

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

Absent: None

Also Present: 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**

Gary Brown, Detroit Council President Pro-Tem, spoke about the desire of the Mayor and City Council to reach out to surrounding communities in an effort to share services and discover ways to work together on problems. He said that federal dollars will not be available to Detroit until it finds a way to regionally solve problems. Revenue sharing has been cut, but Governor Snyder has indicated that Detroit will be able to qualify for additional dollars if it can achieve a means for sharing services.

Councilman Brown thought that Beverly Hills Council members probably have roots to the City of Detroit and want to see it do well. He expressed the view that the City does not need an emergency manager and that Detroit can fix its problems if there is political will to make tough decisions. Brown outlined his proposal to cut the City Council budget by 30% and make other concessions. He does not think the Council should ask the unions to give back any more without first showing the leadership to make cuts in the City Council budget. The unions will be asked for a 10% across the board cut on top of layoffs.

Brown talked about the need to right size government in the City of Detroit, so as not to spend more than it is taking in. If services cannot be delivered well by the city, they have to be outsourced. There is also a need to generate new revenue. Lansing could be asked to help Detroit raise the casino tax from 19% to 24%, with 2% going to the State school aid fund. The 3% going to Detroit would be earmarked to pay down the City's deficit.

Brown raised the current topic of light rail transportation. He asserted that a light rail program would be good for all communities in the region even if it does not run through your community. Detroit has been awarded money for construction and design of a light rail system but does not have funding to operate the system. He proposed finding a way to merge DDOT and SMART bus systems and locate a regional funding source to operate a

bus system and light rail. If the bus systems are not viable, it makes no sense to run a light rail from downtown to 8 Mile Road.

Brown concluded his remarks by urging Beverly Hills residents to continue using Detroit facilities – the Detroit Institute of Arts, plays and concerts, football and baseball games, casinos and restaurants. We want to make Detroit the city that everybody wants it to be.

Council members thanked Gary Brown for reaching out to the Village of Beverly Hills. They conveyed the large amount of support Detroit has from adjoining cities including support for a light rail system. Members of Council commented on their ties to the city and made note of Detroit institutions that are reaching out to the suburbs. President Koss stated that Council is sincerely rooting for Detroit because all municipalities in the state are faced with the same monetary crises. She encouraged Council President Pro-Tem Gary Brown to come back with any updates.

County Commissioner Marcia Gershenson affirmed that Oakland County government is a definite believer in regional cooperation. Gershenson announced that a Home Ownership Retention Seminar has been scheduled for Tuesday, December 13, 2011 at 7:00 p.m. at the Farmington Hills Costick Activity Center.

Oakland County has received notice from DTE Home Energy Consultation Program that their consultants will now visit homes in Oakland County and provide an energy assessment that will evaluate the energy efficiency of your home at no charge. The consultant will make energy savings recommendations and discuss ways to lower energy costs.

Gershenson announced that there are three positions available at Oakland County in the Information Technology Department. The positions are listed on the County website, oakgov.com.

Sharon Tischler of 21415 Virmar Court representing the Beverly Hills Lions Club provided information on the Lion's Club Scholarship Program whereby the organization is offering a \$1,000 Community Service Scholarship in 2012. The award is given to a graduating high school student who lives in the Village of Beverly Hills. Applications are available from school counselors at the following high schools: Detroit Country Day School, Marion, Brother Rice, Groves, Seaholm, and Shrine. An application can also be obtained by calling Marion Easton at 248/646-4864. Information on this program is included in the recent Beverly Hills Villager newsletter.

#### **CONSENT AGENDA**

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

- a. Consider approval of minutes of a regular Council meeting held November 15, 2011.
- b. Review and file bills recapped as of Monday, November 21, 2011.
- c. Review and file bills recapped as of Monday, December 5, 2011.
- d. Review and consider Winter Family Fun Day expense.

Motion passed (7 – 0).

**BUSINESS AGENDA**

**REVIEW AND CONSIDER CONTRACTING TAX COLLECTION SERVICES WITH SOUTHFIELD TOWNSHIP**

Wilson related that he has had conversations over the last few months with the Southfield Township Treasurer Janet Mooney regarding the Village and Township merging tax collection services. Mrs. Mooney has done a considerable amount of research with Oakland County and with the Township auditors and reported that such a move is feasible. Wilson has checked with Plante Moran and believed that consolidating tax collection services with Southfield Township to be in the best interest of the Village.

Beverly Hills has historically collected the village tax. State Law does not allow a village to collect all the taxes for its residents. Under Michigan law, townships have the responsibility to collect school, township and county taxes for villages that reside within their jurisdiction. Townships have the responsibility for assessing, board of review, and tax collection. A merging of these services would require the Township to collect all taxes for Village residents including the Beverly Hills summer taxes and disburse all revenue due to the Village. This would eliminate the need for residents to mail or return two separate tax bills. Most people would not notice any change because a good percentage of tax bills are handled through a third party.

Wilson stated that the Village will continue to have access to County information so residents can call the Village office for information about their tax bills. He views this proposal as a reasonable consolidation and merging of services. This is before Council for its review and input.

Wilson and Janet Mooney addressed questions from Council on the proposal. The Township would accept credit cards for tax payment. Southfield Township does not provide this service for Bingham Farms or Franklin at this time. Mooney noted that the expense to the Village would be minimal. Wilson did not anticipate this change to have any impact on Village staff in the short term. He referred to an audit report that included suggestions regarding separation of duties due to staffing levels. Township collection of taxes would provide the Village with flexibility to better handle separation of duty issues.

If there is solid support for pursuing this on the Village and Township levels, legal counsel for both entities will prepare a formal agreement between the parties for consolidation of tax collection services.

Council member Mooney requested to recuse himself from voting on this item due to his relationship with the Township Treasurer.

Motion by Briggs, second by Oen, that the Beverly Hills Village Council authorize the Village Manager to work with Southfield Township Treasurer to develop a program to transition Village tax collection to the Southfield Township office.

Motion passed (6 yes – 1 recusal).

**REVIEW AND CONSIDER REQUEST FROM THE AMNESTY/ANIMAL RIGHTS CLUB FROM GROVES HIGH SCHOOL TO USE BEVERLY PARK FOR ITS SECOND ANNUAL TAILS-N-TRAILS DOG WALK FUND RAISER**

Lucy Mailing and Anisha Glanton were present representing the Groves High School Amnesty/Animal Rights Club. They requested the use of Beverly Park on Saturday, April 28, 2012 from 9:30 am until 12:30 pm to host their second annual “Tails-n-Trails” dog walk fundraiser to benefit House of Critters and Paws-n-Claws Animal Rescues. The group proposes to have a bake sale and a raffle contingent on Council approval.

Motion by Mooney, second by Oen, that the Beverly Hills Village Council approve the request of Groves High School Amnesty/Animal Rights Club to hold a Dog Walk Fundraiser to benefit House of Critters and Paws-n-Claws Animal Rescues on Saturday, April 28, 2012 from 9:30 am to 12:30 pm; Council waives the park rental fee and the prohibition of sales in the park. A certificate of insurance will be provided upon approval of the walk/fundraiser.

Motion passed (7 – 0).

**REVIEW AND CONSIDER TRANSFER OF MEMORIAL DAY 2010 AND 2011 FUNDS FROM THE GENERAL FUND TO PARK CAPITAL IMPROVEMENT FUND**

At its November meeting, the Parks and Recreation Board took action to request that Council transfer money generated from the Memorial Day carnivals held at Beverly Park in 2010 and 2011 from the General Fund to the Park Capital Improvement Fund. The intent is to use money raised by the Parks and Recreation Board at the Memorial Day carnivals for park related expenses. Wilson addressed questions from Council and the public on the proposed transfer.

Motion by Mooney, second by Oen, that the Village Council approve the transfer of \$8,159.06 from the General Fund Account #101-000-288 to the Park Capital Improvement Fund #401-000-675 for use on park related expenses.

Roll Call Vote:

Motion passed (7 – 0).

**REVIEW AND CONSIDER RESOLUTION TO OPT OUT OF PUBLIC ACT 152**

Wilson stated that Governor Snyder signed Public Act 152 into law on September 27, 2011. Beginning on Jan. 1, 2012, the State of Michigan is asking all public employers to comply with a “hard cap” on the amount a public employer may contribute to a employee medical benefit plan or to elect the option of an 80 percent contribution cap. The law contains a provision to allow a local unit of government to opt out entirely with a two-thirds vote of its governing body by December 31, 2011.

Wilson remarked that this legislation was passed in September with a tight deadline for implementation. The Michigan Municipal League advocated for an opt-out clause in the

legislation with the understanding that some people would need more time to comply with the law due to union negotiations, open enrollment periods, or for budgetary reasons. Section 8 allows public employers to opt out for a period of one year; this will be renewable every year by a two-thirds vote of the governing body.

Wilson is proposing that Council adopt a Resolution stating that the Village elects to opt out of Act 152 until August 1, 2012 for the reason that the Village of Beverly Hills is currently engaged in state-appointed arbitration with the Command Officers Union. The results of the arbitration hearing will not be known until after January 1, 2012. The Village cannot become compliant with Act 152 until the arbitration decisions are received, finalized and signed. The Village also has existing expired labor agreements with the Dispatchers Union and the American Federation of State, County and Municipal Employees (AFSCME) clerical union, which are expected to be settled after the Command Officers arbitration.

Wilson thought that Act 152 was appropriate legislation and that the Village should comply with the law after completion of current arbitration, settlement of outstanding contracts, and resolution of issues regarding the open enrollment period for non-union employees. He recommends that Council adopt the Resolution saying that the Village will opt in on August 1, 2012 and comply with the contribution limits for employee health care. This will send a message to the bargaining units that the Village intends to become compliant with this law.

Wilson addressed an inquiry on how Act 152 will impact the Village's current contracts. The PSO contract arbitrated last year will not be bound by this law. The arbitration that will be conducted next week will be bound by Act 152 once this Resolution is approved by the Village. As of August 1, the Village will be subject to the hard cap provisions of Act 152. When the PSO contract is renegotiated in December 31, 2012, it will be subject to Act 152.

Attorney Ryan has reviewed the Resolution and found it to be in order. Wilson addressed questions from Council regarding the resolution language; differences between "hard cap" limits and the 80/20 option; budget ramifications; and the effect of Act 152 on employees and on union negotiations.

Motion by Oen, second by Mercer, to adopt the following Resolution.

**A RESOLUTION OF THE VILLAGE OF BEVERLY HILLS  
REGARDING PUBLIC ACT 152 OF 2011**

**WHEREAS**, the State of Michigan has enacted the Publicly Funded Health Insurance Contribution Act, Public Act 152 of 2011, and

**WHEREAS**, the purpose of Public Act 152 of 2011 is to lessen the burden of employee healthcare costs on public employers, and

**WHEREAS**, under the provisions of Public Act 152 of 2011 public employers in the State of Michigan are to adopt, by January 1, 2012, provisions providing for a hard cap on employer contributions

to employee health care or a cost sharing arrangement by which public employers pay 80% of health care premiums with employees paying the other 20%, and

**WHEREAS**, Section 8 of Public Act 152 allows public employers to opt out of the act for a period of one year by a 2/3 vote of the governing body, and

**WHEREAS**, The Village of Beverly Hills is currently engaged in state-appointed arbitration with the Michigan Association of Police Command Officers Union with arbitration hearing dates scheduled on December 12, 13, 19 and 20, and

**WHEREAS**, The results of this arbitration hearing will not be known until after January 1, 2012, and

**WHEREAS**, Public Act 152 of 2011 became effective on September 27, 2011 leaving a brief period of time for municipalities to comply with all aspects of the Act before the January 1, 2012 deadline, and

**WHEREAS**, The Village of Beverly Hills has existing expired labor agreements with the Michigan Association of Police Dispatchers Union and American Federation of State, County and Municipal Employees (AFSCME) clerical union that it expects to be settled soon after the MAP Command Arbitration, and

**WHEREAS**, The Village of Beverly Hills is desirous to become compliant with the hard cap provision of Public Act 152 upon the settling of existing expired union contracts and negotiation of existing union contracts,

**NOW, THEREFORE BE IT RESOLVED**, The Village of Beverly Hills elects to opt out of Public Act 152 of 2011 until August 1, 2012, at which point the Village resolves to comply with the contribution limits for employee health care set forth in Section 3 of the Act.

Roll Call Vote:

Motion passed (7 – 0).

**REVIEW AND CONSIDER RESOLUTION TO AUTHORIZE PARTIAL REDEMPTION OF BONDS REGARDING RUMMELL RELIEF DRAINAGE DISTRICT**

Wilson reviewed that the Village participated in a project for the reconstruction of the Rummell Relief Drain between 12 Mile Road and 13 Mile Road east of Evergreen Road and west of Southfield Road with Oakland County and the City of Southfield. As part of this project, bonds were issued in August of 2003. The principal on these bonds is currently \$1,290,000 with a maturity date of 2023. There is currently a surplus of \$182,137.68.

Oakland County is recommending that these surplus proceeds be used to redeem a portion of the outstanding bonds at this time. Of the current surplus, \$24,455.25 would be used to the benefit of the Village of Beverly Hills, this amount being proportional to the Village's portion of the obligation of the outstanding Bonds.

The proposed resolution has been reviewed by Village Administration and the Village Attorney and found to be in order. Wilson recommended that Council approve and authorize the Village Clerk to submit the Resolution to Authorize Partial Redemption of

Bonds for the Rummell Relief Drainage District Bonds Series 2003, dated August 1, 2003 as presented. Questions from Council on the resolution were addressed by Wilson.

Resolutions to Authorize Partial Redemption of Bonds

At a regular meeting of the Village Council of the Village of Beverly Hills, Oakland County, Michigan, held on December 6, 2011.

PRESENT: Council President Koss; President Pro-Tem Briggs, Members: Burry, LaFerriere, Mercer, Mooney and Oen  
ABSENT: None

The following resolution was offered by Mercer and supported by Oen:

WHEREAS, the Rummell Relief Drainage District issued its Rummell Relief Drainage District Drain Bonds, Series 2003, dated August 1, 2003 in the original principal amount of \$1,970,000 (the "Bonds"), which Bonds were issued by the Rummell Relief Drainage District to defray the cost of reconstruction of the existing Rummell Relief Drain open channel, located between 12 Mile Road and 13 Mile Road east of Evergreen Road and west of Southfield Road; and

WHEREAS, the Bonds remain outstanding in the aggregate principal amount of \$1,290,000, mature in various principal amounts in the years 2012 through 2023 and bear interest at rates per annum which vary from 3.70% to 4.70%; and

WHEREAS, the Village of Beverly Hills (the "Village") has determined it is in its best interests that surplus bond proceeds be used to redeem part of the Bonds.

THEREFORE, BE IT RESOLVED:

1. The Rummell Relief Drainage District is requested and authorized to use surplus proceeds of the Prior Bonds and investment earnings thereon, presently determined to be approximately \$182,137.68 (the "Surplus Proceeds"), for the purpose of redeeming part of the outstanding Bonds (as shall be determined by the Rummell Relief Drainage District) in inverse order of maturity on or after December 15, 2011. Of the estimated \$182,137.68 of "Surplus Proceeds", \$157,682.43 is related to the Rummell Relief Drain Bridge Replacement to the benefit of the City of Southfield and \$24,455.25 is related to the Rummell Relief Drain Improvement to the benefit of the Village.
2. The Village authorizes the Rummell Relief Drainage District to enter into an escrow agreement for the purpose of redeeming part of the Bonds in accordance with the immediately preceding paragraph. The Village acknowledges and agrees that the Rummell Relief Drainage District's costs and expenses related to such redemption and escrow agreement shall be paid from the Surplus Proceeds.

3. The Village's President and Clerk are each authorized to make such modifications to the proposed plan to redeem a portion of the Bonds and also to take such further actions as either or both individuals determine to be appropriate and necessary, without additional approval from the Village's Village Council.
4. All resolutions and parts of resolutions, insofar as the same may be in conflict herewith, are hereby rescinded.

Mooney exited the room prior to the vote.

ADOPTED:

Yeas: Briggs, Burry, Koss, LaFerriere, Mercer and Oen

Nays: None

**REVIEW AND CONSIDER AGREEMENT FOR INVESTMENT CONSULTANT SERVICES BETWEEN ASSET STRATEGIES AND RETIREMENT BOARD**

At the Retirement Board meeting of November 22, 2011, the Board agreed to renew its contract for investment consulting services with Asset Strategies through December 31, 2012 at a rate of \$18,000 per year retroactive to April 1, 2011. Asset Strategies has been without a contract since December 31, 2009 and had agreed to work during that interim period at its previous rate of \$15,000 per year.

The Retirement Board decided at its November meeting to move forward with soliciting Requests for Information (RFI) with other firms that can perform investment consulting services. A decision will be forthcoming on whether the Board will continue to engage Asset Strategies or contract with another firm.

Village Attorney Tom Ryan recommended that this contract come before Council for its review and consideration. Wilson recommended Council approval of the contract for professional services with Asset Strategies through December 31, 2012 in the amount of \$18,000 per year with funding from the Public Safety Retirement Fund.

Council member LaFerriere asked to be recused from discussion or a vote on this item due to his employment with Bank of America, which might be perceived as a conflict of interest.

Motion by Briggs, second by Oen, that the Village of Beverly Hills Council approve the renewal of the contract with Asset Strategies to provide investment consulting services for the Village of Beverly Hills Public Safety Retirement System through December 31, 2012 in the amount of \$18,000 per year retroactive to April 1, 2011 with funding from the Public Safety Retirement Fund.

In response to a comment from Township Clerk Sharon Tischler, Council took action to recuse Brian Ferriere from voting on the motion.

Motion by Mooney, second by Oen, to authorize Council member LaFerriere to recuse himself from voting on the motion to extend a contract for professional services with Asset Strategies.

Motion passed (6 – 0).

Roll Call Vote on motion:

Oen	- yes
Briggs	- yes
Burry	- yes
Koss	- yes
LaFerriere	- recused
Mercer	- no
Mooney	- yes

Motion passed (5 yes – 1 no - 1 recusal).

#### **REVIEW AND CONSIDER REQUEST FROM PUBLIC SAFETY DEPARTMENT TO PURCHASE TASERS**

Public Safety Director Woodard stated that it is time to replace the Taser Electronic Control Devices purchased for the Department in 2004. The replacement program will take advantage of technology upgrades in the product since the original purchase. The Taser is an electro-muscular disruption device that utilizes an electrical discharge that disrupts the body's ability to communicate messages from the brain to the muscles, thus causing motor skill dysfunction and cessation of aggression.

Funds are available in the Law Enforcement Drug Forfeiture Fund to cover the costs of this purchase. The Village's risk insurance carrier, Michigan Municipal Risk Management Authority (MMRMA) supports the Taser delivery system and will provide grant monies for this purchase in the amount of \$400 each, totaling \$4,000. The acquisition can act to reduce the Department's potential civil liability and worker's compensation exposure.

Michigan Taser Distributing of South Lyon, Michigan is the sole source supplier of this weapons system produced by Taser International of Scottsdale, Arizona. Staff finds this vendor to be both responsive and responsible. Council is in receipt of a memo from Director Woodard dated December 1, 2011 listing the cost for 10 Model X2 Taser devices and associated support accessories totaling \$14,589.22.

Motion by Oen, second by Mooney, that the Beverly Hills Village Council authorize the purchase of the Taser less lethal weapons system to include 10 weapons with associated support accessories from Michigan Taser Distributing of South Lyon, Michigan in the total amount of \$14,589.22. Funds are available in Account #265-333-750.00, Drug Law Enforcement Fund.

Sgt. Barch, officer operating the Taser program for the Department, commented on the use of Tasers in the Department as a deterrent. He related an incident that saved the life of Officer Mike Miles and his assailant, which resulted in Officer Miles receiving an award from Taser International. Barch displayed and provided information on the Taser device currently in use and the Taser product that uses new technology. Questions from Council were addressed by Sgt. Barch.

Roll Call Vote:

Motion passed (7 – 0).

### **PUBLIC COMMENTS**

Sharon Tischler of 21415 Virmar Ct. commented on an item in the minutes of the November 15, 2011 Council meeting that had to do with amending minutes of a regular Council meeting held September 20, 2011. She did not think it was appropriate to amend meeting minutes from September. Tischler related the process of approving closed session meeting minutes.

### **REPORTS – MANAGER**

At its meeting of November 22, 2011, the Retirement Board approved the requests of two Public Safety Command Officers to enter the Deferred Retirement Option Program (DROP) effective December 11, 2011. Lt. Jon Schultz and Lt. David Dinkins are both eligible to retire under the Village's current pension plan having met age and years of service requirements. By entering the DROP program, these employees are eligible to continue working for the Village for a period of up to five years. During that time, the pension payments they would receive had they fully retired will be set aside in an individual investment account which will be released to them upon the end of their employment with the Village.

Wilson thanked Lt. Schultz and Dinkins for their years of service to the Village of Beverly Hills Public Safety Department. He mentioned that one other employee, Lt. Eric Ottney, is currently enrolled in the DROP plan as of December, 2009.

Wilson announced that the Village now has an official community/government page available on Facebook. Interested residents and community members can visit this page to receive updates and information from Village government. Wilson thanked Briggs for his assistance in setting up the page.

As part of their Neighborhood Concert series, the Detroit Symphony Orchestra will be performing at the Seligman Performing Arts Center on the Detroit Country Day School campus on Sunday, December 11 at 3:00 PM. The DSO will be performing Bach's *Orchestral Suite No. 3*, Handel's *Water Music Suite*, and Vivaldi's *The Four Seasons*. Tickets are \$25 and are available at [www.dso.org](http://www.dso.org) or by calling the DSO Box office at 313.576.5111. Future concerts will be held at the Seligman Center on January 29th, March 25th and April 22nd. Tickets for the entire series can be purchased for \$75.

Due to the holiday schedule, the Planning Board will be meeting on Wednesday, December 7th. There are two sign applications to review along with continued discussion on various ordinances.

Director Woodard offered holiday safety and crime prevention tips for the benefit of Village residents.

**REPORTS – COUNCIL**

Oen related agenda items that will be discussed at the December 7, 2011 Planning Board meeting at 7:30 pm in the Village council chamber.

Mooney congratulated area high schools on their semi-finalists in the National Merit Scholarship Program.

Mercer thanked Detroit Council President Pro-Tem Gary Brown for attending tonight's meeting to reach out in regional cooperation. He commended Administration on the 2012 Village Calendar.

Burry encouraged Village administration to seek a grant from the Birmingham Area Cable Board for the purpose of enhancing communications with Village residents.

Briggs expressed appreciation for President Pro-Tem Gary Brown's visit. He emphasized that the entire region depends on Detroit to maintain its property values and to enhance the quality of life of its citizens in terms of the culture and sporting events available in the city.

Motion by Mooney, second by Oen, to adjourn the meeting at 9:39 pm.

Motion passed (7 – 0).

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

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

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