

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

Absent: President Koss

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

President Pro-Tem Briggs 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 (6 – 0).

COMMUNITY ANNOUNCEMENTS

None

CONSENT AGENDA

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

- a. Consider approval of minutes of a regular Council meeting held December 20, 2011.
- b. Review and file bills recapped as of Tuesday, January 3, 2012.

Motion passed (6 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER DIRECTING VILLAGE ATTORNEY TO DRAFT CHARTER AMENDMENT LANGUAGE REGARDING COUNCIL VACANCY APPOINTMENTS

Briggs reviewed that, at its June 7 meeting, Council appointed an individual to fill a vacancy on Council created by the resignation of Doug Prew in May of 2011. Based on the Village Charter, the appointment was made for the remainder of his term, which was to expire on November 2014. This resulted in Council appointing an individual to serve a term that extended past the next election. There was concern expressed at that time relative to appointing someone to serve 3½ years without being elected by the voters. Council considered directing Village Attorney Ryan to draft Charter amendment language regarding Council vacancy appointments.

Attorney Ryan informed Council that State Law provides that the appointed person would run for office at the next General Election if they choose to do so. When the Village changed from two to four year terms, the resignation of a Council member within that time frame was not

anticipated. This exposed the issue of whether or not a person should be appointed for the remainder of a four-year term.

Ryan has drafted proposed Charter amendment language for Council's review. He noted that the Charter amendment would not affect anyone currently sitting on Council who was appointed under the current Charter. A Charter amendment could be placed on the ballot of the next election to mirror State Law. A person appointed to Council would have to run for office at the next election in order to serve the remaining year(s) of that term. There was further Council discussion and clarifications on this topic.

Motion by Mercer, second by Mooney, to direct Attorney Ryan to draft Charter Amendment Language regarding Council vacancy appointments.

Sharon Tischler of 21415 Virmar Court, Township Clerk, asked Attorney Ryan to research whether Council member Burry's seat would be up for election in November of 2012 based on State Law. In answer to an inquiry, Ryan stated that the 182 day period noted in the draft amendment comports with State Law.

Motion passed (6 – 0).

PUBLIC COMMENTS

Kathleen Berwick of 31381 Kennoway Court expressed the view that comments made by a former Council member at the December 20 meeting about the Public Safety Department were inappropriate and incorrect. Berwick questioned the validity of Councilman Mooney's statement at the last meeting that Beverly Hills was the safest community in Oakland County.

REPORTS – MANAGER

Wilson reported on further conversation with the Southfield Township Treasurer regarding the tax collection consolidation issue. Township legal counsel is working on a draft agreement that will be reviewed by the Township Board prior to coming before the Village Council. A proposal may be ready for Council consideration by January 17 or February 7, 2012. Wilson added that he will be working with Attorney Tom Ryan on a tax penalty issue. Penalties charged by the Village for late taxes are different from the Township's format.

Wilson is continuing to work with Ryan on a draft version of an agreement with the City of Birmingham for the issuance of building, mechanical, plumbing and electrical permits.

The Village offices will be closed on Monday, January 16 in observance of Martin Luther King, Jr. Day. Trash service will not be interrupted. Trash information will be distributed to residents through GovDelivery mailings and posted on the Village Facebook page.

Mercer requested an update on home invasions in the area. Public Safety Director Woodard commented that he recently provided updates via the GovDelivery program. There has been no further activity since the incidents reported at the December 20 Council meeting. Woodard commented that the Department consults with neighboring communities because trends are

widespread. He noted that “suspicious circumstance” calls to the public safety department are increasing.

In response to an inquiry, Director Woodard updated Council on the use of its pickup truck and related equipment to facilitate the Department’s increased attention to Motor Carrier Enforcement. He related that the Village collected \$10,700 through the court in fines and fees from violations and enforcement efforts through December 31, 2011.

LaFerriere requested that Director Woodard provide Council with an update on grant writing activity at an upcoming meeting.

REPORTS – COUNCIL

Council members wished everyone a Happy New Year.

Briggs commented that a Council subcommittee will present recommendations for the establishment of a Communications Committee at the first Council meeting in February.

Motion by Mooney, second by Oen, to adjourn the meeting at 7:58 p.m.

Motion passed (6 – 0).

Walter Briggs
President Pro-Tem

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary