

Present: President Stearn; President Pro-Tem Pfeifer, Members: Berndt, Koss, Oen, Peddie and Woodrow

Absent: None

Also Present: Village Manager, Spallasso
Assistant Manager/Clerk, Marshall
Director of Public Safety, Woodard
Building Official, Byrwa
Village Attorney, Ryan

President Stearn called the regular Council meeting to order at 7:40 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.

Stearn announced that this meeting will not be televised due to an unforeseen problem with broadcasting and taping the meeting for future airings. Attempts to contact staff at Bloomfield Community Television were not successful. It was the consensus of Council to proceed with the meeting. Council consulted with the Village Attorney, and it was his recommendation that Council continue with the meeting. Stearn invited members of the audience to comment, and there were no objections from the public to continuing with the regularly scheduled Council meeting.

ADDITIONS TO AGENDA/APPROVE AGENDA

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

Motion passed (7 – 0).

PUBLIC COMMENTS

Jim O'Reilly of 31191 Huntley Court, member of the Parks and Recreation Board, invited everyone to attend the Annual Winter Family Fun Day to be held on Sunday, January 21, 2007 at Beverly Park between 1:00 pm and 4:00 pm. He noted that last year's calendar indicated that the event would be held on January 14, 2007 while the new 2007 calendar shows the date as January 21. O'Reilly clarified that the official date for the 2007 Winter Family Fun Day is Sunday, January 21.

Bob Walsh of 20655 Smallwood Court asked how the Planning Board public hearing on the Village Master Plan will be publicized. Byrwa responded that notice of the public hearing will be published in the Eccentric newspaper and mailed to homeowner association presidents and to businesses and schools in the area.

CONSENT AGENDA

Motion by Koss, second by Pfeifer, to approve the consent agenda as published.

- a. Review and consider approval of minutes of a regular Council meeting held December 19, 2006.
- b. Review and file bills recapped as of Tuesday, December 26, 2006.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER AMENDMENTS TO PERSONNEL POLICIES AND PROCEDURES MANUAL

Council is in receipt of a memo from the Village Manager regarding amendments to the Personnel Policies and Procedures Manual. In July and September of 2006, the previous Council approved amendments to the manual to reflect a new hire benefit package. Amendments were also voted on affecting current non-union employees. Documents indicating the sections that were modified were distributed to Council. Stearn asked for comments on the Personnel Policies and Procedures Manual and the proposed amendments.

Koss commented that the previous Council presumed that amendments to the Personnel Policies and Procedures Manual would result in significant cost savings to the Village. The document was reviewed, and Council voted to recommend changes. However, the modified document did not go before Council for adoption prior to the November Council election.

Koss reviewed that it has been stated on several different occasions that the Personnel Policies and Procedure Manual follows the AFSCME (American Federation of State, County and Municipal Employees) union contract for the employees in the municipal office. She has requested and reviewed a copy of the current contract. Koss inquired as to which employees were solely covered under the Personnel Policies and Procedures Manual. She was informed that there are two positions in the office that are covered under the union contract and that all but one of the other employees have an employment letter in their file signed by the Village Manager that ties them into the AFSCME contract. It is her understanding that the Manual would only pertain to one employee in the front office.

Koss expressed regret that Council spent so much time on a document that may basically only affect one individual. Before the current Council proceeds with review and adoption of the Personnel Policies and Procedures Manual, Koss requested that the matter be postponed to give the Personnel Committee an opportunity to review the employee letters of understanding in order to determine how Council should proceed. The status of the AFSCME union contract was also a topic of discussion.

Stearn commented that Council members Berndt, Peddie, Oen and he were not involved in previous discussions of the Personnel Policies and Procedure Manual. Council meeting minutes from July and September suggest that the modified document was to come before Council for a vote, which did not occur before the November election. There is now a new Council seated, some of whom did not take part in the discussion but are being asked to vote on the document.

Spallasso responded that a number of amendments were voted on by the previous Council, and he believes the action taken by Council to be in effect. Koss added that Council voted on the proposed changes in order to determine whether a majority of members were in favor of the

amendments. Stearn remarked that the meeting minutes indicate that there was voting on individual issues but there was no vote on the manual as a whole.

Koss reiterated her suggestion that Council postpone this item and refer it to the Personnel Committee. The Personnel Committee would review the letters of employment on file for non-union employees and determine whether they give those employees the same benefits received by AFSCME union employees. This should be determined before Council proceeds with its review of the Personnel Policies and Procedures Manual.

There was agreement on Council that a determination should be made as to whether or not a large portion of the Personnel Policies and Procedure Manual is applicable to a majority of the employees. It was suggested that Council request a legal opinion from the Village labor attorney on whether the Manual adopted in 2002 takes precedence over the employee letters of understanding and also whether those letters can be modified.

Motion by Koss, second by Berndt, to refer the Personnel Policies and Procedure Manual to the Personnel Committee and administration for investigation of the issues discussed at tonight's meeting and determination on how to proceed with review and adoption of the document.

Stearn listed specific information needed for review and assessments required in order to address the issues related to the Personnel Policies and Procedure Manual: 1) Copies of employee letters of understanding; 2) An answer to the question of whether Council can renegotiate the collective bargaining agreement with the AFSCME union; 3) A determination on whether a vote is needed on the Personnel Policies and Procedures Manual as a whole considering that individual items have been voted on by the previous Council; 4) A written legal opinion from the Village labor attorney on whether the employment letters can be modified.

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

REVIEW AND CONSIDER TELEVISIONING JOINT COUNCIL MEETINGS

Stearn stated that he contacted the chairpeople of the Village Boards and Committees including Bob Belaustegui, David Jensen, and Jim O'Reilly. None of them wanted to have their meetings televised on the basis that it would not be conducive to an effective meeting. Stearn has reviewed the Open Meetings Act and determined that it does not address televising of meetings nor is there anything that led him to believe that televising a meeting applies to the policies behind the Act. Village meetings are public and open; minutes of the meeting are prepared and made available to the public. Stearn did not believe that it is a good idea to televise joint meetings or Planning Board meetings.

Stearn read a motion passed by Council on August 1, 2006 by a vote of 4 – 0.

RESOLUTION TO REQUEST ADDITIONAL CABLE COVERAGE

Whereas it is the desire of the Village of Beverly Hills Council to provide its residents with as much information as possible in keeping with the Freedom of Information Act, now let it be known that the following requests are made to the Birmingham Area Cable Board:

In addition to our regularly scheduled meetings, we request that all Joint Meetings scheduled with our various Boards be taped and broadcast:

That all Planning Board meetings in which a Public Hearing of significance is scheduled be taped and broadcast:

That from time to time when special meetings are held by the Village Council, they be taped and broadcast, provided the request is made by action of the Council as a whole:

The Council requests that the Birmingham Area Cable Board consider providing a Grant to fund extra meetings that are not currently provided for in the Contract between the Birmingham Area Cable Board and Bloomfield Community Television.

It will be understood by the Village of Beverly Hills Council that such requests will be made by the Council and will provide at least a two-week notification prior to the requested taping.

Stearn stated that there is a charge for taping and replaying municipal meetings, which is the reason why Council asked the Cable Board for a grant for this purpose. He suggested amending this motion to provide that Council as a whole would forward a request to the Cable Board if it decided that a specific meeting should be taped and aired on cable television.

Pfeifer related that the Cable Board discussed the August 1, 2006 motion from the Beverly Hills Council and approved funding to tape and broadcast up to six municipal meetings a year in addition to the Village's regularly scheduled meetings. She explained that her resolution was an attempt to provide more communication and information to Village residents.

Members of Council discussed the televising of joint meetings and municipal meetings. There was agreement that providing information to the public on the operation and activity of Village boards and committees would be beneficial and a way to encourage residents to become involved in the community.

Ryan suggested that Council could amend the resolution to state that there will be up to six meetings televised per year at Council's discretion with a two-week notification to the Cable Board prior to the requested taping date. This would modify the official policy to be more flexible than stated in the original resolution.

Motion by Pfeifer, second by Peddie, to amend the Resolution adopted on August 1, 2006 regarding Additional Cable Coverage of municipal meetings to reserve the right to tape and broadcast up to six municipal meetings per year at the discretion of Council in addition to its regularly scheduled meetings.

Roll Call Vote:

Motion passed (7 – 0).

FIRST READING OF ORDINANCE #325 AMENDING CHAPTER 8 SANITARY SEWER SYSTEM

In accordance with the Delegation Agreement between the City of Detroit and the Village of Beverly Hills, Council is being requested to adopt the required changes to its local Sewer Use

Ordinance in order to be consistent with the Detroit Ordinance. Village Attorney Ryan has reviewed the ordinance and opined that the Village is obligated to adopt the required amendments made pursuant to a federal court ruling. It was noted that the majority of the ordinance provisions do not apply to the Village.

Woodrow conducted the first reading of Ordinance #325, An Ordinance to Amend Chapter 8, Section 8.19 to incorporate therein amendments to the Code of Federal Regulations regarding the discharge of wastewater into wastewater collection and treatment systems which are binding upon the Village of Beverly Hills, to streamline necessary procedures for compliance with the aforementioned federal amendments and for improvement of the efficiency, operation and implementation of the City of Detroit Water and Sewerage Department's Industrial Pretreatment Program, to establish new regulatory requirements for Centralized Waste Treatment Facility discharges and for groundwater dischargers, to place new responsibility upon Industrial Users for conducting self-monitoring and waste minimization activities, and to modify the appeal and reconsideration process available to Industrial Users for redress of administrative actions by the City of Detroit Water and Sewerage Department and Village of Beverly Hills.

Woodrow stated that the ordinance amends Section 8.19 to read as follows:

Delegation of Authority

The City of Detroit, through the Detroit Water and Sewerage Department, as the State approved Control Authority, is authorized to administer and enforce the provisions of this Ordinance on behalf of the Village of Beverly Hills. The Village of Beverly Hills has executed and hereby ratifies its delegation agreement with the City of Detroit through the Detroit Water and Sewerage Department, which sets forth the terms and conditions of such delegated authority, consistent with this Ordinance, and shall allow the Detroit Water and Sewerage Department to perform the specific responsibilities of Control Authority pursuant to State and Federal law.

Questions and comments from Council members on the proposed ordinance were addressed by Ryan and Spallasso. Proposed Ordinance No. 325 is available for public review at the Village offices during normal business hours.

PUBLIC COMMENTS

Questions from Sharon Tischler of 21415 Virmar Court on two bills on the list of bills filed as part of the consent agenda were answered by Director Woodard. Tischler expressed the hope that Council makes an effort to broadcast Village meetings other than Council meetings. Airing board and committee meetings would expose residents to the activities of those bodies and be consistent with the intent of the Open Meetings Act.

REPORTS - LIAISON

Oen reminded residents that the Winter Family Fun Day will be held on Sunday, January 21 from 1- 4 pm in Beverly Park.

Woodrow stated that Council received updated activity statistics for the Public Safety Department. He noted an increase in crimes of fraud including identity theft and retail fraud at local businesses. Other than that, Beverly Hills remains a relatively safe community.

Koss reported that, at its last scheduled meeting, the Birmingham Board of Education approved a change in the date of regular school elections to the November election in both even and odd years beginning in 2007. The resolution extended the terms of office for each current member of the Board by a period of six months, as permitted by law. The School Board changed its regular meeting time from 7:30 to 7:00 pm on the first and third Tuesdays of the month.

Pfeifer reported on the Wednesday, December 20 Cable Board meeting. Board members received copies of a new bill called the Uniform Video Services Local Franchise Act effective January 1, 2007. Attorney for the Cable Board, Tim Currier, capsulated items in the bill that will be problematic. His firm will prepare a presentation on the impact of the new legislation for the benefit of the cable organizations his firm represents and municipal representatives.

The Finance Committee will meet on Tuesday, January 9 at 7:00 p.m. The Committee is preparing a presentation to Council on retiree health care funding.

Stearn had comments and questions related to the activity statistics provided by the Public Safety Department. Director Woodard answered a question regarding revenue received by the Village from traffic ticket fines, noting that the bulk of the fees go to the state or the court. In response to an inquiry, Woodard explained that there is movement in some communities to charge parties involved in an accident within their jurisdiction through a third party billing agency for that municipality's time. Stearn requested information on this practice.

Stearn noted that the Department's traffic ticket count is down. He cited a recommendation from the Public Safety Department Operational Review conducted in August of 2004, which was to develop a traffic enforcement policy. In response to Stearn's request for a report on how the Director will implement recommendations included in the Operational Review, Woodard stated that previous reports submitted to Council will be updated and distributed to the current Council. He indicated that the ticket writing policy could be dovetailed with the performance evaluation system recommended. There have been ongoing discussions on this concept. Woodard will provide information to Council for its January 13 study session.

Stearn announced that Judge Cooper of 46th District Court is retiring. There was a consensus of Council to prepare and adopt a proclamation honoring his years of service.

MANAGER

Spallasso reported that bids for the Kinross segment of the Acacia Relief Sewer construction will be opened on January 10, 2007. It is anticipated that a recommendation on awarding a contract will come before Council for consideration at its January 16 meeting.

A bargaining session is scheduled for January 18, 2007 with the Public Safety Officers union and the Command union. Spallasso will keep Council informed on the results of that meeting.

Christmas tree chipping will start on January 8 and will continue for two weeks. In answer to an inquiry from Berndt, Spallasso stated that the wood chips are used at Beverly Park.

Koss observed a home on the corner of Pierce and Thirteen Mile Road where a lawn service left a large number of leaf bags at the curb. Spallasso will direct the code enforcement officer look into this. The DPW may have to clean up the bags and send the bill to the responsible party.

COUNCIL

Berndt stated that he was given a tour of the Public Safety Building by Director Woodard and would recommend this to other Council members. He was struck by how the Village has invested money in equipment to protect and serve its residents while creature comforts at the facility are at a minimum. Berndt observed that the Village runs a lean operation and spends its money wisely.

Spallasso asked if Council members are interested in visiting the CSO facility. There were members who indicated an interest in touring the facility on a Saturday morning.

Pfeifer stated that BASCC souvenir cards are still available for purchase. She commended staff on producing a fine looking calendar. It was delivered later than usual in order to include November election results. Stearn also commended staff for a good job on the Village calendar.

Motion by Pfeifer, second by Oen, to adjourn the meeting at 8:57 p.m.

Motion passed (7 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary