

Present: President Mooney; President Pro-Tem Peddie; Members: Abboud, Delaney, Mueller, Nunez, and Oen

Absent: None

Also Present: Village Manager, Wilson
Village Clerk, Marshall
Finance Director, McCarthy
Public Safety Director, Torongeau

President Mooney 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 Peddie, to approve the agenda as published.

Motion passed.

COMMUNITY ANNOUNCEMENTS

Birmingham Next president, Greg Burry, reviewed all of the services Next provides including; medical supplies, resources, transportation, speakers, exercise classes, pickleball, and an engaging space for seniors looking for connection.

Cris Braun, Next Director, explained Next is open 62 hours a week, and they see over 1,500 people in that time. As a testament to the wide variety of programs offered, the age of members range from 36 to 103, with the average now at 73 years old. From advanced cycling groups to bingo, they are deliberate in program planning, working to reflect the community they serve.

There are some highlights this summer for Next and the community. They include the Annual Golf Classic on June 11, 2018 at Lincoln Hills, and pickleball coming this summer to the Birmingham Ice Rink.

This spring, seven pieces of resistance equipment will be installed under the large shade trees in the Next center courtyard. Braun recognized the Foundation for Birmingham Senior Residents for their financial support of the Fit Park. Along with open use, Next will be offering several types of classes utilizing the equipment ie, circuit training, strength and balance.

There are continued efforts to reach more potential Next members with fresh and innovative programming and providing support services to more residents in need of assistance in order to remain safely in their homes. They will also continue to develop a diverse revenue stream, the key to keeping programs and services growing and thriving while ensuring accessibility to all who want to participate.

PUBLIC HEARING - SPECIAL ASSESSMENT ROLL FOR SOUTHFIELD ROAD BUSINESS ASSESSMENT DISTRICT

President Mooney declared the public hearing open at 7:45 pm to receive comments on the Special Assessment Roll for the Southfield Road Business Assessment District.

No one wished to be heard; therefore, the public hearing was closed at 7:46 pm.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

None.

CONSENT AGENDA

Motion by Oen, second by Mueller, to approve the consent agenda as follows:

1. Review and consider approval of minutes of a special Council meeting held January 30, 2018.
2. Review and consider approval of minutes of a regular Council meeting held February 6, 2018.
3. Review and file bills recapped as of Tuesday, February 20, 2018.
4. Review and Consider 2017 Special Assessment Roll for the Southfield Road Business Assessment District.

Roll call vote:

Motion passed (7-0)

BUSINESS AGENDA

PRESENTATION ON FUND BALANCES AND FINANCIAL OUTLOOK THROUGH FISCAL YEAR 2019-20

Wilson provided a report on the current finances and fund balance positions of the Village as well as the fiscal outlook for the upcoming fiscal years of 2018-19 and 2019-20. Also included was a listing of the outstanding Governmental Fund and Enterprise Fund debts, per the most recent audit. Fund Balance positions in the General Fund and Major and Local Road Funds remain strong. Fund Balance position for the Public Safety Fund has been worsened by reorganization efforts and Headlee Amendment reductions to the Public Safety Millage. Reorganization efforts will be cost effective in coming years.

The Water & Sewer Fund cash position will likely remain negative by the end of the current fiscal year. The cash position will become positive sometime during FY 2018-19 barring significant declines in water sales. The Village has benefitted from revision of water and sewer billing methodology in recent years and has reduced cash and operating deficits. Annual rate increases in future years will be necessary to keep up with cost increases and replenish fund reserves.

Village debt remains quite low, currently 0.54% of taxable value (Charter limit of 10%). Outstanding debt of less than \$3 million is being paid at a rate of over \$400,000 per fiscal year. Less than \$10,000 of debt goes beyond 10 years. Currently over 80% of the pension fund is funded, and the OPEB is over 45% funded.

The Village is funded by a millage, and those general funds are divided between Administration, Public Safety, and the Library. The state of Michigan does provide some money towards road repair. The balance of the Village Road Fund is sufficient if there is an emergency but is not enough for long term repair to the roads in the Village.

Due to recent purchases for Public Safety, including a new pumper truck, their current savings balance is low. Monies from the general fund could be moved to the public safety account to ensure a healthy balance for their emergency fund.

The Water and Sewer Fund needs to replace cash reserves that have been lost over the last 4-5 years. The current billing methodology is appropriate, however rates need to be increased. With the cash position being weak, capital projects have been limited for the last 2-3 years. As a result, future capital projects and some maintenance projects should be done through bonding. Debt financing of capital projects and repairs in the short term will limit immediate impacts of these costs on billing. A rate increase is expected this spring from SOCWA. Water usage overall is down each year, and this decline in sales combined with the fluctuating cost of sewage have contributed to the loss of reserves. Monies collected for infrastructure on water bills are being allocated to necessary general maintenance, but major projects have been deferred. This has resulted in \$500,000 to \$800,000 a year in capital repairs going undone in the last 3-4 years.

McCarthy further explained that the Village is not taking in enough money from water and sewage. Estimated year end revenue is \$4.3 million, but the output will be \$4.4 million. Basic expenses account for 90% of sales revenue; meaning 93% of total cost is fixed and 8% goes towards bond debt.

REPORT ON PUBLIC SAFETY BUDGET ITEMS FOR FY 2018-19

Wilson explained that Torongeau submitted a memo regarding outstanding capital needs in the Public Safety Building. Administration agrees the boiler is the highest priority. The old boiler is still functioning at this time, however, the boiler inspector and repair specialist has explained that replacing the boiler is eminent. Some of the parts are no longer made and it is only a matter of time before it fails. The current boiler would not pass State inspection.

The cost of current and future repairs and the cost of bringing the current boiler into compliance does not seem to be an efficient use of resources. It will cost \$5,000 to bring it up to State Certification. To replace the boiler will cost at least \$50,000 or more. The boiler will have to be cut up and taken out by hand and all the thermostats will also have to be replaced. In an attempt to secure other quotes, it was learned that this company, along with others, require a charge of \$2,000 for the labor to do the estimate. The companies will have to spend almost 40 hours completing the specifications. At this time, one general estimate for the boiler has been secured and it could become costly to pay for estimates.

A new boiler will be reliable, safe and provide cost savings down the road in lower utility costs. Currently, there are no funds set aside for this expenditure, but Administration believes the Village can utilize other funds, such as the Drug Forfeiture Fund, to offset other expenses such as vehicle purchases and reprogram these funds to capital funds to replace the boiler.

Motion by Delaney, second by Oen, that the Council for the Village of Beverly Hills approve and authorize the Village Manager to consult with Hubbell, Roth and Clark to create bid specifications and go out to bid for the replacement of the Public Safety boiler.

Motion passed.

REVIEW AND CONSIDER PROPOSAL FROM MUNICIPAL CONSULTING SERVICES FOR CLASSIFICATION & COMPENSATION STUDY

Village Administration has procured a proposal from Municipal Consulting Services for a Classification and Compensation Study from Municipal Consulting Services, LLC. It has been many years since the Village had an outside study of pay rates and schedules for non-union administrative employees. Municipal Consulting Services will review our current rates of pay and benefits, and make comparisons with the local municipal government market, then make recommendations to Administration and Council to keep our compensation rates competitive with other units of government. Municipal Consulting Services will also work with Administration and individual employees to draft new job descriptions for all positions. Upon completion of the project a draft report will be provided for Administration and Council and a public presentation of the findings, if desired. The total cost of the project is not to exceed \$8,700.

Village Attorney Ryan has reviewed the proposal and determined that it classifies as a Professional Service and may be approved by Council, per the Charter, without a formal bidding process. Wilson is familiar with the work of Municipal Consulting Services and Mark Nottley and believes this project to be a need and in the best interest of the Village.

Motion by Delaney, second by Oen, be it resolved that the Council for the Village of Beverly Hills approve and authorize the Village Manager to execute the proposal from Municipal Consulting Services, LLC for a Classification and Compensation Study for the Village of Beverly Hills in an amount not to exceed \$8,700. Funds for this proposal are available in fund 101-248.956.00.

Motion passed.

REVIEW AND CONSIDER ADOPTING FIRST RESOLUTION TO ESTABLISH BALLOT LANGUAGE FOR THE AUGUST 2018 ELECTION AMENDING SECTION 3.11 NOMINATIONS AND SECTION 4.2 REMUNERATION OF MEMBERS OF THE VILLAGE COUNCIL OF THE VILLAGE CHARTER

At a regular meeting of the Village Council, Oakland County, Michigan, held at the Village Office at 18500 W. Thirteen Mile Road, Beverly Hills, Michigan 48025, on February 20, 2018, at 7:30 p.m.

The following Resolution was offered by Delaney and seconded by Oen, that the following Charter amendments be voted upon by the qualified electors of the Village of Beverly Hills at the August primary election on Tuesday, August 7, 2018, to-wit:

BALLOT PROPOSALS

1. NOMINATIONS:

QUESTION: Shall Section 3.11 Nominations of the Charter of the Village of Beverly Hills be amended to read as follows:

New Section 3.11 shall be amended to read as follows:

NOMINATIONS:

SECTION 3.11 Method of nomination of the elective officers shall be by petition signed by not less than twenty-five (25) nor more than fifty (50) qualified electors of the Village. All nominating petitions shall be filed with the Clerk as required by state election law preceding such election. The form of the petition shall be substantially as that designated by the Secretary of State for nomination of nonpartisan judicial officers. Signing of petitions shall be governed by general election statutes.

YES _____

NO _____

2. REMUNERATION OF MEMBERS OF THE COUNCIL:

QUESTION: Shall Section 4.2 Remuneration of Members of Council be amended to read as follows:

New Section 4.2 Remuneration of Members of the Council shall be amended to read as follows:

SECTION 4.2. The President and each Councilmember shall receive as remuneration for service to the Village the sum of One Hundred (\$100.00) dollars per meeting of the Council actually attended, but not to exceed in total Two Thousand Four Hundred (\$2,400.00) dollars per year, excepting that the President shall also receive the sum of One Thousand (\$1,000.00) dollars per year for additional duties (as such). Such salaries shall be payable monthly and shall constitute the only salary or remuneration which may be paid for services performed by the President or any Councilmember for the discharge of any official duty for or on behalf of the Village during their term of office. Upon authorization of the Council reasonable expense may be allowed when actually incurred on behalf of the Village. The provisions of this amendment will take effect December 1, 2020.

YES _____

NO _____

1. In accordance with the statute in such case made and provided, such Resolution shall be published in the Observer-Eccentric, a newspaper circulated within the Village.
2. That this Resolution be laid upon the table for at least thirty (30) days in accordance with the statute and such case made and provided.
3. That prior to the submission of the vote of the electors of the Village, such Charter Amendments shall be presented to the Governor of this State. That before its submission to the electors of the Village, the Clerk shall give such notice thereof as is required by law.

Ayes: Abboud, Delaney, Mooney, Mueller, Nunez, Oen and Peddie

Nayes: None

Resolution declared adopted.

INSTRUCTIONS TO PLANNING COMMISSION

Motion by Abboud, second by Oen, be it resolved that the Council for the Village of Beverly Hills instruct the Planning Commission to appoint a sub-committee to review advisability of allowing backyard chickens with the following directives:

- A. The sub-committee will work with Councilmember Phillip Mueller; Erin Saur, Planning and Zoning Administrator; and Tom Ryan, Village Attorney.
- B. Review and report on the experience of Oakland County bedroom communities with the allowance of such livestock.
- C. Seek input from opponents and proponents in the Village of Beverly Hills.
- D. Outline any and all health and safety concerns which might arise from the allowance of the backyard chickens.
- E. Advise of the “housing” requirements for said backyard chickens.
- F. Identify enforcement issues that might arise from the allowance of backyard chickens.
- G. Advise of any difficulties that might arise regarding wildlife and/or domestic animals living in close proximity to backyard chickens.
- H. Report to Council with the findings will be made not later than July 1, 2018.

Motion passed.

Motion by Abboud, second by Oen, that the Council for the Village of Beverly Hills instruct the Planning Commission to appoint a subcommittee to review the experience of surrounding communities regarding the limitation on buildable square footage on lots with a specific focus on what is commonly known as “big foot” houses and report to Council on whether this matter should be referred to the Planning Commission to explore the possibility of drafting an ordinance imposing limitations on the square foot structural occupation of the various sized lots. Report to Council with the findings will be made not later than September 1, 2018.

Motion passed.

Motion by Abboud, second by Oen, that the Council for the Village of Beverly Hills instruct the Planning Commission to appoint a subcommittee to explore the advisability of developing a zoning compliance permit process or other permit process regarding small structures not subject to building permits such as sheds, mechanical structures and perhaps even fences in coordination with the fence subcommittee created by Council and Planning Commission. Report to Council recommending whether the matter should be referred for the development of an ordinance should be made not later than June 1, 2018.

Motion passed.

Motion by Abboud, second by Oen, that the Council for the Village of Beverly Hills instruct the Planning Commission to appoint a subcommittee to research the potential ordinances and zoning restrictions in the event that the marijuana referendum should pass in November. This would include a review of the municipal reaction to the legalization of recreational marijuana in the states of Washington, Colorado, and California. Report to

Council regarding the advisability and the type of restrictions, if any, on dispensaries will be made not later than November 1, 2018.

Motion passed.

Motion by Abboud, second by Oen, that the Council for the Village of Beverly Hills instruct the Planning Commission to develop proposed by-laws which will be reviewed by the Council not later than September 1, 2018. The bylaws shall also include development of procedural hand-outs for the benefit of residents and non-residents who attend the Planning Commission meetings explaining the procedures, both prior to a hearing and during the hearing at the Planning Commission.

Motion passed.

INSTRUCTIONS TO PARKS & RECREATION BOARD

Motion by Mueller, second by Oen, that the Council for the Village of Beverly Hills instruct the Parks and Recreation Board to develop an inventory of maintenance which must be performed by the seasonal park rangers and volunteers beginning in late spring and through the summer of 2018. Report to Council with the findings will be made not later than May 1, 2018.

Motion passed.

Motion by Oen, second by Peddie, that the Council for the Village of Beverly Hills instruct the Parks and Recreation Board, together with Councilmember Phillip Mueller, Ellen Marshall, and Tom Ryan, for the drafting of millage language to be placed on the November 2018 ballot. Report to Council for review and action not later than April 1, 2018.

Motion passed.

Motion by Mueller, second by Oen, be it resolved that the Council for the Village of Beverly Hills instruct the Parks and Recreation Board to develop a plan for pocket parks on the east and west side of the Village as well as the rehabilitation of Riverside Park. Report to Council for review and action not later than May 1, 2018.

Motion passed.

PUBLIC COMMENTS

None.

MANAGER'S REPORT

Greenfield Road – Village Administration met with representatives of the City of Royal Oak and the Road Commission of Oakland County (RCOC) to discuss the condition and status of Greenfield Rd. between 13 Mile and 14 Mile. An agreement was reached to pursue a preservation overlay program on this section of Greenfield this year, and to pay for this project through the triparty program. Accordingly, the Village's contribution to this project will be around \$35,000 of our current tri-party funds. Scheduling is unknown at this time but should be sometime in June or early July. Given the current condition of the road surface it is important to do this preservation

overlay this year. Any further deterioration of the road surface will likely cause enough damage to the road base to prohibit this type of overlay project. All parties further agreed to commission a traffic study to see what modifications or alterations can be made to the roadway to calm traffic and ease congestion around the intersection of Greenfield and Beverly/Normandy. Royal Oak has agreed to be the lead agency on the study and, if approved, all three agencies will participate equally in the cost. The Village is looking forward to working with the City of Royal Oak and RCOC to improve the condition of the road surface in the short term and look for ways to improve this corridor in the future.

DTE Tree Trimming – The Village has been notified by DTE that the maintenance tree trimming schedule for 2018 has been established for this area and Beverly Hills is not in any of the planned tree maintenance programs for this year. Residents with individual issues regarding trees and power lines can contact the Village or DTE for investigation but there is no scheduled widespread tree clearing from DTE for the Village in 2018.

Council members expressed their displeasure that DTE would not be trimming trees in the Village in 2018.

COUNCIL COMMENTS

Mueller reported the Winter Family Fun Day was a success, they had great weather and a wonderful turn out. He thanked the Parks & Recreation Board, Administration, and volunteers for their hard work.

Abboud wished his mother a happy birthday.

Motion by Oen, second by Delaney, to adjourn the meeting at 9:32 p.m.

Motion passed.

John G. Mooney
Council President

Ellen E. Marshall
Village Clerk

Elizabeth M. Lyons
Recording Secretary