

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

Absent: Kelly

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

President Mercer 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 LaFerriere, to approve the agenda as published.

Motion passed.

COMMUNITY ANNOUNCEMENTS

Paul Kleppert of 20855 W. 14 Mile Road announced that efforts to raise funds in the community for a veterans memorial monument in Beverly Park have been successful. There is now \$4,926 in the account to cover the \$4,300 cost plus additional items. He proposed installing solar spotlights anchored in concrete to light the monument. Kleppert distributed an aerial view of the park designating the proposed location of the veterans monument. He informed the public that a flag ceremony and dedication of the monument is being planned to take place on Memorial Day.

Oen mentioned that the Parks and Recreation Board is working on a project to run electricity to certain areas of Beverly Park. He suggested that Kleppert work with them to provide electrical cable to the monument and to install a spotlight on a timer.

Congressman Sander Levin was present with District Director Walt Herzig with the message that they now represent the Village of Beverly Hills. Congressman Levin talked about his family's roots in the Birmingham and Bloomfield Township area; Levin lives in Royal Oak. Levin touched on projects his office has been involved with including water projects, the federal program to provide State loan funds, a veterans' history project, and particularly an anti-drug program that was started at a federal level almost 20 years ago to provide funding seed money to local communities to address drug issues.

Levin encouraged the Village Council to be in touch with his office. Because he is ranking on the Ways and Means Committee, Levin would be interested in the Village's input on whether Congress should continue the tax exemption for state and municipal bonding. His office needs to hear the realities within communities of various sizes. Council thanked Congressman Levin for attending tonight's meeting.

Township Clerk Sharon Tischler stated that Southfield Township will be offering free document shredding for Township residents on Saturday, May 4, 2013 from 10 a.m. until noon in the municipal building parking lot.

CONSENT AGENDA

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

- a. Consider approval of minutes of a regular Council meeting held March 19, 2013.
- b. Review and file bills recapped as of Monday, March 25, 2013.

Motion passed.

BUSINESS AGENDA

REVIEW AND CONSIDER RESOLUTION RECOGNIZING THE YOUTH ATHLETIC FUND AS A NONPROFIT ORGANIZATION

Village resident, Matthew Vogel, contacted the municipal office requesting that the Village Council adopt a resolution recognizing the Youth Athletic Fund as being incorporated in the Village. In 2008, he sought the same type of resolution for the 99 Southfield Warriors Booster Club, which has since changed its name to Youth Athletic Fund. Due to the name change, they are required by the State of Michigan to submit new paperwork in order to re-qualify to apply for charity gaming licenses.

Motion by Mooney, second by Oen, that the request from the Youth Athletic Fund of Beverly Hills, County of Oakland, to be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be approved.

Roll Call Vote:

Motion passed (6 – 0).

REVIEW AND CONSIDER REQUEST FROM BEVERLY HILLS ATHLETIC CLUB TO UTILIZE TENNIS COURTS IN BEVERLY PARK

The Beverly Hills Athletic Club (BHAC) has requested to use the tennis courts at Beverly Park for the fourth year as part of their summer tennis program. The Parks and Recreation Board recommended approval of this request at its March 21 meeting.

Motion by Mooney, second by Oen, that the Village Council authorize the Village Manager, acting as Park Superintendent, to approve the use of the tennis courts in Beverly Park by the Beverly Hills Athletic Club on June 17, 18, 19, 20, 24, 25, 26, 27 July 1, 2, 3, 4, 8, 9, 10, 11, 15, 16, 17, 18, 23, 24, and 25 as requested. A Certificate of Insurance naming the Village of Beverly Hills as an additional named insured under its certificate of liability is on file at the Village Office for use of the tennis courts.

Council discussed the request for use of the tennis courts in the park by the BHAC. It was noted that the club has requested additional hours this summer. A concern was expressed that there would not be enough time available for non-member use of the tennis courts.

There were members who objected to the fact that the tennis program is only open to families who are members of the club. They felt that the request was too large of a commitment for an exclusive group of people.

Mooney recalled a time when the Village provided recreational activities for youth in Beverly Park during the summer before that program was discontinued. He saw no difference in allowing an organization to provide a recreation program that serves predominately young people in the Village. It was noted that there were no complaints received by administration last year regarding residents not being able to use the tennis courts. There are substantial tennis facilities throughout the Village. Other members of Council supported the BHAC use of Beverly Hills tennis courts for a youth tennis program.

Brian Gijbsers on Bellvine Trail, tennis director for Beverly Hills Athletic Club, said that the BHAC has four courts. They require the use of two extra tennis courts at Beverly Park to accommodate the young people who want to practice and play in their Tennis Youth Program. Gijbsers stated that about 90% of the BHAC members are residents of the Village. Taking the kids over to Beverly Park is convenient. He has observed that the tennis courts in the park are rarely used, particularly in the heat of the day when the extra hours are requested. Gijbsers remarked that BHAC makes a donation every year for the use of the courts; they donated both of the nets that are currently on the courts.

Roll Call Vote:

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

Motion passed (4 – 2).

REVIEW AND CONSIDER REQUEST FROM BERKSHIRE MIDDLE SCHOOL DAD’S CLUB 5K WALK/RUN ON SATURDAY, MAY 4, 2013

The Berkshire Middle School Dad’s Club is requesting the use of Village streets to host a 5K Walk/Run through the Village on Saturday, May 4, 2013 starting at 8:00 a.m. They have provided a map of the event showing that it will start at Berkshire on 14 Mile Road and travel east toward Bellvine Trail. They will continue south on Bellvine to Eastlady and Smallwood returning to Berkshire School. Sponsor Kevin Dimitry was present on behalf of the Dad’s Club.

Motion by Mooney, second by Oen, that the Beverly Hills Village Council approve the request by the Berkshire Middle School Dad’s Club for a 5K Walk/Run on Saturday, May 4, 2013. A Certificate of Insurance naming the Village as an additional insured has been submitted.

Motion passed.

SECOND READING AND POSSIBLE APPROVAL OF ORDINANCE #344 AMENDING CHAPTER 22.32.010 VILLAGE SIGNS

Manager Wilson reviewed that Planning Commissioner Robert Stempien provided a comprehensive presentation on the proposed sign ordinance amendments at the March 19 meeting, which constituted the first reading of the revised sign ordinance. There were a couple of issues brought forward at the public hearing that were reviewed at the March 27 Planning Commission meeting.

Based on a comment from a resident, the Planning Commission discussed an ordinance section regarding illumination of commercial signs adjacent to residential areas. Consideration was given to the language in that section of the ordinance. The amount of time that signs could be illuminated was changed from 11 pm to 9 pm. There was discussion on changing the wording of that section to require businesses adjacent to residential areas to turn their signs off if they closed prior to 9 pm. It was ultimately the recommendation of the Planning Commission not to change the draft language. It was pointed out that there are sections within the ordinance that deal with parking lot lighting but that apply to signs as well. There are remedies within the ordinance to address a sign if the lighting is projecting off of a parcel onto a neighbor's parcel.

At the March 19, 2013 regular Council meeting, a first reading and public hearing was held regarding the proposed sign ordinance. A subcommittee of the Planning Commission consisting of Robert Stempien, Patrick Westerlund, Vince Borowski and Rock Abboud spent a great deal of time over the past 10 months to research and consider all aspects of the sign ordinance. The Planning Commission held a public hearing regarding the amendments at their regular meeting on January 23, 2013.

The proposed sign ordinance addresses the following changes:

- Sign area and height requirements for each type of signage including wall signs, ground signs and window signage.
- Elimination of pole signs.
- Reduced square footage for wall signs.
- Limit internal illumination to 30 percent.
- Temporary signage cannot be mounted to permanent signage.
- Strip centers will be allowed a development identification sign rather than a cluttered commercialized sign.
- Unacceptable signs include: Inflatables, LED screens, banner flags, trailer signs and mascots.

The purpose and intent of the sign ordinance was read into the record:

22.32.010. PURPOSE AND INTENT. It is hereby determined that regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to promote traffic

safety, safeguard public health and welfare, and discourage visual competition among businesses.

In addition, it is the intent of this section to develop a total and cohesive community environment through the adoption of discretionary controls designed to create a more attractive business climate, character and unique sense of place within the Village.

The Village encourages signage that is unique and creative to help reinforce the business brand and identification without creating visual blight.

Attorney Ryan stated that it is incumbent upon the Village to compile an inventory of illegally nonconforming signs prior to adoption of a revised sign ordinance. Business owners should be sent notices of noncompliance so they will not deem their signs to be grandfathered after adoption of the new ordinance. Wilson responded that he has been working with the Village code enforcement officer on noticing multiple areas within the community that have current nonconforming signs. These individuals have been notified and compliance is being sought. Planning Commission member Stempien is assisting with this process to ensure that all these issues are addressed before the current ordinance expires.

Motion by Oen, second by LaFerriere, that the Beverly Hills Village Council, after conducting a public hearing and first reading on March 19, 2013 and a second reading on April 2, 2013, formally adopts Ordinance #344 amending the Village Municipal Code, Chapter 22, Section 22.32.010-Village Signs. Said ordinance will be published in the Eccentric Newspaper on Sunday, April 7, 2013 and the new ordinance will take effect Saturday, April 27, 2013.

The ordinance in its entirety is available for public review at the Village offices and on the Beverly Hills website.

Roll Call Vote:
Motion passed (6 – 0).

REVIEW AND CONSIDER AWARDED BID FOR MULTIFUNCTION PRINTER FOR VILLAGE OFFICE

Wilson provided background on the service received from the Canon copier purchased in 2006 for use in the Village offices. The Village was notified earlier this year that the current provider would no longer supply maintenance on the machine as of April 30, 2013. Given the age of the machine, it was determined that it was time to look for an alternative copier. Clerk Ellen Marshall and Administrative Assistant Erin Wilks prepared an RFP and conducted an extensive process to locate multifunction printer options and to consider leasing versus purchasing alternatives.

Ellen Marshall referred to her comprehensive memo to Council regarding photocopy machine replacement dated March 26, 2013. She described the bid opening followed by a visit to the three lowest bidders to look at the machines. Marshall and Wilks determined that the Ricoh was the machine that would best suit the needs of the Village office. A spreadsheet was prepared for each vendor showing the cost to lease and purchase each multifunction printer (MFP) for three, four, or five years. It was found that to purchase the machine would be less costly.

It was the recommendation of Marshall and Wilks to consider purchasing the Ricoh MP6002SP from Applied Imaging (an independent dealer) with the faxing option, booklet finisher and 2/3 hole punch. The total purchase price including five years of CPP (service maintenance agreement) totals \$11,142.00. The total lease price would be \$16,414.20 for five years. In 2006, the Canon costs for five years were \$18,967.00. We currently pay \$1,663.56 per year for the service maintenance agreement on the Canon. Annual cost for ownership of the Ricoh over five years would be \$928.50, which is the purchase price and service maintenance agreement. In addition, the Ricoh offers additional features and is known for its durability and dependability.

Questions from Council on the capabilities and limitations of the Ricoh MFP were addressed by Marshall. It was indicated that training of staff will be provided as part of this purchase.

Motion by Oen, second by LaFerriere, that the Village of Beverly Hills purchase a Ricoh MP 6002SP with faxing option, booklet finisher and 2/3 hole punch from Applied Imaging for a total purchase price of \$9,102.00. The monthly Cost Per Page is guaranteed for 60 months at \$34.

Motion passed (6 – 0).

RECEIVE TENTATIVE BUDGET AND SET PUBLIC HEARING DATE FOR MAY 7, 2013

Mercer set a Council public hearing date of Tuesday, May 7, 2013 to receive public comments on the proposed FY 2013/2014 Budget.

Council set a budget study session for Tuesday, April 23, 2013 at 7 pm in the council chamber. If there is a need for an additional session, Council will meet on Tuesday, April 30.

SET PUBLIC HEARING DATE OF MAY 7, 2013 TO REVIEW AND CONFIRM 2012 ASSESSMENT ROLLS FOR DUST AND OTHER MISCELLANEOUS ASSESSMENTS

Mercer set a Council public hearing date of Tuesday, May 7, 2013 to review and confirm 2012 Assessment Rolls for dust and other miscellaneous assessments.

PUBLIC COMMENTS

Sharon Tischler, Southfield Township Clerk, observed people soliciting for a Knights of Columbus charity in the roadway on Thirteen Mile at Southfield Road two weekends ago. She thought that it was unsafe for people to walk between cars at this intersection.

Tischler mentioned that the Lions Club will be having a fun run as part of the Beverly Hills Memorial Day activities on Monday, May 27.

REPORTS – MANAGER

Wilson reminded residents that the Village is having a recycling bin blitz again this April with bins available at the Village office at half price for \$6. Yard waste pickup has resumed this week throughout the Village.

Fire Truck – The 2011 Pierce Aerial Truck that Council agreed to purchase was delivered to the Village on Wednesday, March 27th. The truck is in good working order and is a significant upgrade to the Village's fire protection capabilities. Thanks to all the staff at Public Safety for their efforts in procuring this apparatus, to the Finance Department, Municipal Asset Management and Pierce Manufacturing for their assistance, and to the Village Council. In addition, thanks are in order to the Village of Franklin and the Franklin-Bingham Farms Fire Department for their assistance while the Village procured this vehicle. Wilson addressed ongoing efforts to salvage valuable parts of the old apparatus and options for dispossessing the vehicle.

FY 2013-14 Budget – Council has received a first draft copy of the FY 2013-14 Budget and will be reviewing the document in greater detail in a couple of weeks. The Village will be able to meet all expenditure needs in both the General Fund and the Public Safety Fund with anticipated revenues. As to policy matters, there are some issues that will need to be addressed before the adoption of the budget. Village Administration will present these in more detail at the forthcoming budget study session. Issues to be discussed will include the following:

Building Department - The Village has functioned without a full-time Building Official since 2009. During that time, the Village has utilized a part-time contractual building official and more recently has used the services of the City of Royal Oak on a part-time and contractual basis. Wilson has been working with a couple of municipalities on the possibility of formalizing an arrangement for a building services contract. He is continuing to work on a financial analysis. Options for Council to consider will be pursuing a service sharing arrangement with a neighboring municipality or retaining a village building official position and bringing those services back in house. Wilson talked about the implications of each option.

Water and Sewer Charges – There will be a recommendation from Village Administration to move from a quarterly billing for water and sewer utilities to monthly billings in the next fiscal year. This will be done in coordination with the acquisition of a new accounting software for the Village. It will be an appropriate change that will allow timely feedback given the level of charges to residents particularly during summer months.

If agreeable to Council, Wilson proposed working with the Village Attorney on the ordinance to allow residential users to install a separate meter for the purpose of metering exterior water use excluding sewer charges for this use. Wilson would also like to work with Council on a public education program to strongly encourage residents to use the auto pay system if we go to monthly billings. It is more convenient for residents and a time and cost savings for the Village.

Pension Costs – Pension costs included in the budget document are based on currently available actuarial numbers. The Village identified potential savings through the adoption of the MERS retirement system for all current employees. The Village is working with the Public Safety unions on the implementation of this system but has not lowered the expense amount for pension costs in anticipation of such a move.

Employment Cost Assumptions – The Village had included employment related cost assumptions for FY 2013-14 in the process of adopting the two-year budget last year. These cost assumptions have been carried forward for this year.

REPORTS – COUNCIL

Mercer announced that the City of Southfield is hosting a joint meeting on April 8 with Beverly Hills and Lathrup Village on the Southfield Road reconstruction. He asked for a response from Council members who will attend this session.

Motion by Mooney, second by Oen, to adjourn the meeting at 9:13 p.m.

Motion passed.

Tim Mercer
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary