailing some of the Village's ongoing concerns relative to proposed changes in billing methodology within the Evergreen Farmington Sewage Disposal Systems. The Village is still reviewing its options and stands opposed to even a partial phase-in of changes in the billing of sewage disposal rates proposed as of July 1.

REPORTS – COUNCIL

Briggs reported that the Cable Board and Birmingham Schools are working with AT&T to get educational programming up and running on their U-Verse product. The Board will be meeting with AT&T technical people and BCTV staff to discuss the hookup of municipal and public access channels to U-Verse. Briggs encouraged potential AT&T subscribers to question the company's ability to offer PEG (public, educational, government) channels on their service.

The Parks and Recreation Board is holding the Annual Park Clean Up day this Saturday, May 9 at 10:00 a.m.

Mooney suggested that Council consider a future agenda item to discuss extending the news coverage provided in the Villager newsletter. Communicating local news to households in Beverly Hills will be a challenge with the discontinuation of the Birmingham Eccentric Newspaper at the end of May.

Mooney recognized Boy Scout Leader Laverne Cleary in the audience. He commended Laverne Cleary and her dear departed husband for their support of scouting organizations in the community.

Peddie reported on the Planning Board meeting she attended as alternate liaison on April 22.

Berndt announced that the Zoning Board of Appeals will meet on Monday, May 11 at 7:30 p.m. in the Council chamber.

Motion by Mooney, second by Koss, to adjourn the meeting at 8:40 p.m.

Motion passed (7 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary