

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
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. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Oen, second by Peddie, to approve the agenda as published.

Motion passed (7 – 0).

PUBLIC HEARING TO REVIEW 2008 ASSESSMENT ROLLS FOR DUST CONTROL AND OTHER MISCELLANEOUS ASSESSMENTS

A public hearing is required to review and confirm unpaid assessments and billings on properties to be added to the tax roll in the categories of dust control and other miscellaneous assessments. These are charges to residents for services that have already been incurred by the Village. Manager Wilson listed the various categories and charges. There were 310 properties assessed for a total amount of \$201,030.37.

Stearn opened the public hearing at 7:36 p.m. on the 2008 Assessment Rolls for dust control and miscellaneous assessments. No one wished to be heard; therefore the public hearing was closed at 7:37 p.m.

PUBLIC COMMENTS

Officer Chad Trussler, union official for the Beverly Hills Police Officers Association, spoke on behalf of one of the officers with respect to budget decisions that will be made by Council tonight. He provided background information and cited the outstanding credentials of Officer Rob Ginther, the 25th officer hired by the Department, to affirm that Ginther is an asset to the community. Trussler suggested that a lack of communication between Council and the public may have contributed to the failure of the millage proposal.

Officer Tom Danielson of 20635 Thirteen Mile Road thanked Council members for their service to the Village. He said that he moved to Beverly Hills with the idea that it was a good place to raise a family. Danielson did not think that adequate action was being taken to address the financial difficulties of the community and mentioned the need to raise

revenue to maintain services. He proposed that the Villager newsletter serve as a medium to communicate important information to the public.

Danielson questioned the action of Council to hire a 25th officer in 2008 without adequate funding to retain the position. He urged consideration of other options that would postpone layoffs. Council has the authority to collect a rubbish collection fee of \$180 per household annually. Village services are close to being downgraded due to lack of funds. If Beverly Hills residents want to maintain their current quality of life, they will have to pay for it. Danielson expressed the view that the Village should do a better job of explaining and promoting a millage increase.

Kathleen Berwick of 31381 Kennoway Court stated that all of southeastern Michigan is experiencing financial problems; layoffs are unfortunate but necessary. Berwick suggested that Beverly Hills should charge to allow charity runs on Village streets. Charity runs should take place on safety paths or sidewalks and not in the road.

Sheila Brice, Community Service Organizer for Groves High School, commended Jim O'Reilly and Janice Hausman for leading the effort to retain the annual Beverly Hills Memorial Day Parade and Carnival. Brice announced that there will be a community luncheon sponsored by the Birmingham Chamber of Commerce and CECAC (Community Education through Collaboration and Communication) to honor Birmingham Eccentric staff members. After 131 years of serving the community, The Birmingham Eccentric will cease publication.

Brice stated that Groves administration wants Council and residents to know that, due to circumstances beyond their control, the Groves High School Commencement location was changed from the Phoenix Center to the Ultimate Soccer Arena in Pontiac. The Commencement will be held on Sunday, May 31 at 4 p.m.

Brice related that Groves parents, students, and staff are grateful to the Beverly Hills Public Safety Department for the outstanding work done by the School Liaison Officer, Detectives and Parole Officers and for their response to emergencies and proactive education on safety and security issues. They hope that budget cuts do not affect the Beverly Hills police and fire department.

Bruce Cobb of 18010 Beverly Road was concerned about safety in the community and did not think Beverly Hills could afford to lose public safety officers.

Jim O'Reilly of Huntley Court talked about the upcoming Memorial Day Parade and Carnival. After hearing the news that the Memorial Day event was being cancelled by the Woman's Club, the Parks and Recreation Board took on the job of organizing the parade and carnival. O'Reilly listed the activities, guests, and highlights of the parade and carnival and asked for more volunteers on that day. Pat Westerlund is in charge of organizing the parade this year; the Grand Marshal will be Pat Greening. O'Reilly recognized the Woman's Club of Beverly Hills for sponsoring the parade and carnival for 27 years. He

listed all of the businesses and organizations that have helped to sponsor events during these difficult economic times.

Sharon Tischler of 21415 Virmar Court stated that the Beverly Hills Lions Club will sponsor a charity Fun Run that leaves from Beverly School prior to the Memorial Day Parade and runs a four-mile course throughout the Village.

CONSENT AGENDA

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

- a. Review/consider approval of minutes of special Council meeting held April 28, 2009.
- b. Review/consider approval of minutes of regular Council meeting held May 5, 2009.
- c. Review and file bills recapped as of Monday, May 11, 2009.
- d. Review/confirm 2008 Assessment Rolls for dust control and other miscellaneous assessments.

BUSINESS AGENDA

PUBLIC HEARING REGARDING ALTERNATES TO THE PLANNING AND ZONING BOARDS

A public hearing will be held tonight on amendments to Chapter 21 and 22 of the Municipal Code to reflect changes in the Zoning Enabling Act regarding membership on the Zoning Board of Appeals and Planning Board. A first reading of these ordinance changes is an agenda item for this meeting.

Manager Wilson stated that the Zoning Enabling Act adopted in 2006 has been changed to read that a member of the Zoning Board may also be a member of the Village Planning Board. The Planning Board recommended that the Village ordinance be in compliance with state law in terms of making dual membership discretionary. Additionally, communities are allowed to appoint up to two alternates to the Zoning Board of Appeals for situations when a quorum is not available or in the event of a conflict of interest.

Stearn opened the public hearing on proposed changes to Chapter 21 and 22 of the Municipal Code at 8:01 p.m. No one wished to be heard; therefore, the public hearing was closed at 8:01 p.m.

REVIEW AND CONSIDER PROPOSALS FOR BUILDING DEPARTMENT SERVICES

Mooney offered a motion to table this agenda item until the first meeting in June. The motion failed for lack of support.

Wilson stated that the Village received only one bid in response to its Request for Proposals for Building Department Services by the May 15 deadline. A comprehensive proposal was received from the City of Birmingham and distributed to Council for review. Wilson related that the cost quoted by Birmingham was \$275,000 for services that did not

include rental inspections. Birmingham would be willing to implement a rental inspection program by this fall at an agreed upon fee.

It was the intent of the Village to attempt to engage in a shared services arrangement that would be cost efficient. After discussion with Council, Wilson did not recommend acceptance of the proposal from the City of Birmingham for the reason that it would increase expenditures. The Village needs to reduce expenses related to the Building Department. Wilson recommended the following as the best options for the Village's building department services at this time.

- Building Inspector position will move from full-time to part-time contractual position. All building inspections will be performed on an as-needed basis and fees apportioned on a 60-40 split between the inspector and the Village.
- Site Plan review to be performed by LSL Planning in conjunction with Village Administration. Fees for site plan review will be set to be cost neutral for the Village.
- Rental Inspections to be handled in-house with inspections performed by contractors on an as-needed basis. All rental ordinance fees will be apportioned on a 60-40 split between the inspector and the Village.
- Code Enforcement will continue to be handled by the Village with existing staff.
- Clerical duties will continue to be handled by the Village with existing staff.
- Village Administration, primarily the Manager and Clerk/Assistant Manager will assume additional responsibilities for Planning Board and Zoning Board of Appeals.

These proposals will result in manpower reduction in current Village Administration levels. The position of Dave Byrwa, current building inspector, would be moved to a part-time contractual position. Byrwa has significant years of service with the Village, but is not age eligible to draw a pension under the Village's retirement plan. MERS (Michigan Employee Retirement System) has been contacted about allowing Mr. Byrwa to access his pension earlier. The cost would be about \$5,500, which would be amortized over 30 years of roughly \$310 per year. Wilson recommended that Council consider this proposal.

Stearn recapped that Council was considering consolidating the Village building department with another community as a way of saving money. Area communities were invited to submit proposals for building department services. The only proposal received was from the City of Birmingham at a cost of \$275,000. This was \$71,000 more than the current Beverly Hills building department budget of \$204,000. The proposed 2009/2010 budget calls for a 20% reduction in building department costs. It was the sense of Council not to pursue the proposal submitted by the City of Birmingham.

Stearn reviewed the options proposed by the Manager in an attempt to take the building department to a cost neutral operation. He asserted that eliminating the full-time building inspector position and moving to contractual inspections is not something that he takes lightly.

Council members commented on the value of having a Village building department and the difficulty of eliminating a position held by a long-time employee. Building department activity is slow. There was disappointment expressed at the lack of response from communities with respect to consolidation efforts as well as the high cost of the proposal received. Council recognized the time and effort that went into the proposal submitted by the City of Birmingham for building and planning services. There were members who suggested that the Village has been receiving building department service at a reasonable cost.

Mooney explained that he asked to table this item on the basis that the Manager's proposal was not received by Council until this evening. Mooney did not think that Council has had enough time to explore the options set forth by administration.

Wilson said that his memo dated 5/19/2009 was submitted as an alternative for consideration and not as an agenda action item. It represented his thoughts on what he believed would be a prudent way to move forward; the decision will be at the discretion of Council.

Wilson asked Council to delay action with respect to allowing Mr. Byrwa to access his pension pending receipt of information from MERS and drafting of contract language to formalize that change. Stearn said that he would ask for a sense of Council on whether there was support for this pension change before directing administration to proceed.

Motion by Oen, second by Koss, that the Village of Beverly Hills Council adopt the Manager's recommendations related to the Village Building Department.

- Building Inspector position will move from full-time to part-time contractual position. All building inspections will be performed on an as-needed basis and fees apportioned on a 60-40 split between the inspector and the Village.
- Site Plan review to be performed by LSL Planning in conjunction with Village Administration. Fees for site plan review will be set to be cost neutral for the Village.
- Rental Inspections to be handled in-house with inspections performed by contractors on an as-needed basis. All rental ordinance fees will be apportioned on a 60-40 split between the inspector and the Village.
- Code Enforcement will continue to be handled by the Village with existing staff.
- Clerical duties will continue to be handled by the Village with existing staff.

- Village Administration will assume additional responsibilities for Planning Board and Zoning Board of Appeals.

Mooney stated that he will vote against the motion due to the way it was presented without associated costs.

Roll Call Vote:

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

Motion passed (5 – 2).

There was a consensus of Council that the Village Manager pursue a proposal that will involve an expenditure and drafting of language that would allow Dave Byrwa to access his pension.

REVIEW AND CONSIDER ADOPTION OF THE 2009/2010 FISCAL YEAR VILLAGE OF BEVERLY HILLS BUDGET

Wilson stated that there are a series of Resolutions before Council related to the 2009/10 budget, the first of which is a resolution to adopt the proposed budget. The Village Council conducted a public hearing on the proposed 2009/10 Fiscal Year Budget on May 5, 2009.

Stearn commented that Council has conducted several budget study sessions and held a public hearing on the budget at the May 5 meeting. He reviewed that General Fund Revenue is expected to go up by 2.55% for a total of \$7,437,529. Stearn went through the General Fund, Road Funds and Water and Sewer Fund budgets by department, noting substantial reductions in most departments and reductions in fund balances. The Village will be transferring money from the General fund reserves to balance the budget. The General Fund balance will be reduced this year from 20% to 15% of annual expenditures. The budget as presented includes one voluntary retirement of an eligible public safety employee and the involuntary layoff of one public safety officer.

Koss stated that Council directed the Public Safety Department by a unanimous vote at its March 24 meeting to reduce the Department budget by \$200,000. The Public Safety Department budget presented does not reflect this reduction. The numbers including one buyout and one layoff shows a difference in the budget from last year of less than \$5,000.

Stearn explained that the Village was required to add almost \$200,000 to its annual contribution to the public safety pension fund because the market value of the Public Safety Retirement System went down by \$5 million last year. Council can adopt the budget as presented by Administration tonight or make changes to that budget. Assuming Council

approval of one buyout offer for a public safety employee, the Manager proposed options related to this budget that included involuntary layoff of one officer or involuntary layoff of two or more officers. That is open for discussion.

Peddie said that all members of Council were in support of maintaining current services prior to the vote on a millage restoration proposal. There is not support for another millage vote at this time, and the Village cannot provide the same services that were offered in the past with current revenue. Substantial cuts have been made in all departments. There were no options presented to Council in terms of the Public Safety Department budget that would prevent the layoff of officers. Council does not want to eliminate officers, but it has no choice in a deficit situation.

Briggs recalled that he made a motion to cut \$200,000 from the Public Safety Department budget that was presented on March 24, 2009, not from last year's budget. He thought that the budget before Council for approval is a good document. The voters will not support a request for additional millage if they do not believe that Council has taken a serious look at the budget. Council should immediately begin pursuing shared services, options for delivery of services, and increasing revenue.

Oen commented on the increase in Village's required contribution to the public safety retirement fund due to the failing stock market. There have been cuts made in the administrative and public safety budgets. He supports the budget as proposed, noting that there is not support for a millage increase in these difficult economic times.

Berndt commented on why he could not support the proposed budget. Beverly Hills residents are used to receiving good services. All municipalities are experiencing a serious economic crisis. Berndt outlined a number of factors that have contributed to the budget deficit situation. He talked about cuts that have made in the budget and addressed the safety of the community. Berndt thought that there was too much downside potential in the proposed budget.

Mooney recalled that there were no objections received at the public hearing on the budget to laying off as many as three public safety officers. At the time that the voters were being asked to approve a millage override, Council and administration said that the Village would lay off a number of public safety officers if the proposal did not pass. The Manager said that more money would be needed to run the Village, or employees would be lost. Residents were informed that there would be administrative cuts and consideration given to discontinuing library service. Mooney suggested that the Village Manager and Finance Director have done everything they could to reduce costs. The Manager has moved the public services director to part time and laid off the building official and the receptionist. Council voted for a \$200,000 reduction in the public safety department budget, which the Director said he could do by reducing staff. Mooney concluded that this is not a comfortable budget, but this is what has to be done.

Motion by Oen, second by Briggs, to adopt the following resolution.

**RESOLUTION
TO ADOPT THE 2009/2010 FISCAL YEAR
VILLAGE OF BEVERLY HILLS BUDGET**

The Village Council of Beverly Hills conducted a public hearing on the proposed 2009/2010 Fiscal Year Budget on May 5, 2009 and public comments have been heard and considered, therefore, be it resolved that the 2009/2010 Fiscal Year Budget for the General Fund, Major Road Fund, Local Streets Fund, Drug Law Enforcement, Retiree Health Care, Vacation Reserve, Sick Leave and Water and Sewer Operating Fund in the following amounts be hereby adopted:

FUND NAME	REVENUES	APPROPRIATIONS
General Fund	\$7,437,529.00	\$7,437,529.00
Major Road Fund	\$580,049.00	\$580,049.00
Local Streets Fund	\$444,406.00	\$444,406.00
Drug Law Enforcement	\$33,200.00	\$33,200.00
Retiree Health Care	\$1,115,664.00	\$619,548.00
Vacation Reserve	\$1,500.00	\$00.00
Sick Leave Reserve	\$1,600.00	\$00.00
Water & Sewer Operating	\$3,811,877.00	\$3,811,877.00

Roll Call Vote:

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

Motion failed (3 – 4). Five affirmative votes are required to adopt the budget.

Council members commented on the proposed budget. Berndt said that his primary concern was that he did not believe that the public safety cuts would save money due to associated overtime expenses. Koss and Peddie commented that another officer would have to be eliminated in order to achieve the \$200,000 cut in the public safety department directed by Council. Briggs, Oen and Stearn expressed concern about the welfare of the community and did not support cutting two officers in addition to the command officer buyout.

Motion by Oen, second by Berndt, to call a recess at 9:07 p.m.

Yes - Berndt, Briggs, Koss, Oen, Peddie, Stearn

No - Mooney

Motion passed (6 – 1).

President Stearn reconvened the meeting at 9:20 p.m. He asked for suggestions on a compromise that would result in adopting a budget.

Berndt referred to the Village's Post Retirement GASB 45 Obligations and questioned the recommended contribution to that fund.

Wisowaty responded that the Village has utilized a "pay-as-you-go" accounting method to pay for post-employment health insurance for employees prior to 1994. Beginning in 1994, the Village began funding of future retiree health insurance liabilities based on actuarial valuations. There were a few years when the Village contributed additional money to the fund. The pay-as-you-go contribution for the current year is approximately \$619,000. The actuarial valuation report as of December 31, 2007 specified that the Village's annual required contribution to fund both the current year health care requirements and an amortized portion of any unfunded 30-year OPEB liability is approximately \$1.2 million. The proposed budget allocates \$455,160 in addition to the "pay-as-you-go" amount to get closer to the amount of the Annual Required Contribution (ARC) identified in GASB 45 accounting standards.

Berndt questioned whether this was the time to be pre-funding post-employment health insurance liabilities due to the state of the economy. He recommended that the Village reduce its proposed OPEB (Other Post Employment Benefits) funding by approximately \$125,000 and retain another employee in the Public Safety Department.

Wisowaty responded to an inquiry by stating that a shortfall will be noted in the financial statements if the full annual required contribution recommended by the actuary is not reflected in government financial statements. This can affect the Village's bond rating. Wisowaty indicated that the Village's five-year financial plan does not allocate any contributions to the unfunded liability above the pay-as-you-go amount.

Village Attorney Ryan suggested increasing the \$50 per household annual rubbish collection fee included in the budget by \$25, which would generate an additional \$100,000 in revenue.

Koss reiterated that it was directed by Council to reduce the public safety department budget by \$200,000. She proposed that Council could set the public safety department budget at a certain level and instruct the Director and Village Manager to work with that budget over the next 12 months.

Stearn summarized three options for Council consideration: 1) reduce the OPEB contribution by \$100,000; 2) raise the proposed garbage tax by \$25 per household, which would generate about \$100,000; and 3) lower the public safety department budget by \$100,000 (\$4,189,700) and direct administration to work with that amount.

An informal vote on these three options resulted in none of them receiving the required five votes needed to adopt a budget. Another vote to reduce the Public Safety Department

budget by \$200,000 did not receive the required number of votes. Stearn opened the floor for comments from the public.

Sharon Tischler of 21415 Virmar Court said that Council will have to come to an agreement to reduce the budget in some fashion. She suggested that the Public Safety Director be instructed to adjust his budget if Council cannot agree on a specific line item to cut or reduce.

Kathleen Berwick would like Council to cut two public safety officers in addition to the command officer who is being offered a buyout.

Nancy Maxwell of 18701 Walmer suggested eliminating three public safety officers. She said that it appears as though the administrative office is making all the cuts.

Phil Mueller of 31529 Waltham recommended cutting anything other than police officers. He said that he would pay more for garbage removal or other services.

Bob Walsh of 20655 Smallwood Court proposed cutting three police officers.

Stearn stated that a balanced budget was presented by administration after Council conducted several budget study sessions. Council and administration may have to work on this budget throughout the year, and there will have to be additional reductions in next year's budget. The proposed budget funds the post retirement employee obligations by 80%; it cuts every department in the Village; and it is a compromise position on the public safety department.

Council members commented on how to compromise and proceed with a budget that is in the best interest of the Village. Berndt suggested reconsidering the proposed budget with a modification to place a 45 day moratorium on any layoffs during which time administration would attempt to work with unions and employees to find alternatives that would raise the necessary money to prevent layoffs.

Wilson said that, if layoffs are the sticking point, he would request that Council approve the budget as submitted with an amendment adjusting the public safety department budget to \$4.1 million, which is a reduction of \$189,700 from what is proposed. He and Director Woodard would make that work with current staffing levels. Wilson added that contract negotiations are coming up, at which time the department will have to be remade in some manner to make it sustainable in the future.

Ryan suggested that, if Council was concerned as a policy matter that its contribution to the retiree health care fund remain intact, it could specify that cuts should not come out of the OPEB contribution. Council can set the policy and administration will execute it.

Motion by Mooney, second by Koss, to approve the budget as submitted with a reduction in the Public Safety Department budget of \$189,700 with the condition

that there shall be no reduction in the contribution to the unfunded retiree health care contribution.

Briggs expressed concern that this proposal places administration in a position to cut three or more officers. Mooney responded that he would amend the resolution to reduce the number to a different amount.

Roll Call Vote:

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

Motion failed (3 - 4).

Motion by Stearn, second by Berndt, to adopt the budget as submitted and direct Administration to find an additional \$100,000 reduction to be presented to Council within the next 30 days for a budget amendment.

Roll Call Vote:

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

Motion failed (3 - 4).

Motion by Mooney, second by Koss, to approve the budget as submitted with a reduction in the Public Safety Department budget in the amount of \$125,000 with the caveat that there be no reductions to the contribution to the unfunded retiree health care liability.

Roll Call Vote:

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

Motion failed (4 – 3).

Mooney commented that the budget issues facing the Village have been discussed at study sessions, regular meetings and at the public hearing on the budget. The Village does not have the money to provide the current level of services. Administration proposed a balanced budget for this coming year. Next year Council will have to cut more than three officers. Mooney questioned how Council is going to convince residents that it is serious about cutting services if it doesn't eliminate officers based on the message from the electorate. There was agreement among Council that cutting two police officers is very serious.

Briggs suggested that an alternative would be to adopt the budget as presented at the public hearing on the budget, which was \$62,000 less than the current budget. Wiszowaty stated that health care costs for all village employees were revised since the May 5 public hearing date. Changes in the document consist of replacing estimates with real numbers. Wilson added that the budget proposed at the public hearing was based on the reduction of three officers with no command officers leaving. The situation has changed since then.

Motion by Mooney, second by Stearn, that the Village of Beverly Hills Council approve the budget as submitted with an amendment to reduce the unfunded retiree health care obligation by \$60,000 and reduce the Public Safety Department Budget by \$60,000.

Roll Call Vote:

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

Motion passed (5 – 2).

REVIEW AND CONSIDER APPROPRIATING FUNDS FOR 2009/10 FISCAL YEAR BUDGET

Motion by Oen, second by Briggs, to adopt the following resolution:

**RESOLUTION
TO APPROPRIATE FUNDS FOR THE 2009/2010
BEVERLY HILLS BUDGET**

The Village Council of Beverly Hills has adopted its annual budget for its fiscal year beginning July 1, 2009 in accordance with State law and the Village Charter, and

The Village Council is also required to adopt an appropriations act to provide the authority to incur obligations and expend public funds.

THEREFORE, BE IT RESOLVED, that the adopted budget for the fiscal year beginning July 1, 2009 and ending June 30, 2010 shall establish the approved appropriation levels for the said fiscal year.

BE IT FURTHER RESOLVED that the Village Council does hereby authorize the Village Manager to execute transfers between appropriations provided that each transfer be approved by the Village Council prior to its execution.

BE IT FURTHER RESOLVED that the Village Council retains authority to amend the Village budget and this appropriations act at such times when deviations from the projected revenues and authorized expenditure levels become necessary and the amount of the deviations becomes known.

Roll Call Vote:

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

Motion passed (5 – 2).

REVIEW AND CONSIDER ADOPTION OF THE 2009 VILLAGE OF BEVERLY HILLS MILLAGE RATE

Motion by Koss, second by Briggs, to adopt the following resolution.

**RESOLUTION
TO ADOPT THE 2009 VILLAGE OF BEVERLY HILLS BASE TAX RATE
PLUS ADDITIONAL MILLAGE TO RETIRE DEBT**

The Village Council on May 19, 2009 adopted the 2009/2010 Village Budget, and

The Village Council must adopt a millage rate to be spread on the Village tax roll for 2009, and

Public Act 5 of 1982 does not apply to levying for Debt Service, and

The proposed 9.3801 mills for operating purposes for the General Fund do not exceed the 11.00 mills maximum approved by the voters at the March 13, 1995 election.

THEREFORE, BE IT RESOLVED THAT the Village Council does hereby approve the total 2009 millage rate for the Village at 11.8042 mills and the 11.8042 millage rate is to be spread as follows:

General Fund	9.3801 mills
CSO Debt.....	0.7060 mills
Dedicated Millage.....	1.7181 mills
Total Millage Rate	11.8042 mills

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

REVIEW AND CONSIDER RESOLUTION TO ADOPT 2009/2010 RATE SCHEDULE FOR WATER CONSUMPTION AND SEWAGE DISPOSAL

Motion by Mooney, second by Oen, to adopt the following Resolution.

**RESOLUTION
 ESTABLISHING WATER & SEWER RATES**

Each premises within the Village connected to the water and/or sanitary sewer system shall pay a consumption charge based upon the amount of water used as shown by the water meter installed in each premises as follows:

Water Consumption	\$	15.66 per 1000 cu ft
Sanitary Sewer O.M. & R		35.68 per 1000 cu ft
Debt Service		<u>7.41</u> per 1000 cu ft
Total	\$	58.75

Sanitary Industrial Waste Control Charge

<u>Meter Size</u>	<u>Monthly</u>	<u>Quarterly</u>
	<u>S.O.C.S.D.S.</u>	<u>Evergreen/Farmington</u>
5/8"	\$ 6.25	\$ 18.75
3/4"	9.38	28.14
1"	15.63	46.89
1-1/2"	34.38	103.14
2"	50.00	150.00
3"	90.63	271.89
4"	125.00	375.00
6"	187.50	562.50
8"	312.50	937.50
10"	437.50	1312.50
12"	500.00	1500.00

Residential Meter Charge

Quarterly meter charge (up to one inch)	\$	6.00
Quarterly meter charge 2"		9.00
Quarterly meter charge 3"		12.00
Quarterly meter charge 4"		15.00

Minimum Charge

Minimum charge per 1000 cu ft per quarter for water, sewer OMR, sewer debt and meter charge is:
 One inch meter or less \$ 64.75

Sewer Only

All sewer-only customers per quarter	\$	99.19 OMR
		<u>20.60 Debt Service</u>
	\$	119.79

Effective with all bills mailed after July 1, 2009 and thereafter until changed

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER RESOLUTION TO ADOPT 2009 CHARGE FOR SERVICES FOR RUBBISH COLLECTION AND DISPOSAL

Motion by Briggs, second by Oen, to adopt the following Resolution.

**RESOLUTION
TO ADOPT THE 2009 VILLAGE OF BEVERLY HILLS CHARGES FOR
SERVICES FOR RUBBISH COLLECTION AND DISPOSAL**

The Village Council of Beverly Hills has adopted its annual budget for its fiscal year beginning July 1, 2009 in accordance with State law and the Village Charter, and

The Village Council has adopted an appropriations act to provide the authority to incur obligations and expend public funds.

THEREFORE, BE IT RESOLVED, that the adopted budget for the fiscal year beginning July 1, 2009 and ending June 30, 2010 shall establish a Charge for Services for Rubbish Collection and Disposal for Residential Customers for the said fiscal year.

BE IT FURTHER RESOLVED that the Village Council does hereby authorize the Village Manager to authorize the Village Treasurer to add an annual charge in the amount of \$50 to each residential 2009 tax bill for Rubbish Collection and Disposal.

Mooney asked to be heard. He was not recognized by the Council President.

Roll Call Vote:

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

Motion failed (4 – 3).

Wilson requested a 10 minute recess to confer with Mr. Ryan and Mr. Wiszowaty.

Motion by Oen, second by Briggs, to recess for 10 minutes at 10:17 p.m.

Motion passed (7 – 0).

The meeting was reconvened at 10:28 p.m.

Motion by Mooney, second by Oen, to reconsider Business Agenda item ‘g’.

Roll Call Vote:

Briggs - yes

Koss - yes

Mooney - yes

Oen - yes

Peddie - no

Stearn - yes

Berndt - yes

Motion passed (6 – 1).

Motion by Briggs, second by Oen, to adopt the following Resolution:

**RESOLUTION
TO ADOPT THE 2009 VILLAGE OF BEVERLY HILLS CHARGES FOR
SERVICES FOR RUBBISH COLLECTION AND DISPOSAL**

The Village Council of Beverly Hills has adopted its annual budget for its fiscal year beginning July 1, 2009 in accordance with State law and the Village Charter, and

The Village Council has adopted an appropriations act to provide the authority to incur obligations and expend public funds.

THEREFORE, BE IT RESOLVED, that the adopted budget for the fiscal year beginning July 1, 2009 and ending June 30, 2010 shall establish a Charge for Services for Rubbish Collection and Disposal for Residential Customers for the said fiscal year.

BE IT FURTHER RESOLVED that the Village Council does hereby authorize the Village Manager to authorize the Village Treasurer to add an annual charge in the amount of \$50 to each residential 2009 tax bill for Rubbish Collection and Disposal.

Mooney stated that he previously voted against the assessment of a fee for rubbish collection and disposal. He related that it was his intention to vote in favor of the motion at this time because he voted for a budget that incorporates this charge. Mooney said that this fee runs counter to his past position and what he believes is the vote of the people. However, there are times that elected officials have to do what they believe is in the best interest of the Village. In answer to an inquiry, it was affirmed that the rubbish charge is a fee and is not tax deductible.

Roll Call Vote:

Koss - yes

Mooney - yes

Oen - yes

Peddie - no
Stearn - yes
Berndt - yes
Briggs - yes

Motion passed (6 – 1).

FIRST ANNOUNCEMENT OF VARIOUS BOARD/COMMITTEE VACANCIES

There are members on six Village boards whose terms expire on June 30, 2009. All of the members will be notified of their term expiration and will be asked if they wish to be considered for reappointment. Council agreed in November to make these vacancies open to the public as well as the currently seated members.

Cable Board

Alan Heyman
Mary Ann Verdi-Hus

Finance Committee

Neil Hitz
Patrick Westerlund

Parks & Recreation

Jim O'Reilly
William Kondak
Cynthia Nagle

Planning Board

George Ostrowski
Art Liberty
Michele Tillman

Retirement Board

Donald O'Connell

Zoning Board

Tim Mercer
Larry Needham
Mary Ann Verdi-Hus

All terms are for three years. A second announcement will be made at the June 2nd meeting with appointments scheduled to take place at the June 16th meeting. Deadline for applications is Friday, June 5, 2009.

FIRST READING OF AN ORDINANCE AMENDMENT CHAPTER 21 OF THE MUNICIPAL CODE REGARDING ALTERNATES TO THE PLANNING BOARD

Attorney Ryan conducted the first reading of an Ordinance to Amend Chapter 21, The Village of Beverly Hills Municipal Code Entitled "Village Planning". This amendment will bring the Village Ordinance in line with State Law relative to membership of the Village Planning Board. The ordinance stated that the Village President, Village Manager and one or more members of the Village Council may be appointed as ex officio members of the Planning Board. Subsection "c" deals with standards for removal from office to comport with State Law.

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 22 OF THE MUNICIPAL CODE REGARDING ALTERNATES TO THE ZONING BOARD OF APPEALS

Ryan conducted the first reading of an Ordinance Amending Chapter 22 of the Municipal Code regarding Alternates to the Zoning Board of Appeals to comport with the amended state Zoning Enabling Act. The Michigan Zoning Enabling Act has been changed from

requiring a Planning Board member to sit on the Zoning Board of Appeals; it is now discretionary. It also allows the Village Council to appoint up to two alternate members on the Zoning Board of Appeals for situations when a quorum is not available or in the event of a conflict of interest.

REFER SITE PLAN REQUEST FROM SP DENTAL 32900 PIERCE FOR EXPANSION AND RENOVATION TO THE PLANNING BOARD FOR REVIEW AND RECOMMENDATION

Motion by Mooney, second by Koss, to refer site plan request from SP Dental at 32900 Pierce for expansion and renovation to the Planning Board for review and recommendation.

Motion passed (7 – 0).

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court suggested that Council President Stearn be more respectful of people who come forward to speak during public comments.

Kathleen Berwick of 31381 Kennoway Court expressed disappointment with the budget adopted by Council.

REPORTS – MANAGER

Residents can sign up at the Village office through Thursday May 28 to participate in the Village-Wide garage sale to be held May 29, 30 and 31.

A hearing on an appeal of the denial of a variance request by Detroit Country Day will be held tomorrow, May 20 at 10:30 a.m. at Oakland County Circuit Court.

Mooney commented that a suggestion was made at today's meeting that the Villager newsletter be used to communicate serious topics and timely events to residents. He would like Administration to take this under advisement considering that the Eccentric Newspaper will no longer be published.

REPORTS – COUNCIL

Briggs commented that he looked forward to seeing everybody at the Memorial Day Parade and Carnival. The Birmingham Area Cable Board will meet in this chamber tomorrow morning, May 20 at 7:45 a.m. The Parks and Recreation Board will meet on Thursday, May 21 in Beverly Park at 7:30 p.m.

Oen announced that the Planning Board will meet on Wednesday, May 27 at 7:30 p.m. with Robert Gibbs, who is consulting with them on a Southfield Road Corridor plan. Berndt stated that the Zoning Board of Appeals meeting scheduled for June has been canceled.

Mooney thanked Wilson, Wiszowaty and Village staff for an outstanding job of putting the budget together. He commented that Dave Byrwa has served the Village well as building official. Mooney was sorry that public safety officers will be laid off. He said that

President Stearn has a difficult job and does not deserve some of the criticism he has received from the public. Mr. Stearn serves with dignity and dispatch, and his service is appreciated.

Stearn stated that budget cuts are not over. Council will be discussing a library millage and whether to retain the contract with Baldwin Public Library at its June 2 meeting.

Motion by Mooney, second by Oen, to adjourn the meeting at 10:45 p.m.

Motion passed (7 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary