

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

Absent: None

Also Present: Manager, Wilson  
Assistant Manager/Clerk, Marshall  
Village Attorney, Ryan  
Director of Public Safety, Woodard

President Stearn called the regular Council meeting to order at 7:32 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 Briggs, second by Oen, to approve the agenda as published.

Motion passed (7 – 0).

#### **COMMUNITY ANNOUNCEMENTS**

Sharon Tischler, Southfield Township Clerk, announced that the Township will be offering free document shredding to its residents on Saturday, September 25 at the municipal building parking lot from 10 a.m. until noon.

#### **CONSENT AGENDA**

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

- a. Review/consider approval of minutes of regular Council meeting held Sept. 7, 2010.
- b. Review and file bills recapped as of Monday, September 13, 2010.

Motion passed (7 – 0).

#### **BUSINESS AGENDA**

##### **REVIEW AND CONSIDER RESOLUTION AUTHORIZING ADMINISTRATION TO SEEK BIDS FOR IRRIGATION SYSTEM AT BEVERLY PARK**

Wilson related that the Parks and Recreation Board passed a motion at its July 15 meeting requesting that Council authorize the solicitation of bids for an irrigation system to be installed in a .75 mile area bounded by the playground, pavilion and fence at Beverly Park. Funding is available in the Park Dedicated Millage Fund, which has a balance of \$53,922.32. It was clarified that seeking bids does not commit the Village to signing a contract for this work. Council will consider any ongoing costs associated with the installation of an irrigation system.

Motion by Mooney, second by Oen, to authorize Administration to prepare bid specifications and seek quotes for an irrigation system to be installed in a .75 mile area of Beverly Park as recommended by the Parks and Recreation Board.

Motion passed (7 – 0).

**REVIEW AND CONSIDER APPLICATION FOR SMART FISCAL YEAR 2011 MUNICIPAL AND COMMUNITY CREDIT AGREEMENT**

Before Council for consideration is the contract from the Suburban Mobility Authority for Regional Transportation (SMART) for financial assistance to support public transportation programs in Beverly Hills. This contract is for fiscal year 2011 (July 1, 2010 through June 30, 2011).

The amount of funding available to the Village from the SMART program is \$24,595 allocated under two separate programs, the Municipal Credit Program in the amount of \$9,833 and the Community Credit Program in the amount of \$14,762. Council will consider action authorizing the Village to enter into a contract with SMART to accept the funds and allocate them in accordance with the terms of the contract. The funds are proposed to be allocated to the Birmingham Area Seniors Coordinating Council (BASCC) to be used for transportation related services.

The amount of funding available to Beverly Hills through the Municipal Credit Program is \$9,833, the same as last year. It is recommended that \$2,499 be designated to the BASCC transportation program and \$7,334 be allocated to the SMART Connector and Dial-A-Ride services (\$3,667 is mandatory for SMART Connector & Dial-A-Ride).

It is recommended that the entire \$14,762 available through the Community Credit Program be allocated to BASCC for its transportation program. This brings the total allocation for BASCC up to \$17,261.00. BASCC uses this money for operation, maintenance and repair expenses as well as wages for its Senior Citizen Van Program. BASCC estimates that its annual costs for operating the Van Program are \$110,800, and their current records indicate that 30% of their van users are Beverly Hills residents.

Wilson explained that the SMART program is supported 50% by a 0.59 millage tax that was renewed by Oakland County voters in August of 2010, and 50% from the State of Michigan Transportation Fund, which holds money collected from the State gasoline tax.

Motion by Briggs, second by Oen, to authorize the Village Manager to enter into a Municipal Credit and Community Credit Contract for program year 2011 between the Suburban Mobility Authority for Regional Transportation (SMART) and the Village of Beverly Hills under which contract the Village would accept \$9,833 in Municipal Credits and \$14,762 in Community Credits to be allocated as set forth in the contract. For the amount of funding that will be allocated to the Birmingham Area Seniors Coordinating Council, BASCC will provide the appropriate insurance coverage as required by SMART.

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

**SET PUBLIC HEARING DATE OF OCTOBER 19, 2010 REGARDING PROGRAM YEAR 2011 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

A requirement for receiving Community Development Block Grant funding is to hold a public hearing to review next year's application. The Community Development Block Grant is a federal program designed to reallocate resources to communities in areas of need.

President Stearn set a public hearing date of October 19, 2010 for review of the 2011 Community Development Block Grant proposal.

### **PUBLIC COMMENTS**

Sharon Tischler of 21415 Virmar Court recalled that Council appropriated funding several months ago to conduct a survey in the Village; she asked if the survey report was available to the public. Stearn responded that the survey done by Mitchell Research was referred to the Village's Input Committee, a group formed to obtain input and educate the public on issues surrounding the upcoming Charter Amendment proposal. Wilson stated that copies of the Mitchell report are available.

Tischler questioned the financial significance of a particular lawsuit discussed in closed session with a settlement approved in an open session of Council. Attorney Ryan thought that Tischler was referring to a Southfield Police matter where a Beverly Hills officer was involved in an arrest. The amount was settled by MMRMA (Michigan Municipal Risk Management Authority) for \$5,000.

Gregory Bator of 31139 Belmont Court commented that Bloomfield Community Television is a wonderful resource available to the community in terms of providing municipal, educational and public access programming. Bator said that he volunteers and produces a program called "Graceful Aging" aired on Birmingham Area Public Access TV, Channel 18. He thanked the Village for placing a link to the "Graceful Aging" show on its web site. Doing all we can for the elder citizens in the community keeps the Village vibrant and vital for all ages. Bator provided information on upcoming topics and times when the program airs. He appreciated the community's support for funding BCTV, which airs many interesting community programs.

Dick Maxwell of 18701 Walmer Court, long-time resident, observed that there have been many personnel cuts and economic changes in Beverly Hills over the years. He has served on three different committees in the Village and on the Southfield Township Board of Trustees. Maxwell spoke in favor of the Village Charter Amendment. He said that it was not 100% perfect but that it was what the Village needs right now in order to retain the community that we all moved into. He urged residents to look into the future and not concentrate on the past. Maxwell said that he had a knowledge of the Village's financial problems and would welcome anyone who wanted to give him a call to discuss the Charter Amendment.

Stewart Mandell of 22601 Highbank Drive has submitted a written request to Council in the matter of the request by Detroit Country Day School for site plan review and special land use approval for construction of a baseball field on its campus. The Mandells and five other families are requesting that Planning Board Chairperson David Jensen be recused from further proceedings on this matter and that a new public hearing be held.

Mandell summarized information provided to Council members on this topic. There was a Planning Board public hearing held on August 25, 2010 on the proposal for a baseball field at Detroit Country Day School. The only flood plain expert to provide the Planning Board with information was Richard Zanotti, a civil engineer. Mr. Zanotti asserted that the DCDS landscape architect had used the wrong flood plain map in his submittal. In his report, Mr. Zanotti also asserted that the proposed plan will adversely affect the floodway of the Rouge River by

increasing velocities, collecting debris, and thereby endangering property adjacent to the development.

Mandell referred to an article published in the September 8, 2010 edition of the Birmingham-Bloomfield Eagle newspaper regarding the Village Planning Board public hearing on a plan for a new baseball diamond proposed for the Detroit Country Day School campus. Mandell quoted comments from Mr. Jensen and argued that his recusal from further involvement in this issue is appropriate due to his prejudgment of the issue before the Planning Board and his bias against Village homeowners.

Paul York Carlton of 31729 Mayfair Lane presented his detailed recollection of an incident that occurred on December 31, 2004 in Beverly Park. Carlton expressed dissatisfaction with the manner in which the investigation was handled by the Beverly Hills Public Safety Department.

Pam York of 31729 Mayfair Lane, Paul Carlton's mother, asked that Karl Woodard resign his position as Director of Public Safety.

Kathleen Berwick of 31381 Kennoway Court said that she lives upstream on the Rouge River and asked that the flood plain regulations be upheld.

#### **REPORTS – MANAGER**

Wilson reported that arbitration hearings with the Public Safety Officers Union will begin tomorrow, September 22 with additional dates scheduled for September 24, 27 and 29.

Franchise holders for the Taco Bell on Southfield Road have presented plans for rebuilding the restaurant. The owners appeared before the Zoning Board of Appeals to request a variance from the front yard setback requirement. The Board granted a variance to allow a 21 foot setback as opposed to the required 35 foot setback in a business zoned district. The applicant will be preparing a site plan based on the variance received. The Village is reviewing parking issues with Taco Bell representatives and the planning consultant.

Council has been provided with a memo from Director Woodard regarding the Department's lapsed ambulance contract with Alliance Mobile Health of Troy. It is a low cost contract for the Village; the value in these contracts is in the quality of service provided. The Village could seek an extension with alliance, or Council could authorize administration to seek bids on this service.

Wilson reported that work is continuing on the 2010 Water Main Replacement project with ongoing construction at Norchester between Riverside and Saxon. He thanked residents for their cooperation.

Director Woodard announced a Public Safety Open House to be held on Sunday, October 3, 2010 from 11 a.m. until 3 p.m. He outlined a number of exhibits and attractions that will occur throughout the day.

In response to an inquiry from Briggs, Wilson described the arbitration process in some detail. Peddie asked that administration go out for bids on an ambulance contract. This will be an agenda item for the next Council meeting.

#### **REPORTS – COUNCIL**

Stearn made statements in support of the Charter Amendment proposal on the November 2 ballot. He related that this Council began looking seriously at the financial condition of the Village four years ago when he was re-elected to Council. The Village had not yet reached the state of recession that Michigan would find itself in. Council knew that the current millage rate, which was more than 10 years old at the time, would not sustain the community into the future. Falling property values and loss of State Shared Revenue has created a situation where Village taxes have dropped radically. Council came to the conclusion four years ago that a millage renewal proposal was the correct way to address the Village's financial problems. An attempt was made to educate the people about the financial crisis. A millage restoration ballot proposal failed in November of 2008.

Stearn said that there were a number of theories about why the millage override failed. People questioned whether the Village had cut its expenses to every possible extent. Some said that Council did not spend down its savings account far enough or address pensions and long term legacy costs. This current Council has attempted to address these concerns. It has spent the last few years working to limit Village expenses by making cuts in every department.

Two public safety officers were eliminated from the Department; another five officers will be cut if the millage proposal does not pass. The Village's full-time building official position was eliminated. The receptionist position at the municipal office was eliminated. The public services director went from full-time to a part-time contract basis. Pay freezes were imposed on all non-union employees; health insurance benefits were lowered for all non-union employees. The Village changed its drug card deductibles and other health insurance benefits saving approximately \$525,000 in premiums over a five year period.

Council advised the Baldwin Public Library that the Village would cancel its contract with the library effective at the end of the fiscal year if the millage did not pass in November. Council would not agree to the terms of the public safety unions and are currently in arbitration hearings in an attempt to receive concessions on a number of items including pensions.

Stearn said that the Beverly Hills' salaries and benefits have been reviewed and were found to be comparable with surrounding communities. There has been an attempt to consolidate services. The Village is a member of consortiums for water, recycling, and trash services. Efforts have been made to renegotiate contracts. Council has made cuts to the point where any further reductions will create danger in terms of public safety, fire protection and road maintenance. With regard to the fund balance, the Village's rainy day fund has dipped to under the recommended 20% of expenditures level. Stearn addressed legacy costs in terms of long-term benefits promised to retirees during union negotiations that have been occurring for 30 years. Actuaries indicate that the Village has a \$19 million unfunded legacy over the next 30 years. The current Council has a plan to deal with the unfunded legacy. If the Charter Amendment passes, it will be fully funded.

Stearn concluded that the Village is only weeks away from the most important millage Charter Amendment that Beverly Hills has seen in 50 years. At stake is the nature of this community and the ability to maintain our way of life in the Village. Beverly Hills will either lose its library, five public safety officers, the ability to maintain roads, sewers and the park, or the Village will make it through the unprecedented state-wide downturn. Stearn asked everyone to vote on November 2 for the Public Safety Department, for the library, and to preserve their property values.

Mercer commented on the revenue impact that is causing financial problems in Michigan. He reported on a Tri-County Summit held yesterday between Wayne, Macomb and Oakland Counties at the Detroit Zoo. The equalization director from Oakland County said that they expect that revenue from property taxes and home values will continue to decline through 2013. This will impact revenue received by the Village.

Mercer used his property to compare the taxable value and resulting tax revenue from 2008 with 2011 if the millage proposal passes. He encouraged everyone to get the facts and do the math to determine their property taxes. ~~If the millage passes in November, property value will remain the same and tax revenue will increase, but this will not close the gap.~~ **If the millage passes in November, there will still be a gap from property tax revenue collected in 2011 compared to 2008.**

Briggs concurred that the millage proposal will not close the gap meaning that Council and Administration will have to continue to explore opportunities for saving money in terms of sharing of services and regionalization. The Village is currently reviewing alternatives in the public safety dispatch department for consolidation and cost savings. Briggs assured residents that Council is not sitting back and waiting to see what happens; Council continues to consider opportunities for cost saving measures.

Peddie expressed concern with a negative letter written by a resident to local newspapers and the Birmingham School Board about Groves High School community service organizer Sheila Brice. Ms. Brice was also elected to the Baldwin Library Board last year. Peddie explained that Beverly Hills occasionally contacts Ms. Brice to solicit the help of high school students who want to receive community service hours to help the Village with community events such as the Halloween Hoot, Memorial Day Parade and Carnival, Winter Family Fun Day, and the annual park clean up. Council has scheduled meetings to inform residents about the Charter Amendment proposal on the ballot and to answer their questions. Sheila Brice was contacted and asked to have students distribute notices of these meetings in the Village.

A resident subsequently criticized Ms. Brice in a newspaper article saying that she was using her position with Birmingham Schools to promote the millage proposal. Peddie said that she attends Library Board meetings as Council Liaison to the Baldwin Library. She has never heard a Library Board member take a stance or comment on the outcome of the Village Charter Amendment Election. Peddie thought it was unfair for individuals to slander others for personal gain.

Peddie announced upcoming events of interest at Baldwin Public Library.

Oen commented on the character of the Village and what attracts people to live in Beverly Hills. Council has worked hard in the last two years to cut expenses from the budget in these unprecedented economic times. Oen commended the Public Safety Department for doing a tremendous job of protecting the safety of residents. The officers are first responders, police officers and fire fighters. He urged residents to attend the scheduled informational meetings and ask any questions they have about the Charter Amendment. There will be a tax calculator posted on the website to estimate residents' proposed tax bill if they vote for the Charter Amendment.

Oen announced that the Planning Board will meet tomorrow, September 22 at 7:30 p.m. in the council chamber. One of the items on their agenda will be a discussion on how to address the Michigan Medical Marijuana Act of 2008 regarding potential growth, sale and distribution of medicinal marijuana in the Village.

Koss said that she and Mooney have mailed letters to all neighborhood homeowner associations in the community asking if they would like someone from Council and administration to speak with their constituency and answer questions about the Charter Amendment ballot proposal. People need to ask themselves how they value their community and how they envision the Village in the future.

Koss urged people who have any questions or concerns with regard to the Charter Amendment to ask questions. She views it as her job as Council member to provide residents with accurate information on the Village's financial situation and what the ballot proposal would accomplish so they can make an informed decision at the polls on November 2. Koss asked people not to feel intimidated if they have any questions or concerns.

Stearn acknowledged and thanked Village Manager Chris Wilson and Assistant Manager/Clerk Ellen Marshall for their tireless work on the millage election. Due to staff reductions, they have picked up the slack and taken on more job responsibilities during this busy year.

Motion by Mooney, second by Oen, to adjourn the meeting at 9:05 p.m.

Motion passed (7 – 0).

**Todd Stearn**  
**Council President**

**Ellen E. Marshall**  
**Village Clerk**

**Susan Bernard**  
**Recording Secretary**