

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

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

ADDITIONS TO AGENDA/APPROVE AGENDA

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

Motion passed (6 – 0).

PUBLIC COMMENTS

County Commissioner, Marcia Gershenson, made a number of announcements regarding County programs. The Oakland County Parks and Recreation has dropped the price of its daily park entry fees. Lathrup Village has started a Time Bank, which is a neighbors helping neighbors program. A web site has been set up that matches services with people's skills. If Beverly Hills is interested in participating in this program, the national founder of the organization will be at Michigan First Credit Union in Southfield on July 23.

Gershenson provided Beverly Hills Clerk Marshall and Township Clerk Tischler with a list of prescription options and other medical services for residents who do not have health insurance. Oakland County recently received \$4.4 million in weatherization funds. Oakland Livingston Human Service Agency (OLHSA) is orchestrating the distribution of these funds, which are primarily for repair and installation of anything that will make a home more energy efficient. She noted that there are qualification requirements.

There will be a campout for veterans on Saturday, July 25 in Brighton hosted by the Disabled American Vets. Check their web site for more information. A community conversation on the Direction of Michigan will be hosted by Leadership Oakland and facilitated by the Center for Michigan on August 4 from 2:30-4:30 at Automation Alley in Troy.

The Michigan Department of Health and Human Services will provide a qualified homeowner with up to \$2,000 that can be used towards mortgage payments, taxes, and insurance. Interested individuals can check the website, <http://www.michigan.gov/dhs>. To encourage first time home buyers, some individuals will qualify for an \$8,000 tax credit until December 1.

Mary Block of 18881 Devonshire, representing the Oakland Livingston Human Service Agency, attended an OLHSA meeting today and received information about programs to help seniors, which is available at Clerk Marshall's office. Block will be assisting the coalition of OLHSA and

the Area Agency on Aging in terms of improving communication to help seniors who are living alone and need assistance.

Kushtrim Shaqiri, recovery grant and special projects coordinator for Congressman Gary Peters, announced the availability of Energy Efficiency Conservation Block Grants, Oakland County Recovery Bonds, and Economic Development Administration grants. He requested feedback from municipalities on programs that make sense to them.

Candy Repa of 22868 Shagbark Road referred to an agenda item regarding consolidation or restructuring of police and fire services in Beverly Hills. She hoped that Council will consider discussions with Birmingham and/or Bloomfield Township if these deliberations continue. Repa expressed the view that a partnership with Birmingham would be in keeping with the character of the Village, noting that people want to retain a loose association with Birmingham.

Repa commented on the success of Premier Pet Supply's customer appreciation day last Saturday and commended the business owner on being community oriented.

Diane Wilkins of 32321 Arlington concurred that Beverly Hills should consider Birmingham when thinking about fire protection due to its close proximity; it also helps property values to be affiliated with Birmingham. She urged Council against partnering with the City of Southfield because of a concern about their department's response time.

CONSENT AGENDA

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

- a. Review/consider approval of minutes of regular Council meeting held July 7, 2009.
- b. Review and file bills recapped as of Monday, July 6, 2009.
- c. Review and file bills recapped as of Monday, July 20, 2009.

Motion passed (7 – 0).

BUSINESS AGENDA

REPORT FROM VILLAGE MANAGER REGARDING CONSOLIDATION AND/OR RESTRUCTURING ARRANGEMENTS WITH RESPECT TO POLICE AND FIRE SERVICES FOR THE VILLAGE

At the direction of Council, Wilson prepared a preliminary memo outlining his thoughts and research on consolidation or restructuring options for current public safety operations. Council is in receipt of the comprehensive six-page report. In his summary, Wilson proposed that possibly the best option for the Village is to do what it can to save its public safety department and keep it operating the way it has been. Public safety departments have proven to be a valuable option for communities. The Village's problem with public safety services in general is the need to restructure the operation financially to be more economical in the long term.

If that is not achievable, there are other options for Council to consider in terms of contracting services. Wilson outlined his thoughts and concerns regarding those options in the memo. He proposed that the short term emphasis be on trying to work with the unions through the upcoming contract negotiations to maintain the existing public safety department.

Wilson maintained that one option that will be likely in the long term for all communities is the concept of developing authorities for public safety services. This topic was brought up during a preliminary meeting with the City of Southfield at which time the benefits of regionalization were recognized. The format is in place with the SOCCRA and SOCWA authorities and could work well for public safety services. Realistically, it would take a series of years for communities to come together and work out that government structure in order to move forward. There would be economies of scale particularly with regard to fire fighting equipment.

Director Woodard stated that his personal goal will be to do whatever he can to see that the public safety model continues to succeed in Beverly Hills. Departments that have an integrated public safety concept established it either at the inception of their government or at some later point in order to economize and make their department more efficient. If the Village's public safety department were to be made into two separate departments, it would be at the expense of road patrol. Beverly Hills has the advantage with a public safety department to provide the minimum staffing required for fire fighting with four people on duty at all times. That gives the Village four patrol officers (with one in the station) and a better patrol presence.

Stearn stated that Council is looking at restructuring options for public safety operations because the Village is facing significant funding shortfalls. Property values are declining and property taxes are decreasing, resulting in less revenue for the Village. There have been continuing cuts in state shared revenue. This Council and the prior council tried to explain this to the community and placed a Headlee override proposal on the ballot, which was defeated by the electorate. At this point, Council has to consider spending cuts. The Baldwin Public Library has been put on notice that the Village may be opting out of its contract. Attempts will be made to seek revenue sources before the agreement for library service is canceled. Stearn stated that the Village will still be facing significant funding shortfalls by 2013 for the reason that costs continue to increase while revenues decrease.

Oakland county is projecting property values to decline by another 8%-9% next year and another 3%-4% the year after that. The Village must look at all cost containment through restructuring or consolidation. Manager Wilson's comprehensive memorandum on this topic is available for public review on the village's website (www.villagebeverlyhills.com).

Stearn related that the Village is projected to have a deficit of over \$1.1 million with a negative cash balance in the General Fund of \$1.4 million by fiscal year 2013/2014. That is the impetus behind exploring structural changes in Village operations. The memo from the Village Manager outlines possibilities being considered to help the Village maintain its financial stability and responsibility. Stearn asked Manager Wilson to start the process of contacting neighboring communities to begin discussions about consolidating services.

Koss clarified that that the 2008 ballot proposal would have restored the millage cap to the 11 mills approved by the electorate in the 1995 election. That millage cap has been reduced to 9.3 mills due to the Headlee Amendment and Proposal A. Koss thought that Council should investigate every option and have all the pertinent information available for consideration. Council and the community will have a lot of hard work and decisions ahead of it.

Oen expressed the view that the current public safety department would be the Village's best option but that Council needs to find a way to fund it. The community will have to decide what services it is willing to pay for.

Peddie concurred that Council and administration have to consider all available options. The Village cannot fund the services that residents are accustomed to receiving over the years. Beverly Hills has to change the way it is doing things based on the revenue received.

Briggs asked if the Village has reached out to SEMCOG (Southeastern Michigan Council of Governments) or Oakland County for input or opportunities for assistance with a consolidation study. Wilson responded that Dave Boerger with SEMCOG, a consultant who works with communities on pursuing collaborative efforts, has offered his skills to the Village if Council wishes. Boerger suggested a firm called Cobalt Community Research that takes the pulse of the community on issues like this to find out what is feasible. The mission of the non-profit organization is to provide research and educational tools that help local governments thrive as changes emerge in the economic, demographic and social landscape. Wilson thought it would be a worthwhile effort to pursue this type of service if the Village was going to consider reorganization or consolidation. He added that Oakland County does have program to assist with funding of consultant studies on sharing of services.

Briggs commented that Birmingham and Bloomfield Township are attempting to consolidate fire service. Wilson affirmed that there are ongoing discussions between Birmingham and Bloomfield Township, and he did not think that Beverly Hills would be completely excluded from some involvement at some time in the future.

Briggs commented that the opportunity to look at regional authorities has been discussed in the media and at all levels of government. He questioned whether Beverly Hills would be in the position to take a leadership role in this undertaking.

Wilson responded that this topic is in the forefront due to the economic pressures cities are facing. He believed that there was equipment redundancy in terms of fire prevention service in this area. Setting aside money for replacement of fire apparatus becomes a problem for municipalities. Wilson thought that the Village could take a leadership role if that was the prerogative of Council. The concept is out there; it has not been applied to public safety as often because of the importance of public safety to the identify of a local community.

Briggs thought that Council would benefit from a timeline and a list of the next steps in the process for council and administration. Wilson will work on this.

Mooney provided some background on the establishment of the public safety department in the Village of Beverly Hills. Public safety officers are trained to be first responders, police officers, and fire fighters. It is the combination of those resources and the need for four officers on duty at all times to fight fires that result in a community having a large number of police officers patrolling the streets. If the Village goes outside for fire protection, it would be substantially more expensive to the point where the Department would have to reduce the number of police officers. Mooney asserted that the Village's reputation as a safe community would go by the wayside if there is not a strong police presence.

Mooney remarked that Village residents have been faced with a group of anti-tax activists who have spread the word throughout the community that there is wastefulness in the community. These activists frightened the community into voting against the 2008 millage restoration proposal that would return the millage rate to the 11 mills approved by the voters in 1995. Mooney commented on the financial situation facing the Village. He did not believe that outsourcing public safety services was the way to go; the solution for this community is to maintain the public safety department that it has had for 50 years.

Diane Wilkins stated that she would prefer to retain the current public safety department. If the Village were forced to contract with another city, she stated her preference that Birmingham was closer and safer than other cities. Wilkins asked how and when the tax issue could be brought up again and said that she would work on passing a ballot proposal.

Stearn stated that Council has a study session scheduled for August 11 at 6:00 p.m. to discuss potential revenue sources.

Robert Deneweth of 32321 Arlington stated that there was not enough advance time given to getting the information out about the 2008 ballot proposal. He has heard from people who voted against the tax issue but now realize that there is some danger in not restoring the millage rate. Property values, public safety, and education of our children depend on maintaining the services that residents currently have. Deneweth urged Council to continue distributing information to the people; he hopes Council proposes another ballot issue and has a broad base of community support.

Candy Repa of 22868 Shagbark agreed that the Village should retain its public safety department. She expressed the view earlier that other communities such as Birmingham should be represented if the Village has to restructure its public safety services.

Manager Wilson clarified that the staffing levels of the public safety department are dictated primarily by the requirement for minimum fire fighting, which is four officers on duty at all times. If the Village were to contract for fire services for economic reasons, it would not be financially feasible to maintain 23 officers in a police department. It can be assumed that road patrol would be sacrificed at some level if the Village contracted with another community for fire service.

SECOND ANNOUNCEMENT OF VACANCIES FOR TWO ALTERNATE POSITIONS ON THE ZONING BOARD OF APPEALS

An ordinance amendment was adopted recently that would allow Council to appoint two alternate members to the Zoning Board of Appeals. An alternate member may be called to serve as a member of the Board in the absence of a regular member or for the purpose of reaching a decision on a case in which the regular member has abstained due to a conflict of interest. In order for a variance to be granted, Michigan Law requires that a majority of the nine member Board, regardless of whether they are in attendance, must vote in favor of the variance. It is common practice to have an alternate member sit in should a regular member be absent in order to give applicants a fair chance.

Berndt made the second announcement of two vacancies on the Zoning Board of Appeals for terms to expire on June 30, 2012. The deadline for accepting applications is Wednesday, July 29, 2009 at 4:30 p.m. Applications are available at the Village office and on the village website.

REVIEW AND CONSIDER RECOMMENDATION TO REPLACE AND REPAIR CHAIN LINK FENCING AT SOUTH BALL FIELD

Bids were opened for replacement of the chain link fencing on the south baseball field at Beverly Park. The low bid for this work was from Great Lakes Fence at a total cost of \$6,560.00. Funding for this improvement will come from the dedicated park millage fund, which has a balance of \$68,053.91. Wilson reviewed the bid proposal and recommended that Council approve the bid.

It was clarified that the proposed expenditure of \$6,560 would come from the dedicated park millage fund, which can only be used for park improvements. A park millage proposal was placed on the ballot through a citizen's initiative and was approved by the electorate for the improvement and maintenance of Beverly Park.

Motion by Briggs, second by Koss, that the Village Council award the bid for the replacement and repair of the chain link fence on the south baseball field at Beverly Park to Great Lakes Fence at a cost of \$6,560. Funds for this work will come from Park account #408-900-982.00.

Briggs commented on the need for fence repair. Mooney requested and offered to pay for signs to be placed on the fence indicating, "No Soft Toss Allowed", which would prevent damage from balls being hit into the fence.

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

REVIEW AND CONSIDER CONTRACT WITH SCODELLER CONSTRUCTION FOR ADDITIONAL JOINT AND CRACK SEALING WORK

Public Services Director Meszler has submitted a proposal to expand the existing contract for joint and crack sealing awarded to Scodeller Construction by an amount of \$15,000 in order to complete all the work proposed in the program including the municipal parking lot. This increase became necessary after the work on Pierce Street used far greater quantities than was originally anticipated. This will be an addition to the \$12,174 contract approved by Council previously. Wilson has reviewed this proposal with Mr. Meszler and recommended approval.

Stearn affirmed that the government is responsible and possibly liable for maintaining roads. It has been a policy of the Village to seal joints and cracks in the road surface.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council approve a \$15,000 increase in the contract for the 2009 Joint & Crack Sealing Program and authorize the Village Manager to sign the Changes in Plans document.

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

REVIEW AND CONSIDER CONTRACT AWARD TO AJAX PAVING INDUSTRIES FOR RESURFACING OF 13 MILE ROAD FROM LAHSER TO WEST VILLAGE LIMITS

The Village conducted a bid opening for resurfacing of 13 Mile Road between the west Village limits and Lahser Road. The lowest complete bid was submitted by AJAX Paving Industries in the amount of \$316,058.35. Administration is anticipating \$40,000 for construction engineering and testing to bring the total cost to \$356,058.35. Wilson noted that \$55,000 of this cost will be paid by a tri-party program between the Village, Road Commission, and Oakland County General Government.

Wilson related that this was originally a 2008/09 project that did not get completed. It is anticipated to have this work done before the start of school this year. Wilson has reviewed the program with Mr. Meszler; the project is in order and funds are available. He recommended Council approval of the bid.

Motion by Mooney, second by Oen, that the Village Council award the bid for Resurfacing and Drainage Improvements on 13 Mile Road from Lahser Road to the west Village limit to AJAX Paving Industries in the amount of \$316,058.35.

Questions from Council regarding projects coming in over budget were addressed by Wilson. It was understood that money from the Major Road Fund balance would be used to cover part of the cost of the 13 Mile Road resurfacing program. Those funds were built up over time for use on projects such as this. Wilson said that Council may not have been properly informed of the capital expenditures from the Major Road Fund. Stearn asked for a memo from Public Services Director Meszler addressing why this project is over budget.

Sharon Tischler of 21415 Virmar Court questioned whether this project will occur at the same time that the County will be improving the 13 Mile and Lahser intersection.

Wilson responded that that the tri-party project for the intersection resurfacing was separate from the 13 Mile Road resurfacing project. It is working out that the projects will be occurring simultaneously. Stearn asked that Mr. Meszler also address whether he looked at combining these improvements into one project to receive economies of scale.

County Commissioner Marcia Gershenson informed Council that the tri-party funding program will be discontinued.

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

REVIEW AND CONSIDER EXTENDING 2008/2009 CONCRETE REPAIR PROGRAM TO 2009/2010

Public Services Director Meszler is asking Council for approval to extend the 2008/09 contract with Lacaria Concrete Construction to cover the 2009/10 concrete repair program at the current concrete price. Meszler reviewed recent bid tabulations from other municipal projects for concrete repair and has determined that the current contract prices from Lacaria Concrete Construction are comparable to bid prices presently received on other local projects. The

2009/2010 budget has an allocation of \$50,000 for major road repairs and \$50,000 for local road repairs. It has been estimated that it would cost \$4,000-\$6,000 to go out for bids again this year.

Extending the existing contract would allow work to be performed this construction season and completed before the start of the school year. If this is agreeable, administration will bring a proposed project before Council for approval.

Motion by Mooney, second by Briggs, to table this agenda item until the next regularly scheduled meeting.

Roll Call Vote:

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

Motion fails (4 – 3).

Motion by Stearn, second by Oen, that the Village Council extend the existing contract with Larcaria Concrete Construction for the 2009/2010 concrete repair program to be accomplished at 2008/2009 prices through this construction season.

Mooney explained that he moved to tabled this item for the reason that he does not know what programs are scheduled. In addition, he proposed going out for bids with the anticipation of receiving state or federal stimulus money.

In response to an inquiry, Attorney Ryan expressed the opinion that there was no problem with action to extend the contract for concrete repairs for the reason that there was competitive bidding a year ago. Further, Administration obtained comparison costs before requesting this contract extension.

Roll Call Vote:

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

Motion passed (4 – 3).

PUBLIC COMMENTS

None

MANAGER – REPORT

Wilson stated that Director Woodard will introduce a program that will be initiated by the public safety department.

Director Woodard stated that there are occasional concerns expressed about the extent and timeliness of community information coming from the public safety department with respect to crime and other issues. Information has historically been conveyed through the local media; the Eccentric and Free Press newspapers no longer provide the same coverage to the police blotter. The Eagle reporter covers police news in its weekly circular. The Department has been looking for a resource to get the word out to the public.

On August 1, 2009, the Department will be launching a new community information service called Nixle, designed to deliver important and timely information to residents in the area. Electronic messages will be generated at the Public Safety Department and will be sent instantly to email addresses and/or cell phones by way of text messages to those individuals who have registered for the program. Messages could consist of the latest crime alerts, traffic problems, or general crime prevention trends and tips. This free program is available for review at www.Nixle.com. People can register on the site and elect to get a few or all text messages and have them sent to their email address or cell phone.

Woodard anticipated that this messaging system would allow improved and timely communication to residents. Citizens who are better informed about what is going on in the community will be in a better position to help team with the Department in providing the best service possible to the community and the neighborhoods.

The National Association of Town Watches is promoting Nixle in conjunction with the August 4 National Night Out program this year. National Night Out celebrates neighborhoods and encourages residents to get out of their homes and communicate with their neighbors.

Woodard mentioned that residents are sometimes interested in having their children fingerprinted and put on record for identification purposes. This process has been replaced by kits offering DNA swabs, which are available at the public safety desk at any time.

REPORTS – COUNCIL

Briggs commented on the recent Cable Board and Parks and Recreation Board meetings. Mooney reported that he attended today's BASCC Board meeting; he finds this organization to be a good forum in which to reach out to members of the community.

Mooney acknowledged Finance Director Wiszowaty in the audience and commended him on his efforts to stretch an operating millage that was intended to last until 2001 for almost another eight years of providing the level of services residents are accustomed to receiving. Mooney expressed pride in the members of the Beverly Hills Little League for their performance at the Little League District Championship game.

Peddie mentioned that the Eccentric Newspaper needs more subscriptions to continue publishing the paper. She reported on a presentation at last night's Baldwin Library Board meeting on programs available for children, teens and adults.

Berndt referred to a recent letter from Comcast to subscribers announcing that the company is going to digitally enhance its cable system effective in August. This letter comes after a previous announcement from Comcast that coincided with the federal digital transition in June. The latest correspondence indicated the digital equipment that will be needed to equip televisions to receive all the channels by the time the digital enhancement is completed. Berndt voiced his dismay at the misleading information on offers for free digital equipment.

Oen stated that the Planning Board will meet on Wednesday, July 22 at 7:30 p.m. One of the agenda items is to discuss the neighborhood study on nonconforming lots west of Southfield Road. Oen encouraged residents to recycle; it offsets the cost of trash collection.

Koss mentioned the Customer Appreciation Day held last weekend by the owner of Premier Pet Supply. She encouraged residents to support local business owners.

Koss requested that the Village Clerk reinstate the practice of sending Council meeting minutes to homeowner association presidents until there is a better program in place to communicate information to residents.

Stearn reported that the Council Negotiating Committee met prior to tonight's Council meeting and will continue to move forward. Council will hold a study session on August 11 at 6:00 p.m. in the Council chamber to discuss possible revenue sources.

Stearn thanked the Headmaster of Detroit Country Day School Glen Shilling for taking the time to meet with him and Manager Wilson concerning ongoing litigation between the Village and Country Day.

Motion by Mooney, second by Koss, to adjourn the meeting at 9:09 p.m.

Motion passed (7 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary