

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

Absent: Peddie

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 7:02 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

Motion by Mooney, second by Oen, to adjourn to closed session to discuss attorney-client communication.

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

Motion by Mooney, second by Oen, to adjourn the closed session at 7:25 p.m. and call for a five minute recess.

Motion passed (6 – 0).

President Stearn reconvened the Council meeting at 7:32 p.m. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Briggs, second by Oen, to add an item to the Business Agenda, “Discuss Referral of Carlton Matter to Michigan State Police”.

Motion passed (6 – 0).

Motion by Mercer, second by Koss, to move Consent Agenda item ‘a’ to approve minutes of a regular Council Meeting held September 21, 2010 to the Business Agenda.

Motion passed (6 – 0).

Motion by Mooney, second by Oen, to approve the agenda as amended.
Motion passed (6 – 0).

COMMUNITY ANNOUNCEMENTS

County Commissioner Marcia Gershenson reported that the Oakland County Board of Commissioners approved the County’s three-year, balanced budget. She noted that the following amendments were passed: 1) hiring a new housing counselor from the Commissioner’s discretionary fund; 2) Buy Oakland First initiative, and; 3) the Tri-Party road funding program

was extended with \$500,000 from the County to promote road maintenance. Gershenson said that flu shots will be available at the Health Department on Greenfield Road for \$11 beginning next week.

Sharon Tischler of 21415 Virmar Court thanked Marcia Gershenson for joining the Beverly Hills Lions Club and presented her with a Lions Club pin. Tischler talked about the programs and services offered by the Lions Club.

Township Clerk Tischler reminded residents that absentee ballots have been mailed. Those who requested a ballot and have not received their absent voter ballots for the November election should call the Township office. People in need of absentee ballots should call or stop by the Township office for an application and a ballot.

CONSENT AGENDA

Motion by Mooney, second by Oen, to approve the consent agenda as amended.

a. Review and file bills recapped as of Monday, September 27, 2010.

Motion passed (6 – 0).

BUSINESS AGENDA

DISCUSS REFERRAL OF CARLTON MATTER TO MICHIGAN STATE POLICE

Stearn reviewed that a man by the name of Paul York Carlton addressed Council at the September 21, 2010 Council meeting with allegations regarding the Beverly Hills Public Safety Department. Stearn said that he personally investigated the matter and found nothing to Mr. Carlton's allegations. He indicated his wholehearted support of the Public Safety Department. However, in the spirit of transparency and full disclosure and at the advice of the Village Attorney, Stearn proposed that Council refer this matter to the State Police Department for review of two issues: 1) The merit of the complaints by Mr. Carlton, and 2) the manner of response and investigation by the Village of Beverly Hills Public Safety Department.

Motion by Stearn, second by Koss, that the Beverly Hills Village Council refer the Carlton matter to the Michigan State Police Department for review of two issues: 1) The merit of the complaints by Mr. Carlton, and 2) The manner of response and investigation by the Village of Beverly Hills Public Safety Department.

Council members Oen and Mooney commented on the motion.

Roll Call Vote:

Motion passed (6 – 0).

SET PUBLIC HEARING DATE OF NOVEMBER 3, 2010 TO REVIEW CORRECTION TO THE ZONING MAP REGARDING HUNTLEY SUBDIVISION

The Village Planning Board has recommended that the Huntley Subdivision zoning map be redrawn to agree with the 1960 zoning map in order to correct a 1991 mapping error. Village attorney Ryan stated that this matter involves a zoning ordinance amendment. The procedure

followed by the Village is to hold a public hearing at both the Planning Board and Council levels. Ryan suggested that Council refer the zoning ordinance amendment back to the Planning Board for a public hearing before it returns to Council for a public hearing and action.

Motion by Mooney, second by Koss, to refer the zoning ordinance amendment to correct a 1991 mapping error in Huntley Subdivision to the Planning Board for a public hearing.

Motion passed (6 – 0).

REVIEW AND CONSIDER RECOMMENDATION FROM THE PARKS & RECREATION BOARD TO REVISE NON-RESIDENT FEES FOR RENTING BEVERLY PARK PAVILION

At its September 16, 2010 meeting, the Parks and Recreation Board reviewed the rates charged by the Village for renting the Beverly Park pavilion with input from Administration. The Board recommended that Council adopt the 2011 Fee Schedule for Beverly Park Pavilion Rentals with a small increase in non-resident rates.

Motion by Mooney, second by Oen, that the Beverly Hills Village Council adopt the Beverly Park Pavilion Rental rates for Non-Residents for 2011 in accordance with the proposal presented. Non-resident rental rates will increase in the following manner:

Small groups

Base rental rate will increase from \$50 to \$60

Each additional hour will increase from \$10 to \$15

Medium groups

Base rental rate will increase from \$110 to \$120

Each additional hour will remain the same at \$25

Large groups

Base rental rate will increase from \$175 to \$180

Each additional hour will increase from \$25 to \$35

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER PROPOSAL FROM PLANTE & MORAN TO STUDY DISPATCH SERVICES

Wilson related that he and Councilman Briggs met with Plante & Moran representatives to discuss options for a review of the financial and operational aspects of the Village's current dispatch services and preparation of a report on the economic feasibility of contracting dispatch services with Oakland County. Plante & Moran offered two options. One of the options was to have Village administration put together a review of dispatch operations and costs with Plante & Moran providing project assistance and oversight in preparing a report. The other option was for Plante & Moran to delve into the Village's operations and costs and provide a report back to Council on the economic feasibility of outsourcing with Oakland County.

Wilson said that he reviewed the two proposals with Briggs, and they agreed that the more comprehensive review by Plante & Moran would be appropriate. There are some complexities of the dispatch department relative to services currently provided in terms of lockup and records retention that cannot be easily evaluated so as to consider a proposal from Oakland County for the same services. Consideration should also be given to ongoing costs of equipment and technology. Given the complexities of this study, Wilson thought that it was appropriate to have Plante & Moran conduct the review and prepare a report for Council consideration on the economic feasibility of the proposal.

Briggs affirmed that it was his professional opinion that the proposal from Plante & Moran was complete and comprehensive. He was in support of authorizing Plante & Moran to conduct the more detailed study. Briggs emphasized that this is more than a financial decision for Council; there are operational impacts to consider along with the effect on the community. It would be prudent to have all the available information prior to negotiations with Oakland County or any other entity.

In answer to an inquiry, Director Woodard stated that he was ready to assist the Plante & Moran staff in compiling information on the financial aspect of the operation. He will be available to discuss whether the options favor looking at a contract to go outside the building or trying to bring contracts into the building.

Stearn questioned the status of talks between the cities of Birmingham and Bloomfield for consolidation of dispatch services. Wilson stated that negotiations have taken place, but he did not expect consolidation to occur in the immediate future.

Wilson remarked that there might be other options available to Beverly Hills in the future including a joint public safety department dispatch center. The option available for consideration at this time is with Oakland County. Wilson suggested that a report on the financial aspects of dispatch would be good information that the Village can utilize now and into the future in terms of reviewing proposals for dispatch consolidation.

Wilson stated that the total cost quoted by Plante & Moran for a financial and operational overview (Option 1) is \$9,500. The firm is offering a \$2,000 discount from this price in lieu of a prior agreement to hold a seminar for Council. This would bring the cost of Option 1 to \$7,500. If the discount were applied, Plante & Moran would still provide some type of analytical and report services to Council, but on a reduced scale.

Stearn asked if the report will take non-economic aspects into account. Wilson responded that Council understands that there are reasons to keep services in house and reasons to contract for service; this will not be part of the report. Wilson is asking Plante & Moran for the total economic picture so that Council will have all the information before them; there may be other operational and service issues to consider. Stearn requested that the Public Safety Department compile a list of pros and cons for keeping the dispatch department in the Village and for outsourcing dispatch services.

Motion by Briggs, second by Oen, to approve the Professional Services Agreement for consulting services with Plante & Moran to prepare a financial and operational review of outsourcing the Public Safety Dispatch Department at a cost not to exceed \$7,500.

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

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A REGULAR COUNCIL MEETING HELD SEPTEMBER 21, 2010

Motion by Mercer, second by Oen, to make the following change to the September 21, 2010 Council meeting minutes: On Page 6, paragraph 2, the last sentence should read, “If the millage passes in November, there will still be a gap from property tax revenue collected in 2011 compared to 2008.”

Motion passed (6 – 0).

Motion by Mooney, second by Oen, that the minutes of a regular Council meeting held on September 21, 2010 be approved as amended.

Motion passed (6 – 0).

PUBLIC COMMENTS

Alda Marie McCook of 19370 Riverside Drive expressed concerns about the Village’s contract with Baldwin Public Library including the cost of the contract, lack of Village representation on the Baldwin Library Board, services provided by the library in addition to loaning books, free library cards given to Birmingham business owners and employees, and what she views as overlapping of services between libraries and educational facilities. McCook referred to a survey conducted recently by the Village and asked for a copy of the Citizen Input survey. Manager Wilson will provide Mrs. McCook with a copy of the survey results this evening.

McCook objected to the wording of the Charter Amendment ballot proposal because residents cannot separate their vote on a public safety millage from the library millage. She commented that many older people live on their pensions and savings and do not have the income to pay for millage increases. Council asked residents in 2009 to come forward with ideas to raise revenue or decrease expenses in the Village. McCook suggested that the Village apply for available grants to supplement expenses. She suggested erecting a cell tower in Beverly Hills to provide income. She also proposed creating an SOS (save our services) fund to raise money to provide Village services.

Vince Borowski of 31115 W. Chelton stated that he supports the millage proposal and thinks it is an important proposal for the community. He observed a sign suggesting that the Charter Amendment was a millage increase. Borowski disagreed on the basis that people are going to be paying the same amount of taxes that they are paying now if the millage proposal passes based on declining housing values. Home values will continue to drop for the next couple of years.

Edna Freier of 30400 Woodhaven said that she has lived in the Village for 40 years and is part of the group that is concerned about the passage of the Charter Amendment proposal. She spoke in favor of the Village's continued participation in a contract with Baldwin Public Library and stressed the importance of the public safety department to the community. Those services are the reasons why she and others live in this community.

Bob Walsh of 20655 Smallwood Court referred to a link posted on the Village website entitled Frequently Asked Question Regarding Village Finances and the Charter Amendment. One of the questions is "How would the approved millage rate compare with the Village's millage rate historically?" The answer provided was, "the Village's millage rate would be lower than the previous top rate of 13.6275 in 1998-99." Walsh said that the answer is correct, but it includes dedicated millages in addition to the general operating millage. He added that the highest general operating millage that has been charged was 10.6897 in 1999-2000.

MANAGER'S REPORT

Wilson stated that the first of three Town Hall meetings will be held this Thursday, October 7 at 7:30 p.m. at Greenfield Elementary School. There will be meetings in proceeding weeks on October 14 at Groves High School and on October 21 at Berkshire Elementary School. Door hangers were passed out at residences in the immediate area around Greenfield Elementary encouraging people to attend an informational meeting. Council and Administration urged all Village residents to attend a neighborhood meeting regarding the Village ballot proposal on November 2 and to have their questions answered.

Wilson reported that Act 312 arbitration hearings with the Public Safety Officers union were completed on Wednesday, September 29. The hearings lasted about 18 hours over four days. Upon final filing of all briefs, the arbitrator will be issuing final and binding decisions on outstanding issues.

Wilson noted that Council discussion on the ambulance service contract was held over to the next Council meeting at the request of Councilwoman Peddie. He and Finance Director Wiszowaty met with representatives from the Village auditing firm today regarding the 2009/10 audit. The auditors will come before Council at the next meeting to present the audit report.

Wilson wished Director Woodard a happy birthday and turned the floor over to Woodard for Department updates. Director Woodard commented on the activities that occurred at the Public Safety Open House last Sunday, noting that there was a very good turnout.

Woodard announced that Officer Mike Miles received a Live Saver Award last weekend from Taser International. The Department submitted information regarding Officer Miles' tactical decision during an incident that occurred this summer where he had a choice of using a hand gun or taser. He was successful in disarming the subject with a taser. The Department applauds Officer Miles for receiving this award and for his good judgment in the field.

Mooney related that Officer Miles was confronted with an individual who was making threats to family members with a knife. The officer was charged with a knife in a threatening manner but was able to disarm the person with a taser stun gun rather than using deadly force. That is the kind of public safety officer that we have working in the Village.

Wilson was asked if a community's ability to pay is taken into consideration in Act 312 Arbitration. He responded that it is not a legal requirement of arbitrators to take ability to pay into consideration when they issue an award. In response to an inquiry, Wilson described the arbitration process.

COUNCIL REPORTS

Mooney said that residents will go to the polls approximately four weeks from today to decide the future of this Village. There are those who will vote for the Charter Amendment as a way to maintain services, and there are those who may oppose it on the basis that they do not want to increase taxes. Taxes are never popular in tough economic times; but protection of people and property is critical during these times. The price of not approving the millage increase given the decline in property values is that residents are going to lose police officers and fire fighters. Mooney emphasized the need for a strong public safety department and added that maintaining a sense of community is also critical in getting through these difficult years. He addressed the importance of the Baldwin Public Library to the community. Mooney stressed the importance of discussing these issues through logical and reasonable discourse.

Mooney asserted that passing the Charter Amendment would mean retaining services that the community receives now. If the voters do not approve the Charter Amendment, the Village will lose five or six public safety officers. Residents will lose their access to the Baldwin Public Library. This money is needed to maintain our community.

Briggs reinforced his support of the library and talked about the significant link between our school system and the Baldwin Public library. Briggs said that forecasts indicate that, if the millage does not pass and projected cuts are made, the Village will still be out of money midway through 2012. The Village must explore opportunities to regionalize and share resources, but this cannot be accomplished in the time frame given without the millage increase. Briggs emphasized that Beverly Hills needs to negotiate shared service agreements with other communities from a position of strength to assure the same level of service that residents have now.

Mercer announced that the regularly scheduled Zoning Board meeting for October has been canceled. He provided statistics on the library including contract costs and usage numbers.

Oen stated that the community has a choice to make on the Charter Amendment ballot proposal that will determine what the community will look like for years to come. He asked that citizens put thought into the choice they make on November 2. If the ballot proposal fails, the Village will lose the dollars it needs to maintain services. Residents will lose 25% of their police and fire protection, and they will lose access to the Baldwin Public Library. These are two essential elements of a community.

Koss thanked everyone who has hosted an informational meeting or gathering to discuss the Charter Amendment. There are meetings scheduled on many evenings this month to discuss the issues and answer questions from residents on the ballot proposal. Koss asked people to reach out to a council member if they need information. This is a difficult decision at a difficult time for all of us.

Stearn thanked the public safety department for hosting an open house. Many officers volunteered to be there; the displays and demonstrations were great. He congratulated Officer Miles on his Live Saving Award from Taser International. Stearn emphasized that Beverly Hills public safety officers put their lives on the line every day for the safety of this community, and they deserve appreciation for that.

Stearn expressed his appreciation for the efforts put forward by members of the Save Our Services (SOS) community organization in the Village that has been working tirelessly to pass the Charter Amendment ballot proposal. He recognized members in the audience including Greg Burry, Edna Freier, Bob Deneweth, and Jim Osmer. Stearn thanked John Mooney and Rosanne Koss for attending open houses to meet members of the community and explain Village finances and the millage proposal. Stearn asked residents to vote yes on November 2 to save the library and to save the Village's police and fire department.

Motion by Oen, second by Mooney, to adjourn the meeting at 9:03 p.m.

Motion passed (6 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary