

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

Absent: None

Also Present: Manager, Wilson

President Koss called the regular Council meeting to order at 6:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

Motion by Mooney, second by Oen, to adjourn to closed session to discuss labor negotiations and personnel matters that have been requested to be held in private.

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

Motion by Mooney, second by Mercer, to return to open session at 7:30 p.m. after a short recess.

Motion passed (7 – 0).

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

President Koss reconvened the Council meeting at 7:30 p.m. Four scouts from Troop 1024 led the audience in reciting the Pledge of Allegiance.

ADDITIONS TO AGENDA/APPROVE AGENDA

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

Motion passed (7 – 0).

COMMUNITY ANNOUNCEMENTS

Doug Koschik, Director of the Baldwin Public Library, presented Council with an annual update on library activities. Baldwin Library renewed its contract with Beverly Hills over a year ago when the voters agreed to a millage increase that allowed the Village to continue its relationship with the library.

Koschik related events that occurred over the last year. Baldwin added another contract community with the approval of a contract with the city of Bloomfield Hills. This contract allowed the library to revert back to its normal hours of operation after imposing reduced hours for more than a year. The library will be increasing its materials, particularly in the area of electronic resources.

In April of 2011, the Bloomfield Township Public Library decided to rescind circulation privileges to all contract communities including Beverly Hills. The Baldwin Library strongly disagreed with that decision. Baldwin Library made several labor saving upgrades this year. Two capital projects that were completed included retagging the entire collection with radio frequency ID tags and installing three self-checkout machines. The library will have an automated sorter by June 30.

Koschik reported on library circulation statistics over four years and related Beverly Hills circulation at Baldwin from 2006 to the present year. He discussed statistics relative to the increased circulation of electronic material and the decrease in public computer usage while there was an increase in wireless usage.

Koschik remarked that a change to the library building is not imminent, but discussions have begun and options identified. The Baldwin Library could continue as it is while making small changes. The City of Birmingham is responsible for the upkeep of the building and will be installing a new heating and cooling system this year. The building is dated, but structurally sound. A list of issues are being compiled including improved handicapped access. Benchmarking against other libraries and obtaining citizen input will be ongoing. Other options that were identified are to renovate the present space or undertake an expansion of the library.

This issue was brought before the Birmingham City Commission at a Long-Range Planning Session held on January 21, 2012. A joint committee will be established to address this topic including the Library Board, the Birmingham City Commission, and Planning Commission members. The contract communities will not be formally represented at the meetings. Koschik noted that Library Board representative Briggs will be kept informed.

Koschik mentioned that a member of the City Commission raised the issue of the contract communities benefiting from improvements funded by City of Birmingham residents. This will be a joint committee discussion topic.

Koschik announced that Baldwin Library has appointed two high school juniors from Beverly Hills to serve as student representatives on the Baldwin Library Board. Tharron Combs and Alicia Lerner will alternate as student Library Board representatives.

Koschik introduced Library Board member Sheila Brice. Brice recognized the Beverly Hills volunteers and attendees who took part in the Books and Bites fundraiser. Resident Candee Repa worked diligently on recruiting businesses and individuals to attend the event that will help renovate the Youth Room. Council members commented on the presentation and thanked Doug Koschik and Sheila Brice for providing updates.

CONSENT AGENDA

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

- a. Consider approval of minutes of a regular Council meeting held January 17, 2012.
- b. Review and file bills recapped as of Monday, January 30, 2012.

Motion passed (7 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER CONTRACT WITH THE TOWNSHIP OF SOUTHFIELD FOR TAX COLLECTION SERVICES

Council member John Mooney asked to abstain from discussion and voting on this agenda item due to his relationship to Southfield Township Treasurer Janet Mooney.

Motion by Briggs, second by Oen, to approve John Mooney's request to abstain from voting on the contract with Southfield Township for tax collection services.

Motion passed (7 – 0)

Manager Wilson stated that Council is in receipt of the final revision of a Tax Collection Agreement between the Township of Southfield and Village of Beverly Hills providing for Township collection and remittance of property taxes levied by the Village. This is the product of months of discussion and effort primarily on the part of Township Treasurer Janet Mooney. The contract will formalize an agreement with Southfield Township to act as tax collector on behalf of the Village of Beverly Hills for its summer taxes. Wilson reviewed that State Law requires the Township to conduct certain tax collection efforts for the Village. It made sense to merge the tax collection efforts by having the Township absorb that function for Beverly Hills.

Township legal counsel drafted the agreement stating that the Township will act as the Village's tax collector. The Township will provide for the printing and mailing of tax statements, collection of tax money, and remittance of that money back to the Village. Wilson outlined some of the mechanics of the arrangement including the responsibilities of the Village.

It was clarified that Village tax collections will be provided under the Agreement in each subsequent year until terminated by written notice from either party to the other no later than March 1 of that year. This document has been reviewed by Township legal counsel and Village Attorney Ryan, who is in agreement with moving forward on the contract.

The Tax Collection Agreement has not been approved by the Township Board; that Board will consider approval of the document at its February 14 meeting. The Agreement is before the Village Council today for the reason that three Council members will be out of town and absent at the February 21, 2012 Council meeting. Wilson preferred to have the Agreement come before the entire Council for review and discussion. He also wanted to give Treasurer Mooney as much time as possible to implement the process.

Wilson addressed a comment from Council on the proposed consolidation of services and the effect on Village staff. He indicated there have been significant staff reductions in the last few years and that this change will alleviate some of the periodic pressure experienced by staff. It will also streamline a service for residents in terms of paying taxes at one location. This consolidation is within the spirit of what the Governor is encouraging municipalities to do.

Treasurer Mooney stated that the Township and Village will be mailing a joint letter informing residents that all tax bills will be paid to the Southfield Township office. Bills will be payable by check, credit card, or electronic checking.

Koss thanked Treasurer Mooney and Manager Wilson for the work they put into making this happen.

Motion by Oen, second by Briggs, that the Village of Beverly Hills approve the Tax Collection Agreement with the Township of Southfield and authorize the Village Manager to sign and implement the Agreement pending approval of the document by the Southfield Township Board.

Roll Call Vote:

Oen	- yes
Briggs	- yes
Burry	- yes
Koss	- yes
LaFerriere	- yes
Mercer	- yes
Mooney	- abstain

Motion passed (6 yes – 0 no – 1 abstention).

TAX COLLECTION AGREEMENT

This Agreement between the Township of Southfield ("Township"), whose address is 18550 West Thirteen Mile Road, Southfield Township, Michigan 48025-5262, and the Village of Beverly Hills ("Village"), whose address is 18500 West Thirteen Mile Road, Beverly Hills, Michigan 48025, shall be effective as of the date of the last signature and provides for Township collection and remittance of property taxes levied by the Village.

RECITALS

- A. The Township and Village desire to enter into an agreement as authorized by MCL 211.731, for the Township, by and through its Treasurer, to collect the Village's ad valorem property taxes ("Village Tax Collection").
- B. MCL 211.43(3) provides a schedule for accounting and delivery of taxes collected by a township treasurer for another governmental unit and for interest earnings on those tax collections; and
- C. MCL 211.43(4) authorizes the Township and Village to agree to an alternative schedule for delivering tax collections from the schedule in MCL 211.43(3).
- D. MCL 211.43(12) authorizes the Township and Village to make an agreement regarding entitlement to interest earned on tax collections that varies from the provisions of that statute.
- E. The Township and Village intend to provide for Village Tax Collection using a different schedule and making different provisions for interest earned than provided in MCL 211.43.

IT IS THEREFORE AGREED:

- 1. Village Tax Collection.** For each year this Agreement is in effect, the Township shall perform the Village Tax Collection for the Village's July 1 tax bills by preparing the tax roll, printing, and mailing the tax statements, collecting the Village taxes and interest and penalties thereon, remitting collections to the Village as provided in this Agreement, and turn over the settlement of delinquent Village taxes to Oakland County. To allow the Township to perform Village Tax Collection in a timely manner, on or before May 15 preceding a July 1 tax bill, the Village shall provide the Township with a written certification of the Village taxes to be collected on that bill. In addition, within the times required by the Village Charter and state law, the Village shall take all actions and provide the Township with all documents required by the Village Charter and state law for the Village taxes to be lawfully collected by the Township.
- 2. Remittance.** The Township shall account to the Village for the total amount of Village taxes, interest and penalties collected and on deposit in the accounts of the Township as of each Friday (or the first business day after a Friday that is a legal holiday) for payments received by the Wednesday before each Friday, and if the amount on deposit is \$10,000.00 or more, shall on that day, deliver the amounts on deposit to the Village by transfer or deposit to an account designated in writing by the Village.
- 3. Interest.** The Township is not required to pay the Village, and shall be entitled to retain as partial compensation for performing Village Tax Collection, any interest earnings that accrue on collected Village taxes between when they are received by the Township and distributed to the Village.
- 4. Property Tax Administration Fees and Penalties.** Provided they do not exceed amounts authorized by law and have been approved by the Township Board of Trustees and imposed for Township taxes, by written notice to the Village on or before December 31, the Township may request Village approval of the addition and collection of property tax administration fees and/or penalties on the next July 1 Village Tax Collection to be performed by the Township under this Agreement. The Village Council shall act on the approval request and provide notice of that decision to the Township in writing at least seven days before March 1, with the Village to adopt any ordinances or resolutions required by law to implement whatever it may approve. A notice by the Township and approval by the Village under this Section shall address the ownership and retention/disbursement of property tax administration fees and/or penalties collected.
- 5. Township Costs.** The Village shall pay or reimburse the Township for its additional out-of-pocket costs that have been or will be incurred in providing Village Tax Collection under this Agreement. Payment shall be made within 30 days of receiving the Township's itemized written bill or invoice. Costs to be paid or reimbursed by the Village may include printing costs, increased mailing costs, bank fees and charges, other fees, expenses or charges incurred by the Township directly related to this Agreement and the Village Tax Collection, and any other tax collection cost in excess of what the Township would have incurred if Village Tax Collection was not being provided.
- 6. Term and Termination of Agreement.** This Agreement shall be for individual, approximately one (1) year terms corresponding to the annual Village Tax Collections process, the first of which will be for the July 1, 2012 Village tax bills. Village Tax Collections shall be provided under this Agreement for Village tax bills in each subsequent year until terminated by written agreement of the parties or written notice by either party to the other no later than March 1 of that year. The Township's obligations for each year of this Agreement shall continue until the Township has completed its turn over and settlement with Oakland County of delinquent Village Taxes for that year.

REVIEW AND CONSIDER BALLOT LANGUAGE REGARDING COUNCIL MEMBER VACANCY APPOINTMENTS

At its January 3, 2012 meeting, Council directed Attorney Ryan to draft Charter Amendment language regarding Council vacancy appointments. The Charter currently requires a vacancy to be filled by Council for the remainder of the term of a person who is retiring. Since the Village now has bi-annual elections every other November in even numbered years, it is the desire of Council not to have a person sit for the remainder of a four-year term, but to have a successor appointed only until the next general Village election. 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.

Ryan referred to his memo of January 16, 2012 regarding a Charter Amendment for Council vacancies. He is proposing alternate language for paragraph (b), which simplifies the “182 days” language to substitute the following sentence: “A person so appointed shall hold office until the next regular Village election”.

Alternate language:

(b) Vacancies in councilmember offices shall, within 60 days after such vacancy occurs, be filled by appointment of the Village Council by a majority vote of the members of Council then in office of a person possessing the qualifications for the office. A person so appointed shall hold office until the next regular Village election.

Council comments and questions on the proposed Charter Amendment language were addressed by Ryan.

Motion by Mooney, second by Oen, to instruct Village Attorney Ryan to prepare the appropriate resolution for a Charter Amendment regarding Council Vacancies pursuant to Council discussion after examination of draft Charter language to be presented at the March 6, 2012 Council meeting.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER 2011/12 BUDGET AMENDMENTS

Council is in receipt of a report from Finance Director Wiszowaty listing mid-year adjustments needed to the 2011-12 adopted Village budgets for the General Fund, Major Road Fund, Local Street Fund and Public Safety Fund. The proposed budget amendments represent operating transfers or reserves from the General Fund and Major and Local Road Funds to other operating funds. The items are either budgeted or will be adjusted by budget amendments. Manager Wilson provided the rationale for various budget amendments.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council approve the FY 2011-2012 budget amendments as reflected in the January 31, 2012 memorandum from Finance Director Wiszowaty to Village Council and Chris Wilson.

Wilson addressed questions from Council relative to building and planning expenses, expense for repainting centerlines and tree removal, public safety overtime and off duty personnel. Wilson anticipates another round of budget amendments after March 31 and final budget amendments at the end of the fiscal year.

Roll Call Vote:

Motion passed (7 – 0).

The 2011/2012 Village Budget Amendment memo is on file at the Village office for public review and will be available on the Village website.

REVIEW AND CONSIDER RESOLUTION CREATING A VILLAGE COMMUNICATIONS COMMITTEE

Briggs presented a communications strategy for the Village at the November 15, 2011 Council meeting and suggested establishing a citizens committee to provide community involvement and assist administration with communication opportunities. Briggs reported that a subcommittee of Council consisting of Burry, Mercer and himself has met to discuss the scope and structure of that communications committee. The goal of the committee is to work with administration and provide input on what is relevant to the community. Members will recommend content of regular communications such as quarterly newsletter, Village website, weekly emails, press releases and social media. The committee will also perform other duties as assigned by Council.

The subcommittee recommends establishing a standing committee that meets regularly to review Village issues and identify content for quarterly newsletters and other communications. Council will look to the committee to review statistics and input from the community to assure that communications are effective.

Briggs outlined recommendations for the structure of the Communications Committee. It will consist of seven members to serve three year appointments; the initial appointments will call for staggered terms. There are suggestions with respect to what experience would be valuable to the committee. It is proposed that committee members be diverse in age and represent all areas of the Village.

Motion by Briggs, second by Oen, to adopt the following Resolution to Create a Communications Committee.

RESOLUTION TO CREATE A COMMUNICATIONS COMMITTEE

A Resolution to provide the creation of a Communications Committee for the Village of Beverly Hills, and to prescribe the duties, responsibilities and powers thereof.

SECTION 1. Communications Committee. There is hereby created a Communications Committee for the Village of Beverly Hills, hereafter referred to as the Committee. Said Committee shall exist at the discretion of the Village Council, and consist of seven persons who shall be qualified electors in the Village of Beverly Hills. The members of said Committee shall be appointed by the Village Council. The Village Clerk and a member of Village Council will serve as nonvoting members of the Committee.

The term of each appointed member shall be for a period designated by the Council. All appointed members of the Committee would serve without compensation.

SECTION 2. Removal for Cause. The Village Council may remove members of the Committee for cause after a Public Hearing.

SECTION 3. Election, Meetings and Rules. The Committee shall from its appointed members, elect a Chairman, and a Vice-Chairman. The Committee shall hold at least one regular meeting monthly, shall adopt rules for its resolutions, transactions, findings and determinations, and keep a record which shall be available to the Village Council. Members shall be notified one week prior to any meeting. A majority of the appointed voting members constitutes a quorum.

SECTION 4. Committee Function. The Communications Committee shall: Carry out activities as assigned by the Village Council. Time limit for all activities shall be established by the Village Council.

SECTION 5. Scope of Authority. The Committee is a non-administrative Committee serving solely in an advisory capacity. In that capacity, the Committee may make recommendations to the Village Council but may not assume any legislative or administrative authority in the operation of the Village Administration.

SECTION 6. Consulting Services. The Committee may call upon the Village Manager and Village Council for such services and data by the various departments as it may request. The Committee may recommend to the Village Council the securing of such professional and consulting services as it may require; provided, however, that no expenditures of funds shall be made or contracts entered into for providing such professional or consulting services, unless the same shall first be approved and authorized by the Village Council.

FIRST ACTIVITY ASSIGNED TO THE COMMITTEE BY COUNCIL

The Village Council has prepared a draft communication strategy outlining communications with various stakeholders and channels for improving communications with residents.

The Village Council hereby assigns the Communications Committee to review and finalize the communications strategy, including defining the on-going roll of the Committee. The Communications Committee shall provide a report to the Village Council within sixty days of their first meeting on the above study.

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

The first announcement for vacancies on the Communication Committee will be made at the regular Council meeting of February 21, 2012.

DISCUSS VILLAGE MANAGER'S EMPLOYMENT CONTRACT

Mercer related that the Personnel Committee met prior to tonight's Council meeting to discuss information that has come to the attention of Council. Chris Wilson has interviewed for the position of manager for the City of Roseville and is one of the final two candidates being considered.

Wilson has requested that Council consider amending a clause in his employment contract requiring a 90-day notice for termination of the employment relationship to 45 days. Briggs summarized the Personnel Committee's discussion on this matter. Ultimately, it was the recommendation of the Personnel Committee that Council agree to a 45 day "out" clause as an amendment to Mr. Wilson's employment contract.

Council members voiced their thoughts on amending the manager's contract clause as requested. Koss remarked that Chris Wilson has done outstanding work for the community, and our citizens were lucky to have the benefit of his service. Other members of Council confirmed that sentiment. Briggs clarified that Mr. Wilson has offered to assist Council in its search for his replacement as well as to support the Village in the transition within a reasonable amount of time.

Motion by Mercer, second by Briggs, that the Village of Beverly Hills Council resolve to modify the Village Manager's Employment Contract to change the 90 day notice requirement from the manager for terminating his employment to 45 days.

Wilson thanked the Personnel Committee and Council for considering this contract amendment. He apologized for any awkwardness this situation may have caused for Council or the community. Wilson said that he will probably receive notice regarding the status of his employment as early as tomorrow.

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

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court questioned the status of public safety grant applications. Director Woodard responded that the Beverly Hills Public Safety Department did not qualify for the initial wave of the COPS grant funding. The Village was advised that it would be considered in subsequent waves. Additional grant funding was tied up last fall due to federal government budgetary decisions. An initial communication from the Assistance to Firefighters Grant (AFG) authority to the department grant writer was a denial; clarification is being sought on the two-part grant.

REPORTS – MANAGER

Wilson reported that a negotiated settlement was reached between parties before a scheduled arbitration hearing took place on a grievance filed by the public safety officers association on the 104 hours pay issue and scheduling of time off. He commented on the settlement, which was in the best interest of both parties.

There will be a joint meeting of the Council and Planning Board tomorrow, February 8. The Village office will be closed on Monday, February 20, 2012 in observance President's Day.

REPORTS – COUNCIL

Burry requested that the Public Safety Department keep the community informed relative to public safety officer staffing and any impact on the Village.

Mercer informed the public that the Birmingham Education Foundation will hold a dinner/dance event, the Unabashed Bash on Saturday, February 11 at the Townsend Hotel. The evening features live and silent auction opportunities.

Mercer commented that residents have received their annual tax assessment notice in the mail. He informed residents of the ability to go before the Township Board of Review if they have questions regarding the assessed value of their property. Mercer thanked the Scouts from Troop 1024 for attending the Council meeting.

LaFerriere reported that he had an informative meeting with Chris Wilson and Public Services Director Tom Meszler to review infrastructure projects from a budget and planning standpoint. The good news is that there were no new infrastructure projects identified and no anticipated short-term need for additional funding. LaFerriere mentioned that the Village had the opportunity last year to take advantage of low cost concrete work. Council may want to consider moving up some concrete road work in the upcoming budget due to attractive prices. LaFerriere commented on the scrutiny that goes into Council approval of individual budget items.

Mooney thanked Neil Hitz for his work leading the recent Council goal setting session and for his kind words set forth in a letter to the editor of the Eccentric Newspaper. He thanked members of Troop 1024 for attending the Council meeting to receive their Citizens in the Community badge.

Oen commented on the joint meeting of the Council and Planning Board tomorrow, February 8. There will be a presentation on the Southfield Road Overlay District.

Briggs thanked Baldwin Library Director Doug Koschik for presenting an annual update to Council. He encouraged residents to visit the Baldwin Library website and to avail themselves of the services provided by the library. Briggs commented on the importance of the joint meeting with the Planning Board in terms of discussion the redevelopment of the Southfield Road corridor.

Koss commented that President Pro-Tem Briggs will chair the joint Planning Board/Council meeting tomorrow in her absence. She will be attending the State of the County Address delivered by Brooks Patterson.

Motion by Mooney, second by Oen, to adjourn the meeting at 9:20 p.m.
Motion passed (7 – 0).

Rosanne Koss
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary