

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

Absent: None

Also Present: Village Manager, Wilson
Assistant Manager, Marshall
Finance Director, Wiszowaty
Village Attorney, Ryan
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 Oen, second by Mooney, to approve the agenda as published.

Motion passed (6– 0).

COMMUNITY ANNOUNCEMENTS

County Commissioner Marcia Gershenson announced that Oakland County Parks and Recreation has financial assistance available to non-profits and community groups for kids' summer activities. She would like to get the word out to the community because this area did not use its allocated funds last year. The County has initiated a micro lending program for small business owners. Interested individuals can contact Gershenson or the County Department of Economic Development for more information.

Gershenson encouraged residents to join the Lions Club Fun Run to be held prior to the Beverly Hills Memorial Day Parade being organized by the Parks and Recreation Board. She is proud of Beverly Hills and the fact that its citizens take the initiative to sponsor these great community events.

Jim O'Reilly of Huntley Court, Parks and Recreation Board member, reported on the upcoming Memorial Day Parade and Carnival in Beverly Park on Monday, May 31st. The theme of the event is *Honoring Our Heroes* with former Marine and decorated Vietnam War veteran Stan Pasioka acting as Grand Marshal this year. O'Reilly presented highlights of what everyone can look forward to seeing at the parade beginning at 11:30 a.m.; he listed the games, entertainment, activities and refreshments that will be available at the carnival immediately following the parade.

PUBLIC HEARING TO REVIEW 2009 ASSESSMENT ROLLS FOR DUST CONTROL AND OTHER MISCELLANEOUS ASSESSMENTS

A public hearing is required to review and confirm unpaid assessments and billings that need 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. There are 125 properties incurring special assessments in the amount of \$43,219.35.

President Stearn read the categories and amounts of the charges. He opened the public hearing at 7:41 p.m. on the 2009 Assessment Rolls for dust control and miscellaneous assessments. No one wished to be heard; therefore the public hearing was closed at 7:42 p.m.

CONSENT AGENDA

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

- a. Review/consider approval of minutes of a regular Council meeting held May 4, 2010.
- b. Review and file bills recapped as of Monday, May 10, 2010.
- c. Review and confirm 2009 Assessment Rolls for dust control and other miscellaneous assessments.

Motion passed (6 – 0).

BUSINESS AGENDA

PUBLIC HEARING ON PROPOSED 2010/2011 BUDGETS FOR GENERAL FUND, MAJOR & LOCAL ROADS, WATER & SEWER OPERATING AND OTHER SPECIAL REVENUE FUNDS

Manager Wilson said that administration has prepared a brief presentation on the 2010-2011 Budget. Finance Director Wiszowaty will use a PowerPoint presentation to provide background information on Village finances and the proposed budget prior to hearing public comments on the budget.

The Village receives its General Fund revenue from three primary revenue sources: property taxes, state revenue sharing, and charges for services. Contribution from fund balance is another revenue source. Wiszowaty referred to a chart and explained what is occurring in the Village regarding taxable value versus State Equalized Value. The significant decrease in property tax revenue is due to a continued drop in home values since 2008/09. In addition, there has been a decade long decline in State Revenue Sharing (from \$1.08 million in 2000 to \$696,000 this year).

Wiszowaty summarized 2010/2011 projected General Fund Revenues. He noted that almost \$400,000 will be transferred from the fund balance this year in order to balance the budget. The total dollar amount of the budget for 2010/2011 will be \$6,972,205, or about \$350,000 less than last year.

In the current fiscal year (2009/10), tax bills reflect 11.8042 mills. The 2010/11 millage rate will decrease to 10.1924 (1.6118 mill reduction) for the reason that a 12-year dedicated millage for infrastructure improvements will expire. Wiszowaty explained what this means to residents in terms of dollars. An average taxable value in Beverly Hills in 2009/2010 would result in a property owner paying \$1,599 in taxes to the Village. The taxable value of property will decrease next year by an average of 11.96 percent. That same person's tax bill for next year will be \$1,215 for the Village portion, or \$384 less than the previous year.

Wiszowaty outlined General Fund expenses by department and the percentage of the total expenditures. The budget will be \$6,972,205. This budget maintains the current staffing and funding levels that exist today.

Wisowaty summarized that the General Fund Property Tax Revenue will decrease by \$637,987 compared to the previous year. State Revenue Sharing will continue to decrease by \$130,247. Full time employees will remain the same as current levels in terms of Public Safety and Administration. The Village will charge a \$100 service fee for rubbish collection and disposal. The Fund Balance will be reduced to 15% of expenditures, or approximately \$1.4 million.

Wisowaty addressed the projected revenue and expenses for Special Revenue Funds including the Major and Local Street Funds, Drug Law Enforcement Fund, Retiree Health Care Fund, Vacation Reserve Fund and Sick Pay Reserve Fund. The Major and Local Road Funds will be balanced using money from their respective fund balances.

The Water & Sewer Operating Fund budget will increase by \$37,948 from last year primarily due to increases in CSO maintenance costs. Administration recommends no increase in water and sewer rates this year. The average customer will pay the same as last year based on usage; however, the split between water, sewer and debt service will be revised. The Water and Sewer Fund Budget is balanced at \$3,849,825 by taking \$211,000 from the fund balance.

Stearn opened the public hearing on the 2010/2011 budget at 7:56 p.m. No one wished to be heard; therefore, the public hearing was closed at 7:57 p.m.

REVIEW AND CONSIDER ADOPTION OF 2010/2011 FISCAL YEAR VILLAGE OF BEVERLY HILLS BUDGET

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

**RESOLUTION
TO ADOPT THE 2010/2011 FISCAL YEAR
VILLAGE OF BEVERLY HILLS BUDGET**

The Village Council of Beverly Hills conducted a public hearing on the proposed 2010/2011 Fiscal Year Budget on May 18, 2010 and public comments have been heard and considered, therefore, be it resolved that the 2010/2011 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	\$6,972,205.00	\$6,972,205.00
Major Road Fund	\$570,731.00	\$570,731.00
Local Streets Fund	\$534,406.00	\$534,406.00
Drug Law Enforcement	\$54,800.00	\$54,800.00
Retiree Health Care	\$767,695.00	\$643,904.00
Vacation Reserve	\$750.00	\$00.00
Sick Leave Reserve	\$750.00	\$00.00
Water & Sewer Operating	\$3,849,825.00	\$3,849,825.00

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

**REVIEW AND CONSIDER APPROPRIATING FUNDS FOR 2010/2011 FISCAL YEAR
VILLAGE OF BEVERLY HILLS BUDGET**

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

**RESOLUTION
TO APPROPRIATE FUNDS FOR THE 2010/2011
BEVERLY HILLS BUDGET**

The Village Council of Beverly Hills has adopted its annual budget for its fiscal year beginning July 1, 2010 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, 2010 and ending June 30, 2011 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:
Motion passed (6 – 0).

**REVIEW AND CONSIDER ADOPTION OF THE 2010 VILLAGE OF BEVERLY HILLS
MILLAGE RATE**

Motion by Mooney, second by Peddie, to adopt the following Resolution:

**RESOLUTION
TO ADOPT THE 2010 VILLAGE OF BEVERLY HILLS BASE TAX RATE
PLUS ADDITIONAL MILLAGE TO RETIRE DEBT**

The Village Council on May 18, 2010 adopted the 2010/2011 Village Budget, and

The Village Council must adopt a millage rate to be spread on the Village tax roll for 2010, and

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

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

THEREFORE, BE IT RESOLVED THAT the Village Council does hereby approve the total 2010 millage rate for the Village at 10.1924 mils and the 10.1924 millage rate is to be spread as follows:

General Fund.....	9.3801 mils
CSO Debt.....	0.8123 mils
Total Millage Rate	10.1924 mils

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

REVIEW AND CONSIDER RESOLUTION TO ADOPT 2010/2011 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	\$ 16.37 per 1000 cu ft
Sanitary Sewer O.M. & R	36.47 per 1000 cu ft
Debt Service	<u>5.91</u> per 1000 cu ft
Total	\$ 58.75

Sanitary Industrial Waste Control Charge

<u>Meter Size</u>	<u>Monthly S.O.C.S.D.S.</u>	<u>Quarterly Evergreen/Farmington</u>
5/8"	\$ 6.85	\$ 20.55
3/4"	10.28	30.84
1"	17.13	51.39
1-1/2"	37.68	113.04
2"	54.80	164.40
3"	99.33	297.99
4"	137.00	411.00
6"	205.50	616.50
8"	342.50	1027.50
10"	479.50	1438.50
12"	548.00	1644.00

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

Mooney - yes
Oen - yes

Motion passed (5 – 1).

FIRST ANNOUNCEMENT OF VARIOUS BOARD/COMMITTEE VACANCIES

Council is in receipt of a list of board members whose terms expire on June 30, 2010. All of these individuals will be notified of their term expiration and will be asked if they wish to be considered for reappointment. Council agreed in November of 2008 to make these positions open to the public as well as the currently seated members. All of the terms are for three years.

Cable Board

Kenneth McFadden
Carol Woodard

Finance Committee

Don MacDonald
Paul Kleppert

Parks & Recreation

Irene Davis

Planning Board

Robert Stempien
Bruce Wayne
Patrick Westerlund

Zoning Board

Neil Davis
Michael Farris
Maureen Francis

A second announcement will be made at the June 1 meeting with appointments scheduled to take place at the June 15 meeting. Deadline for applications is Friday, June 4, 2010.

SECOND ANNOUNCEMENT OF COUNCIL VACANCY

Ron Berndt resigned from the Village Council on May 4, 2010. His term was to expire on November 9, 2010. By Charter, Council has 60 days from the date of his resignation to appoint someone to fill this vacancy. A first announcement of the vacancy took place at the regular Council meeting of May 4, 2010.

This is the second announcement of a vacancy on the Village Council. Applications will be received until Friday, May 21, 2010 at 4:30 p.m. Applications of interested persons will be delivered to Council at the close of business on May 21.

Stearn announced that there will be a special meeting of Council on Tuesday, May 25, 2010 at 7:00 p.m. for the purpose of selecting a new council member to serve the remainder of Ron Berndt's term.

SECOND READING AND POSSIBLE ADOPTION OF ORDINANCE #336 AMENDING CHAPTER 22 ZONING ORDINANCE – REZONING R-1 AND R-2 DISTRICTS WEST OF SOUTHFIELD ROAD AND NORTH OF BEVERLY ROAD TO R2B

Village Attorney Tom Ryan conducted the second reading of Ordinance No. 336, an Ordinance to Amend Chapter 22 of the Municipal Code of the Village of Beverly Hills. The Village of Beverly Hills Ordains that the Zoning Ordinance No. 216, as amended, Chapter 22 of the Municipal Code, Section 22.06.030, Zoning Map, is hereby amended specifically as shown on the attached map. There is a Repealer, Severability, Savings and Penalty Clause and Effective Date.

Ryan stated that there have been two public hearings on this rezoning proposal. One was held by the Village Planning Board on October 28, 2009 and the other was held by Council on May 4, 2010. The proposed ordinance affects an area of the Village west of Southfield Road and north of Beverly Road, where it was determined that 433 of the 499 parcels are currently nonconforming under the Village Zoning Ordinance.

These parcels were developed and platted prior to Beverly Hills incorporating as a Village. The Village Zoning Ordinance was adopted defining lot sizes as well as front, side, and rear yard setbacks for new construction. Existing homes were not evaluated or considered at that time, creating a unique situation where zoning was established after development had occurred. This resulted in many homes and properties that do not meet certain size and dimensional requirements set forth in the Village Ordinance. These dimensional obstacles can make it difficult for a homeowner to construct an addition or rebuild their home if necessary.

It is the Planning Board's recommendation that the application of R2B zoning to this area would reduce the nonconforming parcels from 433 to 157, or 31% nonconformity for the study area. This will decrease the required minimum lot size from 16,000 square feet to 9,000 square feet and change the side yard setbacks to render them more conforming to what exists in the neighborhood.

Ryan affirmed that Council is attempting to ensure property rights so that there are less nonconformities. Everyone in this area has a lot of record. If tragedy struck, homeowners would be allowed to rebuild their homes; this zoning change would allow them to rebuild relative to their lot size.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council, after conducting a public hearing on May 4, 2010, resolves to adopt Ordinance No. 336, An Ordinance to Amend Chapter 22 of the Municipal Code of the Village of Beverly Hills, in order to rezone lots identified in the nonconforming lot study area west of Southfield Road and north of Beverly Road from the current R-1 and R-2 designations to the R2B zoning district. This ordinance is available for public review at the Village offices.

Hildreth Buterbaugh on Dunblaine expressed opposition to the proposed rezoning based on his belief that the zoning change would deprive him of the ability to sell his house. Buterbaugh referred to Section 4.01, Savings Clause of Ordinance No. 336, which states "The passage of this Ordinance does not affect or impair any act done, committed or right accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted." He inquired whether this section protects his property.

Attorney Ryan understood that the developer of Mr. Buterbaugh's property sued the Village and obtained a variance to build his house on the lot. That variance runs with the property. If tragedy strikes and his house is demolished, it can be rebuilt because there is a variance relative to this savings clause. The homeowner has legitimate legal rights relative to that piece of property.

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

PUBLIC COMMENTS

State Representative Chuck Moss reported on the status of the House and Senate budget deliberations in Lansing and anticipated that the State Budget could be done by July. He informed Council that the Revenue Estimating Conference for May is scheduled for this Friday. It is rumored that the updated forecast of anticipated revenues will be flat, not down, which is good news.

Moss said that an item that has consumed the attention of State Legislators has been dealing with retirement bills with respect to K-12 school teachers. There was another bill brought out relative to State workers. Retirement benefits and rate increases for State workers, particularly in Lansing, are unsustainable.

Peddie questioned the status of proposed legislation concerning Act 312 Arbitration. Moss addressed Public Act 312 Binding Arbitration in some detail. There is legislation drafted requiring an arbitrator to take the ability to pay into consideration before making a ruling. Moss commented on the political realities of passing this legislation in the House but noted that things could change when a new governor is elected.

Hildreth Buterbaugh commended Council on the manner in which it handled the budget process tonight. Referring to the adoption of Ordinance No. 336, he commented that there are other nonconforming properties in the Village that have not been addressed.

REPORTS – MANAGER

Wilson reported that the annual Village-wide Garage Sale will be held on Friday, Saturday and Sunday, June 4-6. Residents wishing to participate can purchase two signs for \$3 at the Village office. Proceeds from the sale of signs will be used to advertise the garage sale in the Eagle and Eccentric newspapers.

The Memorial Day Parade and Carnival was discussed earlier in the meeting. Wilson mentioned that the Village Woman's Club will be participating with a Silent Auction at the Carnival.

The Village will be conducting an informational meeting with impacted residents regarding the recycling pilot study on Thursday, May 27. Notification has gone out to all residents in the study area to invite them to the meeting at 7 p.m. at Greenfield School.

The Annual Park Clean-Up was held on Saturday, May 8. The turnout was good despite the weather, and a lot of work was accomplished. Wilson gave special thanks to the Beverly Hills Lions Club for providing refreshments. He thanked area scouts for their participation.

A mediation date with the Public Safety Unions has been set for Tuesday, June 1st. The Village will meet with representatives of the Public Safety Officers Union in the morning and with representatives of the Command Officers Union in the afternoon. It is hoped that the mediation process will move both sides closer to a voluntary settlement. Wilson will keep Council informed. The Village offices will be closed on Monday, May 31st in observance of Memorial Day.

Wilson stated that SOCRRA has been involved in ongoing negotiations with Oakland County regarding an easement for the Red Oaks Golf Course in Madison Heights. SOCRRA General

Manager Jeff McKeen has drafted a summary of SOCRRA's position, which was distributed to Council for review. SOCRRA member communities will be passing resolutions at their local council meetings in upcoming weeks. Wilson will have a resolution on the agenda at the June 1 Beverly Hills Council meeting.

Mooney asked Director Woodard to comment on a house fire that occurred last Friday on Kirkshire. Director Karl Woodard related the Department received a 911 call from a home on Kirkshire at 3:30 a.m. The resident reported that the smoke alarm was going off and she could smell a slight odor of smoke.

The four public safety officers on duty (1 supervisor and 3 PSO's) responded with the standard firefighting response of patrol cars and fire apparatus. The first arriving patrol officer (within 1 minute of dispatch) reported flames coming from the roof, a sign of a "working" structure fire. All on-duty personnel and the first of two fire apparatus were on the fire scene within three minutes of initial dispatch.

Evacuation of the two occupants of the home was accomplished, and an interior attack of the fire was conducted. The fire was extinguished within 25 minutes of dispatch, with primary damage being sustained to the attic space and a portion of the roof being burned through. Support was provided by three personnel from the Berkley Department of Public Safety and the callback of four Department personnel.

This was a smoke detector save as the alarm sounding was able to wake and alert the sleeping occupants, warning them of the fire emergency that could have taken their lives if they continued to sleep. In addition to the early warning giving a life safety advantage, it also provided for a timely response by firefighters that allowed an aggressive interior attack of the developing attic fire and limited further property damage. Director Woodard reminded people to keep fresh batteries in their smoke detectors and test them at least monthly.

Mooney reiterated that, with four officers on duty, the firefighters were able to immediately fight the fire from the interior. If there were only three officers on duty, they could not be ordered to go inside and fight the fire under MIOSHA (Michigan Occupational Safety and Health Administration) rules.

REPORTS – COUNCIL

Briggs suggested that people check the operation of their smoke detectors and carbon monoxide detectors. Briggs related that the National Institute of Standards and Technology, a department of the federal government, has recently commissioned a scientific study entitled "The Landmark Residential Fire Study Shows How Crew Sizes and Arrival Times Influence Saving Lives and Property". This study was commissioned in recognition of budgetary challenges faced by local municipalities. It was deemed to be important to have fact based evidence as part of making budgetary decisions. Briggs related information contained in this research. A major finding was that a four-person firefighting crew can complete their tasks an average of 25% faster than a three person crew.

The report is available online:

http://www.nist.gov/bfrl/fire_research/residential-fire-report_042810.cfm.

Briggs announced that the Birmingham Area Cable Board will meet tomorrow morning, May 19, at 7:45 a.m. in the Council chamber.

Peddie stated that she attended a Baldwin Library Board meeting last night. A couple Library administrators will be attending the Beverly Hills Memorial Day Parade with characters such as Curious George.

Oen thanked Administration and Council for doing a good job of preparing a budget that represents the best we can do with what we have. The Village is facing difficult times. He hoped that the community can come together and adopt a millage rate that Beverly Hills can live with until it gets through the budget crisis. He does not want to see any more Public Safety Officers or administrative staff cut.

Mooney thought that the people on Kirkshire would be voting “yes” on the millage proposal in November because the Public Safety Department saved a house on their street and kept their neighbors safe. The statistics support the assertion that four public safety officers on duty save lives. Mooney congratulated all of the officers, the Chief, and Captain Yanosy on their handling of the house fire.

Mooney commented on the hard work being done by Eagle Scout candidate Drew Steffes with the help of volunteers to replace boards, clean up, and re-stain the sled hill steps in the park. He is one of many young people who give to this community.

Koss thought it was difficult for people to relate to millage rates and percentages when considering the upcoming millage increase proposal. She referred to the tax bills she has paid since she moved to the Village in 2002. At the highest point, she paid \$1,517 to the Village for services provided, which breaks down to \$4.16/day. Her tax bill this year is estimated to be \$1,009; which is \$2.77/day for Village services. This raises the question of how the Village can provide the same level of services for less money.

Koss emphasized that, if the millage passes, the Village will only be asking her for an additional \$1.01 per day based on the taxable value of her home. This will bring her cost to receive Village services to \$3.78/day. For that amount, she will receive police and fire protection, Village administration, library service, snow removal, and use of Beverly Park. She did not think this is a lot to ask for the services that residents receive. Koss related that she pays \$6.60/day for cable television, phone and Internet service.

In response to an inquiry, Director Woodard provided an update on Operation Medicine Cabinet, a program initiated by the Department on April 22.

Stearn thanked the Public Safety Department for their rapid response to the house fire on Kirkshire. Our officers are here day in and day out helping and protecting residents; they deserve a debt of gratitude. He thanked the Parks and Recreation Board for organizing the park clean up.

Stearn commended Council and Administration for their work on the budget. Council held a number of study sessions and meetings to discuss budget preparation. The Village has initiated a wage freeze for all non-union employees this year; cuts were made in every department. A lot of tough decisions were made, and a budget was adopted that Council and Administration can live

with for the next year. Stearn noted that there were no public comments on the budget. Residents have been asked repeatedly to bring forward their ideas for increasing revenue or reducing expenses.

Stearn hoped that people understand that there is nowhere else to cut unless Council ends the Village's contract with Baldwin Library and eliminates public safety officers. Council will be holding meetings to inform community members on the budget crisis. He asked everyone to come out and support the millage proposal in November.

The Retirement Board will meet next Tuesday, May 25 at 7:30 p.m. at the Public Safety Department building.

Motion by Mooney, second by Peddie, to adjourn the meeting of 9:05 p.m.

Motion passed (6 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary