

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

Absent: None

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

President Koss 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 Mooney, to approve the agenda as published.

Motion passed (7 – 0).

COMMUNITY ANNOUNCEMENTS

County Commissioner Marcia Gershenson reminded people that they can recycle their Christmas trees at Catalpa Park. Flu shots are available for \$11 at the Health Department on Greenfield Road. Gershenson announced a vacancy for the position of Administrator for the Board of Commissioners following Larry Doyle's move to the Clerk's Department. She encouraged qualified people to apply for this position; the job is posted on the Oakland County website.

Elaine McLain, Chair of the Birmingham Area Cable Board, was present with Bob Borgon, Executive Director. McLain related that the Board now designates complaints as informal when people want to report their concerns regarding cable television but choose not to give their contact information. Formal complaints are written and submitted to the appropriate cable provider. McLain updated Council on the WOW installation in Beverly Hills.

McLain commented on the Vial of Life program promoted by local police and fire departments and senior citizen organizations. It is a program that allows individuals to provide medical and contact information in advance to be used by emergency personnel in the case of an emergency.

In response to inquiries from Council on the increased cost of cable service, McLain alerted current subscribers to contact their providers and request a better price for service being delivered. She addressed a question about upcoming changes in Comcast service.

CONSENT AGENDA

Stearn requested that Item 'c', "Review and consider funding Winter Family Fun Day" be moved to the Business Agenda.

- Motion by Stearn, second by Oen, to approve the consent agenda as amended:
- a. Consider approval of minutes of regular Council meeting held December 21, 2010.
 - b. Review and file bills recapped as of Tuesday, January 4, 2011.

Ayes: Briggs, Koss, Mercer, Oen, Prew, Stearn
Nays: Mooney
Motion passed (6 – 1).

BUSINESS AGENDA

SET STRATEGIC PLANNING SESSION FOR COUNCIL

Koss led a discussion on how to approach a Council goal setting session. She remarked that the passage of the November Charter Amendment will result in restructuring core General Fund operations by breaking them out into three separate funds for Library, General Operation, and Public Safety. An initial undertaking of Council will be to have a discussion with Plante & Moran on differences in the budget format from past years.

Council outlined ideas for conducting a study session that would set a course for Council. The majority of Council agreed that each member will have several goals that they hope to accomplish over the next year or more. Administration will be asked to set forth a recommendation on its direction for the upcoming year. The thought was that it would be helpful to obtain a consensus on what items should be tackled over the next 24 months and in what priority. It was agreed that there was merit to having someone facilitate the discussion and assist with assigning priorities and dates. It was decided that those participating in the session would submit their goals to the Village Manager, who would compile a document for Council review.

Council recalled that the strategic plan for the Village was to keep Beverly Hills the same as it has been over the last 60 years, a safe bedroom community where property values are contained. Council and administration should discuss their view of the future in terms of the economy and the infrastructure needs and what mechanisms can be used to maintain Village services.

Wilson suggested that the value of sessions with members of Administration, Council, and Board members is that everyone's list of principal issues facing Beverly Hills will be from their perspective. It will be valuable to have each participant write down and submit their priorities before the meeting so everyone can review the items ahead of time.

Motion by Mooney, second by Oen, to schedule Saturday, February 12, 2011 at 9:30 a.m. as a Council study session to include members of Village Administration, department heads, chairs of the Planning Board, Parks and Recreation Board and Retirement Board, and the Village Attorney. All individuals invited will be requested to submit a list of their priorities and thoughts regarding the future of Beverly Hills to the Village Manager by February 1, 2011.

Motion passed (7 – 0).

SET PERSONNEL COMMITTEE MEETING TO REVIEW MANAGER'S CONTRACT

Stearn stated that Chris Wilson has been employed by the Village for almost three years. His employment contract has expired. A meeting of the Personnel Committee will be scheduled to review and evaluate the accomplishments and goals of Chris Wilson and discuss terms for continuing the employment agreement with Mr. Wilson.

Motion by Mooney, second by Oen, to set a Personnel Committee meeting for Tuesday, February 1 at 6:30 p.m. to consider the Village Manager's contract and review his list of accomplishments and goals.

Motion passed (7 – 0).

REVIEW AND CONSIDER PAYMENT TO D&D WATER & SEWER FOR 2010 WATER MAIN REPLACEMENT PROGRAM

Wilson stated that the Village is in receipt of Pay Estimate No. 3 in the amount of \$38,005.94 submitted by D&D Water and Sewer Inc. for work on the 2010 Water Main Replacement Program. The work on this project has been closed out to date. The Village will retain \$9,480.61 within the contract for final restoration work to be accomplished in the spring. The Village is also holding \$5,000 in retainage.

This project was financed through the dedicated millage funds. As of 12/28/10, this fund had a balance of just over \$1.5 million. The project has gone well, and the Village is satisfied with the services provided by D&D. Wilson recommended Council approval of Pay Estimate No. 3.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council resolve to approve Pay Estimate No. 3 on the 2010 Water Main Replacement Project to D&D Water & Sewer, Inc. in the amount of \$38,005.94 with funds for this payment being available in account #402-451.881.85.

In answer to an inquiry, Wilson stated that, based on the current punch list, Administration is confident that the \$9,400 and \$5,000 being retained will cover final restoration.

Ryan remarked that the \$1.5 remaining in the dedicated millage fund demonstrates the foresight and planning of previous councils.

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

REVIEW AND CONSIDER FUNDING WINTER FAMILY FUN DAY

Stearn commented that he fully supports the Winter Family Fun Day. He asked to place this item on the business agenda with a roll call vote.

Motion by Mooney, second by Mercer, that the Village of Beverly Hills Council approve the expenditure of \$1,350 for the Winter Family Fund Day Event in Beverly Park on Sunday, January 23, 2011.

Mooney commented that this is an event where hearty souls go out and have a wonderful time. He commended Groves students and Boy Scouts for volunteering during this event.

Kathleen Berwick of 31381 Kennoway Court expressed the view that the Winter Family Fun Day expenditure would be a good place to cut costs.

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

PUBLIC COMMENTS

John McGrath of 16210 Beverly Road commented that he began attending Council meetings and Retirement Board meetings due to his interest in the financial problems of the Village. He attended his first Retirement Board meeting in August of 2009 and listened to a presentation by the investment consultant for the Retirement Board on the quarterly performance of the Pension Fund. McGrath asked the question, “What is the net investment return to this plan”. George Vitta from Asset Strategies was reporting gross investment returns (not net of fees).

McGrath has not received an answer to his question from the Retirement Board. At its November 2010 meeting, Mr. Vitta informed the Retirement Board that there would be a fee from Asset Strategies to conduct a study to determine the net investment return to the plan. Vitta indicated that the Village’s total investment fees were in line with what public retirement plans pay. McGrath continues to question the investment returns on the pension plan for the period of time when Asset Strategies was the Village’s investment consultant.

Bob Borgon, Cable Board Executive Director, commented on a rate comparison he is compiling for the three television, Internet and phone providers who offer service in the consortium communities. He noted that costs publicized are for new residential customers only. However, with the onset of competition, subscribers who ask may obtain deals from Comcast.

Kathleen Berwick of Kennoway Court stated that a local municipal government has responsibilities to the public including providing snow removal, water and sewer, trash collection, and police and fire protection. She suggested that the Village cancel the fluff and get back to the basics.

REPORTS – MANAGER

There was an inquiry at the last Council meeting as to the Village’s policy in terms of scheduling Council or board meetings on religious holidays. Administration has found no formal policy on official meeting dates falling on religious or other holidays. Clerk Marshall uncovered a motion passed in 1993 directing Village Administration “...to refrain from scheduling or placing on the official Village calendar any official meetings of the Village Council, Boards, Commissions or Committees on the following Jewish High Holy Days or major Biblical Festivals...” The holidays referenced were the first two days of Rosh Hashanah, Yom Kippur, and the first two days of Passover.

In 2011, the Village Council has a scheduled meeting on April 19, the first day of Passover. The Planning Board has a scheduled meeting on September 28, the evening before the first day of Rosh Hashanah. The Village Council is scheduled to meet on December 20, the first day of Hanukkah. Wilson asked if Council would like administration to address meetings that were in conflict with the 1993 motion. He referred to a memo from the City of Birmingham including an extensive list of holidays; Birmingham attempts to avoid official business on those 24 days throughout the year.

Koss asked Administration to place an item on the business agenda for the next meeting to change the dates of the two Council meetings that are in conflict with religious holidays in 2011. Administration was also requested to look into the list of holidays provided by Birmingham to see if they are in conflict with Beverly Hills meeting dates.

Wilson announced that the Village had some issues with the printing company that prepared the Village Calendars. Calls have been received from people who did not receive a calendar or who received two calendars. The printer has assured the Village that it would not be double charged for the residents who received two calendars. Residents who have not received a calendar should contact the Village office.

A question was brought up at the last meeting on the White Pine Wilt issue. Wilson contacted Judd Hart, Beverly Hills forester, who will provide a report on what residents should be doing to address White Pine Wilt.

Wilson stated that he copied Council members on a letter that was sent to the Water Resources Commissioner regarding concerns about continued use of metering of sewage and billing based upon that metering as well as compliance with the Clean Water Act. Wilson received a response to that letter today and a correspondence that he forwarded to Bob Schneider with the Michigan Department of Environmental Quality. Based on comments from Council, Wilson will be responding to Mr. Schneider and to Mr. McCullough.

Koss questioned the status of the Dispatch Study undertaken by Plante & Moran. Wilson expects that a rough draft will be available within the next two weeks.

Wilson addressed an inquiry on the status of the Command negotiations. The Village is awaiting dates from the arbitration panel for the arbitration hearing. He expects that the Command arbitration hearings will move forward as soon as the PSO arbitration results come in.

Wilson and Woodard responded to inquiries from Briggs on the overtime numbers indicated in the revenue and expense report from last month.

REPORTS – COUNCIL

Prew asked if Council reviews the contract and goals for all Village employees. He questioned whether evaluation of all employees should be considered in order to optimize productivity. Prew commented that the Cable Board is pursuing automatic credit from providers for power outages. Prew questioned the procedures followed in a recent car fire in the Village, which was addressed by Director Woodard.

Mercer announced that the Zoning Board of Appeals will meet on Monday, January 10. He expressed interest in providing an answer to John McGrath's inquiry regarding the investment return to the Village's retirement plan.

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

Motion passed (7 – 0).

Rosanne Koss
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary