

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

Absent: None

Also Present: Manager, Wilson  
Finance Director, Wiszowaty  
Village Attorney, Ryan  
Director of Public Safety, Torongeau

President Koss called the regular Council meeting to order at 7:30 pm in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. Koss introduced three scouts from Troop 1029 and one scout from Troop 1699, who stepped forward and led those in attendance in reciting the Pledge of Allegiance.

#### **ADDITIONS TO AGENDA/APPROVE AGENDA**

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

Motion passed (7 – 0).

#### **COMMUNITY ANNOUNCEMENTS**

Southfield Township Supervisor Phil Schmitt invited Township residents to take advantage of free document shredding offered on Saturday, May 5, from 10 am until noon at the municipal building parking lot. Schmitt announced that the Annual Beverly Park Clean Up will be held on Saturday, May 12 from 10 am until noon. Volunteers should bring gloves, rakes, and weeding tools. Boy Scout Troop 1024 is scheduled to do repair work on the sled hill steps.

#### **CONSENT AGENDA**

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

- a. Consider approval of minutes of a special Council meeting held April 17, 2012.
- b. Consider approval of minutes of a regular Council meeting held April 17, 2012.
- c. Review and file bills recapped as of Monday, April 23, 2012.

Motion passed (7 – 0).

#### **PUBLIC HEARING ON PROPOSED 2012/2013 BUDGETS FOR GENERAL FUND, MAJOR & LOCAL ROADS, WATER & SEWER OPERATING AND OTHER SPECIAL REVENUE FUNDS**

Council will hold a public hearing on the proposed 2012/13 budget for the General Fund, Major & Local Roads, Water & Sewer Operating and Other Special Revenue Funds. Finance Director Wiszowaty narrated his PowerPoint presentation providing background information on Village finances and the proposed two-year budget prior to hearing public comments.

The Village receives its General Fund revenue from three primary revenue sources: property taxes, State Revenue Sharing, and charges for services. Wiszowaty affirmed that the Village will not use a contribution from the Fund Balance as another revenue source this year. He referred to a graph to explain taxable value versus state equalized value and point out the decrease in property tax revenue due to a continued drop in home values since the economic downturn. Another graph illustrated the

decade long decline in state revenue sharing. It was noted that the Village has experienced an increase in taxable value of 1.015% from the last fiscal year.

Wiszowaty talked about the proposed 2012 Village millage rate, noting that residents receive their school, county and other taxes from Southfield Township. There will be a change taking place this year in that the Southfield Township office will be collecting Beverly Hills property taxes. The proposed millage rate for 2012/2013 is as follows:

General Fund .....	1.5843 mils
Public Safety Fund .....	9.9000 mils
Library Fund.....	0.9184 mils
CSO Debt .....	0.8670 mils
Total Millage Rate.....	13.2697 mils

Wiszowaty summarized sources of 2012/2013 projected General Fund revenues and the distribution of expenses. Revenue and Expenses will be balanced at \$2,431,580. The General Fund will assess 1.5843 mils instead of the 2.100 mill maximum allowed by the millage rate. Full time employees will be reduced by three people as a result of contracting with the City of Birmingham for dispatch service. The Public Safety Department will have sufficient resources to fill one existing vacancy of a public safety officer.

The Village will not increase the \$100 service fee for rubbish collection and disposal this year. The budget calls for transferring \$300,000 from the General Fund for repair of local concrete streets. The Fund Balance will not be used to balance the budget; it will increase to 17% of operational expenditures this year. Wiszowaty remarked that the proposed budget fully funds the current costs and annual required contribution for future pension and health care liabilities for both General Administration and Public Safety.

Wiszowaty addressed projected revenue and expenditures for Special Revenue Funds including Public Safety, Library, Major and Local Roads, Drug Law Enforcement, Retiree Health Care, Vacation Reserve, and Sick Pay Reserve.

The Water & Sewer Operating Fund is an enterprise fund; it provides goods or services to the public for a fee that makes the entity self-supporting. The Water & Sewer budget will increase by \$604,194 from last year primarily due to Meter Based Billing System costs. Water and sewer rates will increase 8% for water consumption and 12% for sewage disposal. The Village will also contribute \$263,517 from the Water & Sewer Fund Balance to offset rates. The Water & Sewer Fund budget for 2012-2013 will be balanced at \$5,477,825.

Koss opened the public hearing on the proposed 2012-2013 budgets for General Fund, Major & Local Roads, Water & Sewer Operating, and other special revenue funds at 7:55 pm. No one wished to be heard; therefore, the public hearing was closed at 7:55 pm.

There were several comments from Council members including an explanation of the increase in water and sewer rates, pension liabilities, and the fact that the maximum allowed millage rate was not levied. Council thanked Administration and staff for doing a great job of drafting the budget.

**REVIEW AND CONSIDER ADOPTION OF 2012/2013 FISCAL YEAR VILLAGE OF BEVERLY HILLS BUDGET**

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

**RESOLUTION  
TO ADOPT THE 2012/2013 FISCAL YEAR  
VILLAGE OF BEVERLY HILLS BUDGET**

The Village Council of Beverly Hills conducted a public hearing on the proposed 2012/2013 Fiscal Year Budget on May 1, 2012 and public comments have been heard and considered, therefore, be it resolved that the 2012/2013 Fiscal Year Budget for the General Fund, Public Safety Fund, Library 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	\$2,431,580.00	\$2,431,580.00
Public Safety Fund	\$4,984,255.00	\$4,936,447.00
Library Fund	\$438,389.00	\$438,389.00
Major Road Fund	\$880,788.00	\$880,788.00
Local Streets Fund	\$702,158.00	\$702,158.00
Drug Law Enforcement	\$60,100.00	\$60,100.00
Retiree Health Care	\$1,425,311.00	\$680,452.00
Vacation Reserve	\$750.00	\$00.00
Sick Leave Reserve	\$750.00	\$00.00
Water & Sewer Operating	\$4,477,825.00	\$4,477,825.00

Roll Call Vote:

Motion passed (7 – 0).

**REVIEW AND CONSIDER APPROPRIATING FUNDS FOR 2012/2013 FISCAL YEAR VILLAGE OF BEVERLY HILLS BUDGET**

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

**RESOLUTION  
TO APPROPRIATE FUNDS FOR THE 2012/2013  
BEVERLY HILLS BUDGET**

The Village Council of Beverly Hills has adopted its annual budget for its fiscal year beginning July 1, 2012 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, 2012 and ending June 30, 2013 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 (7 – 0).

**REVIEW AND CONSIDER ADOPTION OF THE 2012/2013 VILLAGE OF BEVERLY HILLS MILLAGE RATE**

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

**RESOLUTION  
TO ADOPT THE 2012 VILLAGE OF BEVERLY HILLS BASE TAX RATE  
PLUS ADDITIONAL MILLAGE TO RETIRE DEBT**

The Village Council on May 1, 2012 adopted the 2012/2013 Village Budget, and

The Village Council must adopt a millage rate to be spread on the Village tax roll for 2012, and

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

The proposed 12.4027 mils for operating purposes for the General Fund, Public Safety Fund and Library Fund do not exceed the 12.9184 mils maximum approved by the voters at the November 2, 2010 election.

THEREFORE, BE IT RESOLVED THAT the Village Council does hereby approve the total 2012 millage rate for the Village at 13.2697 mils and the 13.2697 millage rate is to be spread as follows:

General Fund .....	1.5843 mils
Public Safety Fund .....	9.9000 mils
Library Fund.....	0.9184 mils
CSO Debt .....	0.8670 mils
Total Millage Rate.....	13.2697 mils

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

**REVIEW AND CONSIDER RESOLUTION TO ADOPT 2012/2013 RATE SCHEDULE FOR WATER CONSUMPTION AND SEWAGE DISPOSAL**

Motion by Mercer, second by Mooney, 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	\$	15.89 per 1000 cu ft
Sanitary Sewer O.M. & R		45.55 per 1000 cu ft
Debt Service		<u>5.73</u> per 1000 cu ft
Total	\$	67.17

Sanitary Industrial Waste Control Charge

<u>Meter Size</u>	<u>Monthly</u> S.O.C.S.D.S.	<u>Quarterly</u> Evergreen/Farmington
5/8"	\$8.46	\$ 25.38
3/4"	12.69	38.07
1"	21.15	63.45
1-1/2"	46.53	139.59
2"	67.68	203.04
3"	122.67	368.01
4"	169.20	507.60
6"	253.80	761.40
8"	423.00	1269.00
10"	592.20	1776.60
12"	676.80	2030.40

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

Minimum Charge

Minimum charge per 500 cu ft per quarter for water, sewer OMR, sewer debt and meter charge is:

One inch meter or less	\$	39.58
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Sewer Only

All sewer-only customers per quarter	\$	126.63 OMR
		<u>15.98</u> Debt Service
	\$	142.61

Effective with all bills mailed after July 1, 2012 and thereafter until changed.

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

**REVIEW AND CONSIDER RESOLUTION TO ADOPT 2012/13 CHARGE FOR SERVICES FOR RUBBISH COLLECTION AND DISPOSAL**

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

**RESOLUTION**

**TO ADOPT THE 2012 VILLAGE OF BEVERLY HILLS CHARGES FOR SERVICES FOR RUBBISH COLLECTION AND DISPOSAL**

The Village Council of Beverly Hills has adopted its annual budget for its fiscal year beginning July 1, 2012 in accordance with State law and the Village Charter, and

The Village Council has adopted 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, 2012 and ending June 30, 2013 shall establish a Charge for Services for Rubbish Collection and Disposal for Residential Customers for the said fiscal year.

BE IT FURTHER RESOLVED that the Village Council does hereby authorize the Village Manager to authorize the Village Treasurer to add an annual charge in the amount of \$100 to each residential 2012 tax bill for Rubbish Collection and Disposal.

Roll Call Vote:

Motion passed (7 – 0).

**SET PUBLIC HEARING DATE OF JUNE 5, 2012 TO RECEIVE COMMENTS ON A PROPOSED GARAGE SALE ORDINANCE**

Council set a public hearing date of June 5, 2012 to receive comments on a proposed Garage Sale Ordinance.

**REVIEW AND CONSIDER ADOPTING AMENDED RESOLUTION TO ESTABLISH BALLOT LANGUAGE FOR NOVEMBER 2012 ELECTION AMENDING SECTION 5.7 (b) FILLING VACANCIES OF THE VILLAGE CHARTER**

Attorney Tom Ryan stated that the Resolution before Council for consideration will rectify problem language contained in the Resolution approved at the last Council meeting. He suggested that Council approve the amended Resolution that will rescind the prior resolution and correct the language. The proposed Charter Amendment will be forwarded to the Governor for approval.

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

**VILLAGE OF BEVERLY HILLS  
RESOLUTION**

At a regular meeting of the Village Council of the Village of Beverly Hills, Oakland County, Michigan, held at the Village office at 18500 West Thirteen Mile Road, Village of Beverly Hills, on the 1st day of May, 2012, at 7:30 p.m.

WHEREAS, on the 6<sup>th</sup> day of March, 2012, a Charter Amendment was proposed by the Village Council; and

WHEREAS, in accordance with statute in such case made and provided, such Resolution was published in the Observer Eccentric, a newspaper circulated within the Village; and

WHEREAS, such Resolution has been duly laid on the table for at least 30 days;

WHEREAS, an initial Resolution was adopted on the 17<sup>th</sup> day of April, 2012.

NOW, THEREFORE, BE IT RESOLVED as follows:

That the following Charter Amendment be voted upon by the qualified electors of the Village of Beverly Hills at the Regular General Village Election to be held on Tuesday, the 6th day of November, 2012 to-wit:

**BALLOT PROPOSAL A.**

**Term of Councilperson Appointed by Vacancy**

Question:

Shall Section 5.7(b) of the Charter of the Village of Beverly Hills be amended to provide for a person appointed because of a council vacancy to hold office until the next regular Village election?

New Section 5.7(b) shall be amended to read as follows:

**5.7(b) Filling Vacancies**

- b. Vacancies in councilmember offices shall, within 60 days after such vacancy occurs, be filled by appointment of the Village Council by a majority vote of the members of council then in office. The person appointed shall possess the qualifications for the office of councilperson and shall hold office until the next regular village election.

Yes   ↑

No    ↑

Prior to the submission of the vote of the electors of the village, such Charter Amendment shall be presented to the Governor of this State.

Before its submission to the electors of the village, the Clerk shall give such notice thereof as required by law.

The prior Village Council Resolution adopted on April 17, 2012, is rescinded.

AYES: Briggs, Burry, Koss, LaFerriere, Mercer, Mooney and Oen  
NAYES: None  
Resolution declared adopted.

**REVIEW AND CONSIDER PROPOSALS FOR THE INSTALLATION OF A NINE-HOLE DISC GOLF COURSE AT BEVERLY PARK**

Mooney remarked that there has been extensive study conducted by members of the Parks and Recreation Board relative to the installation and use of a nine position disc golf course designed for Beverly Park. Council had previously reviewed the Board’s proposal for this new recreational activity in the park and authorized administration to solicit competitive bids.

Four bids were received with proposals ranging from \$8,300 to \$14,875. The low bid from Motor City Chain Gang (principal John Minicuci) was for \$8,300; the proposal meets the criteria of the bid specifications. The Village has requested that the “Tee Marker” and “Next Tee” sign posts be set in concrete to lessen the likelihood of theft. This will result in an additional cost of \$100 that was not included in the bid specifications.

Motion by Mooney, second by Briggs, that the Village of Beverly Hills Council award the project for construction of a nine hole disc golf course to Motor City Chain Gang, John Minicuci Jr., for \$8,400.00. Funds for this project will come from the Parks and Recreation dedicated millage fund, which currently has a balance of \$42,253.87.

Burry requested to review the specific proposals from each of the four bidders. Mooney responded that the package from the low bidder met the specifications drafted by the Village. Koss added that Council generally accepts the lowest bid that meets the specifications prepared by the Village. Administration reviews the proposals to determine whether they meet the bid specifications, and Council receives a copy of the bid tabulation sheet. Questions from Mercer and Burry on the bid specifications requirements were addressed in some detail by Parks and Recreation Board member Jim O’Reilly.

Mercer commented that he did not support the disc golf proposal. He has received phone calls, questions and comments in opposition to this project. Mercer contacted the Royal Oak Parks & Recreation director with questions regarding disc golf courses in their parks; that individual indicated that Royal Oak has no problems with that activity. Mercer reviewed the layout of the disc golf course in Beverly Park and did not find it to be conducive to current activity in close proximity to the designated holes. He also expressed concern about flying discs in the park. Burry concurred with the opinion that disc golf was not an activity conducive to Beverly Park.

Mooney expressed the view that the disc golf course designated in Beverly Park poses no danger. Disc golf would bring people into the park to utilize areas that are not well used at the present time. Disc golf is a diverse recreational activity that will not change the nature of the park. Mooney asked that Council defer to the research done by the Parks and Recreation Board on this topic.

Roll Call Vote:  
Briggs - yes  
Burry - no  
Koss - yes  
LaFerriere - yes

Mercer - no  
Mooney - yes  
Oen - yes

Motion passed (5 – 2).

**REVIEW AND CONSIDER PROPOSAL FOR THE INSTALLATION OF MANUAL FLUSH OVERRIDE ON PARK PAVILION TOILETS**

The Village solicited bids for the installation of manual flush overrides on the Beverly Park pavilion toilets. Three contractors inspected the site, but only one vendor provided a bid. Mooney outlined this proposal designed to improve the operation of the pavilion restrooms.

Motion by Mooney, second by Briggs, that the Beverly Hills Village Council authorizes Nelson Brothers Sewer & Plumbing, Inc. to supply and install new retro manual flush kits for three toilets in both the men’s and women’s restrooms at Beverly Park and to provide manual override in addition to the current electric eye flush mechanism in an amount not to exceed \$1,875.00. A certificate of insurance with \$1,000,000 liability coverage naming the Village of Beverly Hills as an additional insured has been provided.

Questions from Council were addressed by Wilson.

Motion passed (7 – 0).

**PUBLIC COMMENTS**

Sharon Tischler of 21415 Virmar Court offered a correction to the Villager Newsletter in that Rich Torongeau is the Village’s seventh public safety director. Tischler suggested that the Council meeting agenda item requiring a resolution to go into closed session should cite a specific section of the Open Meetings Act. She thanked Council for providing the public with information regarding increases in water and sewer rates.

Pat Costello of 17414 Beverly Road, father of Eagle Scout Shaun Costello, thanked the Village for posting the names of the six Eagle Scouts from Troop 1029 on the sign in front of the Beverly Hills municipal building.

**REPORTS – MANAGER**

The City of Birmingham has proposed the creation of a Joint Senior Services Committee between the communities that comprise the BASCC (Birmingham Area Seniors Coordinating Council) community and Birmingham Public Schools. This committee will meet for a limited duration and will provide assistance to BASCC in planning services and programs for the area’s senior population. Wilson recommended that Council consider appointing its current BASCC representative, Councilman Burry, to one of the positions. If Council is agreeable, a resolution will be placed on the next Council meeting agenda for consideration.

A bid opening for the reconstruction of the Evergreen Road Bridge is scheduled for May 15. This project is anticipated to commence when school closes for summer vacation and will be completed prior to the beginning of the school year in the fall. Wilson understood that Bingham Farms will have a bridge project on Thirteen Mile Road east of Telegraph. The Village will be working closely with the Road Commission to navigate traffic through that area.

Work on the portion of the 2011 sidewalk program that was not completed last year commenced today on Buckingham moving south. Residents will be notified of sidewalk sections along their property that are scheduled for replacement.

**REPORTS – COUNCIL**

Mercer commented that he expects a large number of scouts and Little League members to participate in the Beverly Park Clean Up on Saturday, May 12.

LaFerriere congratulated six scouts of Troop 1029 from Our Lady Queen of Martyrs for achieving the rank of Eagle Scout. LaFerriere said that he has been questioned by residents about the implementation of dispatch service with the City of Birmingham. He affirmed that the same telephone number will be used for non-emergency calls. There will be no changes in terms of service, coverage, and safety of the Village.

Mooney provided information on the upcoming Park Clean Up on Saturday, May 12 from 10 am to noon. He congratulated Shaun Costello on earning the rank of Eagle Scout along with other scouts who have received that prestigious award. Mooney stated that he was honored to appear on behalf of Council last Sunday at the 40<sup>th</sup> anniversary celebration of the Beverly Hills Lions Club. Mooney thanked Jim O'Reilly for his efforts to make a difference in Beverly Park with a new activity like the disc golf course. Mooney welcomed Southfield Township Supervisor and Parks and Recreation Board member Phil Schmitt to the meeting.

Briggs announced the dates and times of the Friends of the Library Spring Book Sale being held May 11-14. The first meeting of the newly formed Communication Committee is scheduled for the first Thursday in June.

Motion by Mooney, second by Oen, that Council adjourn in closed session at 9:05 pm pursuant to the terms and conditions of the Michigan Open Meetings Act to discuss attorney-client privileged information and union negotiations.

Roll Call Vote:

Motion passed (7 – 0).

Motion by Mooney, second by Oen, to return to open session at 9:55 pm.

Motion passed (7 – 0).

Motion by Mooney, second by Oen, to adjourn the meeting at 9:59 pm.

Motion passed (7 – 0).

**Rosanne Koss**  
**Council President**

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

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