

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

Absent: Peddie

Also Present: Village Manager, Wilson
Assistant Manager, Marshall
Public Safety Director, Woodard

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 Mooney, second by Koss, to approve the agenda as published.

Motion passed (6– 0).

COMMUNITY ANNOUNCEMENTS

County Commissioner Marcia Gershenson announced that the League of Women Voters is sponsoring a contest for Oakland County high school students inviting them to write a public service announcement for the 2010 U.S. Census on the theme of why it is important to participate in the Census. The contest categories are radio, television and print. Interested participants should contact the League of Women Voters.

Gershenson reminded people that it is critical that they fill out the short 2010 Census form they receive in April. It directs the allocation of over \$300 billion to the State of Michigan, and it determines how many seats Michigan will have in the U.S. House of Representatives. People who leave town for the winter should fill out their census forms when they return to Michigan. Gershenson informed the public that the H1N1 vaccines are available in Oakland County for everyone. People need to register online for the vaccine or call the Health Department hotline.

Residents were encouraged to buy locally during the holiday season. Gershenson noted that 68 cents out of every dollar comes back to the communities. She reminded people to recycle their Christmas trees at Catalpa Park or Independence Oaks.

CONSENT AGENDA

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

- a. Review/consider approval of minutes of regular Council meeting held Dec. 1, 2009.
- b. Review and file bills recapped as of Monday, December 7, 2009.

Motion passed (6 – 0).

REVIEW AND CONSIDER ANNUAL FUNDING REQUEST AND CONTRACT FROM BIRMINGHAM BLOOMFIELD COMMUNITY COALITION FOR FY 2009/2010

Carol Mastroianni, Executive Director of the Birmingham Bloomfield Community Coalition, was present requesting a contribution of \$1,200 to raise awareness and mobilize the entire community to prevent the abuse of alcohol, tobacco and other drugs. This contribution will help the Coalition to continue its proactive approach and incorporate proven prevention strategies targeting youth and families in the Birmingham and Bloomfield School District.

Mastroianni commented on substance-free activities for teens offered by the BBCC. She mentioned that their organization is partnering with the Greater West Bloomfield Community Coalition to address the increased use of marijuana.

Koss expressed appreciation for the good work done by the Birmingham Bloomfield Community Coalition.

Kathleen Berwick of 31381 Kennoway Court objected to Beverly Hills paying for services that should be funded by the School District so that each municipality would be paying its fair share for this community service.

Motion by Koss, second by Mooney, that the Council for the Village of Beverly Hills approve the funding request of Birmingham Bloomfield Community Coalition in the amount of \$1,200 for the provision of substance abuse prevention services; further that Administration is directed to sign the contract document providing for this continuing community service. The funds for this expense are available in Account #101-747-890.03
Community Action: Contracted.

Roll Call Vote:
Motion passed (6 – 0).

REVIEW AND CONSIDER RESOLUTION RELATING TO A DEFERRED RETIREMENT OPTION PLAN (DROP)

Manager Chris Wilson stated that Public Safety Lt. Eric Ottney is exercising his option under the current Beverly Hills Public Safety Lieutenants and Sergeants Association contract to enter into the Deferred Retirement Option Plan (DROP). Under this Plan, Lt. Ottney will be considered retired as of December 25th of this year for pension purposes although he will continue to work for the Village. The pension money he would receive will be invested in a Plan administered by the ICMA Retirement Corporation. That money will accrue for a maximum period of five years, which is the time limit to enroll in the DROP plan. That pension money will be his upon expiration of the five year date or when Lt. Ottney chooses to separate from the Village. Lt. Ottney will continue to receive his salary and benefits as a Village employee during that five year period.

Before Council for consideration is a Resolution from the ICMA relating to the Deferred Retirement Option Plan.

Stearn reiterated that this retirement option was previously approved as part of the contract negotiations between the Village of Beverly Hills and the Public Safety Lieutenants and Sergeants union. This resolution is required by the ICMA in order to execute the DROP plan.

Motion by Briggs, second by Oen, that the Village of Beverly Hills Council approve a Resolution from the ICMA relating to a Deferred Retirement Option Plan (DROP).

VILLAGE OF BEVERLY HILLS
RESOLUTION

WHEREAS, the Employer has employees rendering valuable services; and

WHEREAS, the establishment of a DROP plan benefits employees by providing funds for retirement and funds for their beneficiaries in the event of death; and

WHEREAS, the Employer desires that its DROP plan be administered by ICMA Retirement Corporation and that the funds held such plan be invested in the Vantage Trust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans:

NOW THEREFORE BE IT RESOLVED that the Employer hereby establishes or has established a DROP plan (the "Plan") in the form of the Plan and Trust provided by the Employer (executed copy attached hereto).

The Plan shall be maintained for the exclusive benefit of eligible employees and their beneficiaries; and

BE IT FURTHER RESOLVED that the Employer hereby adopts the Declaration of Trust of the Vantage Trust, and attached hereto, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by the Employer, if the assets of the plan are to be invested in the Vantage Trust.

BE IT FURTHER RESOLVED that the Employer hereby agrees to serve as trustee under the Plan and to invest funds held under the Plan in the Vantage Trust; and

BE IT FURTHER RESOLVED that the Finance Director shall be the coordinator for the Plan; shall receive reports, notices, etc., from ICMA Retirement Corporation or the Vantage Trust; shall cast, on behalf of the Employer, any required votes under the Vantage Trust ; may delegate any administrative duties relating to the Plan to appropriate departments; and

BE IT FURTHER RESOLVED that the Employer hereby authorizes the Finance Director to execute all necessary agreements with ICMA Retirement Corporation incidental to the administration of the Plan.

Council discussed the action that would authorize the execution of necessary agreements with ICMA Retirement Corporation incidental to the administration of the Plan. Mooney emphasized that it is Council's obligation to adhere to the contracts and legal obligations that have been incurred on behalf of the Village. Berndt described the DROP plan as an attempt to look at alternative approaches to doing business. This Plan will allow the Village to extend the employment of an officer eligible for retirement without incurring the additional benefit liability.

Koss understood that the DROP plan is part of a contract between the Village and the public safety command officers union. She did not vote in favor of that union contract; therefore, Koss will not vote in favor of the proposed Resolution.

Attorney Ryan said that he was satisfied with the Resolution provided by the ICMA. This is a common plan that is part of the Public Safety Lieutenants and Sergeants union contract. It is the right of an eligible employee to take advantage of this opportunity.

Roll Call Vote:

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

Motion passed (5 – 1).

REVIEW AND CONSIDER RECOMMENDATION FROM THE PARKS & RECREATION BOARD TO TRANSFER FUNDS FROM THE 2009 MEMORIAL DAY PARADE/CARNIVAL

Wilson stated that the Parks and Recreation Board raised approximately \$8,900 this year at the Memorial Day Parade and Carnival. The Board passed a resolution at its November 19, 2009 meeting requesting that \$3,000 of this amount be retained in a liability account as seed money for next year's Memorial Day events and that the remaining money be transferred to an account dedicated to capital projects in Beverly Park.

Motion by Briggs, second by Berndt, that Council authorize the transfer of money in General Fund liability account #101-000-288.00 to the Park Capital Projects Fund #401-000-675.00 less \$3,000 to be retained in the liability account to be used toward organizing the 2010 Memorial Day Parade and Carnival.

Briggs related that the Parks and Recreation Board undertook the task of organizing the Memorial Day Parade and Carnival last year with the understanding that any money raised would be used for park improvements with a portion set aside for the cost of assembling next year's event.

Kathleen Berwick on Kennoway Court questioned if it is legal to use money raised at the Memorial Day carnival for park improvements. Ryan responded that money donated towards the park event will be used as seed money for next year's Memorial Day events and for park improvements. Stearn clarified that this money was primarily raised through selling tickets for carnival activities.

Mooney explained that the Parks and Recreation Board members said that they would organize the parade and carnival. It was understood that any profits in excess of what was needed to finance next year's event would go towards maintaining existing capital improvements and purchase of capital items as needed.

Ken Bugis of 16020 Beverly Road understood that money was donated to put on the Memorial Day carnival with any excess money to be used for park maintenance. He understands that the recommendation from the Parks and Recreation Board is to transfer the money to the park capital fund. He asked if the transaction has been approved by the Village auditors.

Wilson stated that revenue that comes into the Village is deposited as General Fund revenue. The request is to separate the \$8,900 raised from the Memorial Day carnival to set aside \$3,000 for next year's event with the remainder to be transferred to the Park Capital Improvement Fund. It has been suggested that a 501c3 non-profit organization be created with a separate bank account to handle contributions towards the parade and carnival and any profits from the event. This would take the Village out of the business of operating the parade and carnival.

Roll Call Vote:
Motion passed (6 – 0).

REVIEW AND CONSIDER PURCHASING A NEW COPIER/PRINTER SYSTEM FOR THE DEPARTMENT OF PUBLIC SAFETY

Director Woodard provided background information related to the existing copiers, cost of maintenance agreements, and purchase of a new copier/printer system for the Public Safety Department. The Department budget for 2009/10 contains funds for maintenance agreements on two existing digital copiers, one on the main floor and a second in the detective bureau. Staff has researched replacing the main copier with a Lanier Multifunction Copier/Printer System. The unit would serve as a copier and central printer station along with being a receiver and sender of department faxes replacing the current first floor copier and fax machine.

Woodard outlined the lease and purchase costs of this document system. The printer/copier system can be purchased through the U.S. Communities purchase/lease consortium; the cost figures provided to Council are based on their competitive bidding process.

Motion by Mooney, second by Berndt. that the Beverly Hills Village Council award the purchase of one new Lanier Multifunction Copier/Printer System to American Imaging, Inc. of Livonia, Michigan in the amount of \$4,537.00. Funds are available for this purchase in Account #265-333.750.00. This item has been competitively bid through the U. S. Communities purchase/lease consortium.

Roll Call Vote:
Motion passed (6 – 0).

PUBLIC COMMENTS

Sharon Tischler, Southfield Township Clerk, thought that the Parks and Recreation Board should promote the Memorial Day parade and carnival as a fund raiser for the park if they choose to create a 501c3 nonprofit organization.

Tischler said that she was disappointed by the attire worn by a few Village employees on days designated by policy as casual Fridays on the basis that it would not create a good impression on residents visiting the municipal office. She suggested that the Village set guidelines on casual attire.

Ken Bugis of Beverly Road had a question regarding the Deferred Retirement Option Plan. Stearn asked Mr. Bugis to discuss the details of this program with Council or administration following the meeting. The purpose of the agenda item was not to debate the DROP plan. This

retirement option was approved under a contract negotiated between the Village and the Public Safety Lieutenants and Sergeants Association.

Kathleen Berwick of Kennoway Court urged Council to reinstate services and make cuts in payroll.

REPORTS – MANAGER

Wilson reported that the Planning Board met last week to discuss the results of a recent public hearing relative to rezoning property west of Southfield Road. Board members decided to further explore the zoning for an area south of Beverly Road and west of the park including Mayfair, Nixon, Southview, Inglewood and Carlelder streets. The Planning Board requested that LSL Planning analyze an alternate zoning designation. There will be discussion at the January 27, 2010 Planning Board meeting on whether to leave the area as it is currently zoned or propose a change to the zoning designation.

Wilson updated Council on the Evergreen Farmington Sewer Billing Issue. There was a letter sent to the Michigan Department of Environmental Quality signed by four communities including Beverly Hills, Birmingham, Bloomfield Township and Auburn Hills. Keego Harbor and Bloomfield Hills sent a separate letter. All of the communities voiced their objection to the MDEQ about the change to meter based billing within the Evergreen Farmington District. A previous letter of protest sent by multiple communities voiced concern that, under the Clean Water Act, the Water Resources Commissioner was required to petition the EPA in order to make this change, which they failed to do. The MDEQ has agreed to investigate this.

Planning Board Chairperson David Jensen and Administration have been discussing proposed changes to the current site plan review process utilized by the Village. The Village's building inspector position is currently a part-time arrangement. When there was a full-time building official, that individual was responsible for site plan review for zoning purposes as well as building and code purposes. The proposal is to separate those duties by having LSL Planning responsible for the review of site plans from a zoning standpoint. It would be a service reimbursed by the applicant. Wilson thought that this procedure would add value to site plan review at a minimal cost to the applicant and no extra cost to the Village.

Wilson requested Council input before proceeding with preparation of a formal site plan review process for Council consideration. There were no objections from Council on moving ahead with this course of action.

Mooney inquired about issues with employee attire on casual days. Wilson responded that administration will address the matter with employees.

REPORTS – COUNCIL

Briggs announced that the Birmingham Area Cable Board will meet in the Beverly Hills council chamber tomorrow, December 16, at 7:45 a.m. There will be a presentation by a representative of Intellitrends, market research firm, on the Cable Board's all-day strategic planning session that took place on November 4, 2009.

At its November meeting, the Cable Board adopted a resolution supporting the Community Access Preservation Act of 2009. The Resolution was forwarded to each member municipality and to appropriate Legislators. The CAP Act addresses the challenges faced by public, educational, and governmental (PEG) TV channels and community access television stations. Briggs asked that this Resolution be placed on the agenda of the first Council meeting in January for consideration and adoption.

Mooney referred to recent newspaper reports regarding lack of leadership in Lansing and in Washington. He thought that the economic success of Michigan may rest on the shoulders of local elected officials. Council needs to take a leadership role in terms of informing Beverly Hills residents that there will be a dramatic change in what services are offered to this community if the Village does not have an additional revenue source in terms of raising the tax rate. Steps have to be taken to make certain that fundamental services such as police and fire protection and library service continue to be provided to the Village. Mooney proposed that it was critical that this Council meet in January to outline what avenues Council will take to provide leadership. Council should begin to hold meetings in February in each precinct of the Village on a monthly basis until the November election, seeking as much participation as possible.

Berndt urged people to slow down and drive carefully on icy winter streets. Oen wished everyone a safe and happy holiday.

Koss brought it to the attention of the public that there is a Sheriff's Department program called Operation Medicine Cabinet whereby people can bring their surplus or expired prescription drugs to a participating police department. Director Woodard affirmed that the Beverly Hills Public Safety Department has signed up for the program. The Department does not have the box at this time; he will keep residents informed of when the program will commence.

The annual Woman's Club Luminaria Sale will not take place at the Village Office this year. Residents can call the Village office for a phone number to contact if they would like to purchase a kit.

Koss announced that the Baldwin Public Library teamed up with participating Birmingham business owners to offer people a discount or free gift if they present their library card when they are Christmas shopping.

Stearn concurred that Council should hold a strategy session in January to determine how to proceed with informing the public of the Village's financial situation. He will contact the Village Manager and Council members to establish a meeting date.

Stearn remarked that Council receives comments from the audience occasionally about employee benefits. He explained that the majority of Village employees are members of the Public Safety Department. They have an important and dangerous job and they should be compensated accordingly. Stearn informed the public that the Village has union contracts that have been negotiated with these employees over the past 30-40 years. The Village is obligated to live up to those contracts.

The Village is currently in the process of renegotiating public safety union contracts that expire on December 31, 2009. There will be serious negotiations in an attempt to gain concessions. If the unions are not willing to offer concessions and parties cannot negotiate amicably, a State appointed arbitrator comes in and decides those contracts. Council and administration can try to contain costs, but it is out of our hands to some degree due to State Law.

Stearn stated that the Village had a public safety officer dedicated to the Oakland County Narcotics Enforcement Team (NET) this year. The team is dedicated to fighting drugs before they get into the community. The Village received \$68,059.70 as its share of the annual distribution of forfeiture funds received during the 2008/09 year from this program. Council voted to end the Village's participation in NET for financial reasons. Stearn hoped that this important program can be reconsidered if the Village's finances improve.

Stearn wished everyone a happy holiday.

Motion by Koss, second by Mooney, to adjourn the meeting at 8:45 p.m.

Motion passed.

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary