

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

Absent: None

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 Mooney, to approve the agenda as published.

Motion passed.

COMMUNITY ANNOUNCEMENTS

County Commissioner Bill Dwyer presented a report on Gun Violence in Oakland County prepared by the Public Services Committee of the Oakland County Board of Commissioners. Dwyer mentioned that he and Commissioner Marcia Gershenson took the lead in calling for this report, which was a bipartisan effort.

Dwyer outlined the findings of the Public Services Committee that was charged to meet and examine issues germane to gun violence in Oakland County and to examine the role of the County Board of Commissioners, departments, and agencies in combating it. The Committee held five televised hearings focusing on several different fields of expertise and facets of gun violence prevention. There was input and expert testimony from significant speakers who work in and around these issues. Each hearing featured a separate group of experts in the following fields: Local Law Enforcement; School Superintendents; Federal Law Enforcement; Mental Health Care; and Gun Rights and Responsibilities.

Dwyer provided an overview of the summary and conclusions, which are included in the report submitted to Council. He mentioned that the recommendations contained in the report are not meant to be a comprehensive solution for the prevention of gun violence in Oakland County. They do offer significant insights into current practices and suggest recommendations. A common theme of the participating agencies was the need for greater resources to fulfill their mission. The Committee also found areas where laws and regulations could be improved. Some actions could be undertaken by the County Commission, the agencies of County government, and the State. Dwyer said that he appointed a study group to look at all of the recommendations and consider implementation at the County or State levels.

The Gun Violence report is available on the Oakland County Board of Commissioners website (www.oakgov.com/boc) along with a link to provide feedback. A link to the report will be added to the Beverly Hills website.

Council questions and comments on the Gun Violence Study were addressed by Dwyer. President Mercer commended Commissioner Dwyer for his work on this issue and thanked him for his presentation.

Dwyer reported that the County is working on its budgets for 2014-2016 and noted that Oakland County will have a balanced budget through 2016. There will be a modest 1% wage increase for County employees following several years of difficult economic times. Dwyer addressed the positive aspects of the upcoming Medicaid expansion.

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 July 16, 2013.
- b. Review and file bills recapped as of Monday, July 29, 2013.

Motion passed.

BUSINESS AGENDA

REVIEW AND CONSIDER RESOLUTION RECOGNIZING THE MICHIGAN HISPANIC CHAMBER OF COMMERCE AS A NONPROFIT ORGANIZATION

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council resolves to recognize the Michigan Hispanic Chamber of Commerce located at 31455 Southfield Road, Suite 103 in Beverly Hills, Michigan as a nonprofit organization in the community for purposes of obtaining charitable gaming licenses.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER SUBCOMMITTEE RECOMMENDATION TO FILL ONE VACANCY ON THE COMMUNICATIONS COMMITTEE

A subcommittee chaired by Briggs met prior to tonight's Council meeting to review an application to fill a vacancy on the Communications Committee. The subcommittee voted unanimously to recommend the appointment of Patricia Schneider at 17116 Dunblaine to fill a vacancy expiring June 30, 2015.

Motion by Briggs, second by Burry, to appoint Patricia Schneider to fill a vacancy on the Communications Committee for a term expiring June 30, 2015.

Motion passed.

ANNOUNCEMENT OF VACANCY ON THE COMMUNICATIONS COMMITTEE

Briggs announced one vacancy on the Communications Committee with a term expiring on June 30, 2016. There is no application deadline at this time, and the subcommittee membership has not been determined. Briggs encouraged residents who are interested in becoming involved in the Village to step forward and submit their application to the Communications Committee. Application forms are available at the Village office or on the Beverly Hills website.

ACCEPT KEN MCFADDEN’S RESIGNATION FROM THE BIRMINGHAM AREA CABLE BOARD

Motion by Burry, second by Mooney, to accept the resignation of Ken McFadden from the Birmingham Area Cable Board.

Council members Briggs and Burry remarked that Ken McFadden has been a valuable asset to the Cable Board and his service will be missed.

Motion passed.

FIRST ANNOUNCEMENT OF VACANCY ON THE BIRMINGHAM AREA CABLE BOARD

Burry made the first announcement of a vacancy for a Beverly Hills member on the Birmingham Area Cable Board. The term for this position will expire on June 30, 2016. The deadline for receiving applications is Friday, August 23, 2013 at 4:30 pm. A subcommittee consisting of Burry as chairperson, LaFerriere and Mercer will meet at 7:15 pm prior to the Tuesday, September 3, 2013 Council meeting to consider applications for this position.

SET PUBLIC HEARING DATE OF SEPTEMBER 3, 2013 TO RECEIVE COMMENTS ON A PROPOSED ORDINANCE AMENDING CHAPTER 42 OFFENSES AGAINST PUBLIC PEACE, SAFETY AND MORALS

Village Attorney Tom Ryan has drafted an ordinance to allow the Village greater regulation of fireworks in accordance with recent changes in Michigan Law. Because this is a public health and safety ordinance and not a zoning ordinance, it does not require a public hearing. However, Council may opt to hold a public hearing.

Members of Council decided that the public should have an opportunity to provide input on this ordinance amendment. A public hearing date of September 3, 2013 was set to receive comments on a proposed ordinance amending Chapter 42, Offenses Against Public Peace, Safety and Morals. Council member Kelly requested clarification on the language regulating times for use of fireworks prior to the first reading of the ordinance.

Mike O’Shea of 31021 Old Stage Road asked if the proposed ordinance is being coordinated with surrounding communities such as Bingham Farms, Southfield and Royal Oak. Mercer responded that some area municipalities have already enacted a similar ordinance. Manager Wilson indicated that he will look into whether Bingham Farms has adopted a fireworks ordinance.

SET PUBLIC HEARING DATE OF SEPTEMBER 3, 2013 TO RECEIVE COMMENTS ON A PROPOSED ORDINANCE AMENDING CHAPTER 22, SECTION 22.08.22 TEMPORARY AND PORTABLE BUILDINGS, USES AND STRUCTURES

The Planning Commission has reviewed language as an addition to the Village Code for the purpose of regulating temporary storage units within Beverly Hills. The Planning Commission has recommended that the Village Council adopt these changes to the ordinance. Attorney Ryan will work on formatting the language drafted by LSL Planning into ordinance form.

Council set Tuesday, September 3, 2013 as the public hearing date to receive comments on a proposed ordinance amending Chapter 22, Section 22.08.22 Temporary and Portable Buildings, Uses and Codes.

REVIEW AND CONSIDER COMPUTER PURCHASES FOR VILLAGE HALL

Wilson stated that Village Administration has generally replaced computers for office staff on an as needed basis. Currently, there are four computers in excess of six years old, one of which is in excess of 10 years old. They have been maintained and updated on a regular basis, but have begun to show signs of age. Staff is having repeated problems with these computers crashing, being unable to open attachments and frequently running slow.

Significant software upgrades to the Village's accounting system have been planned for this year. There would be a need to update existing hardware infrastructure with that transition. Considering the problems with current equipment, IT contractor Enterprise Computer Solutions was asked to analyze office needs and specifications on potential software upgrades and make recommendations for new computers for Village Hall. Council is in receipt of the bid specification from Robert Ferkel from Enterprise Computer Solutions.

At this time, the Village needs to replace four computers in the Village Hall. These computers are currently used by the Utility Billing/Accounts Payable Clerk, Administrative Assistant, Public Services Director and one multi-purpose computer in the front office. Council budgeted \$4,000 for computer purchases for FY 2012-14, along with \$60,000 for software upgrades and other necessary hardware upgrades.

Motion by Briggs, second by Oen, that the Village of Beverly Hills Council authorize the Village Manager to purchase four computers equipped with Microsoft Office 2013 Home and Business for a price not to exceed \$3,976. Funds for this purchase are available in Fund 101-900.976.

Questions and comments from Council were addressed by Wilson.

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

REVIEW AND APPROVE HUBBELL, ROTH & CLARK INVOICE FOR PAYMENT

Motion by Mooney, second by Oen, to allow Council member Kelly to abstain from voting on the invoice received from Hubbell, Roth & Clark based on her business relationship with the vendor.

Motion passed.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council approve the invoice submitted by Hubbell, Roth & Clark Inc. for professional services in the amount of \$10,861.28.

Ayes: Briggs, Burry, LaFerriere, Mercer, Mooney and Oen
Nays: None

Abstain: Kelly

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

PUBLIC COMMENTS

Norman Rubin of 31021 Rivers Edge Court commented that the Village Manager's report contains a recommendation to transfer \$110,000 from the General Fund to the Major and Local Street Funds to construct a sidewalk along Lahser Road with the resurfacing of the road in 2014-2015. Rubin outlined his objections to transferring money from the General Fund for a non-emergency expense. He thought that including a sidewalk component to the transfer of money to the Road Fund will be taking funding away from road construction. Rubin referred to the millage increase approved by the electorate to maintain Village services at the current level. He questioned the level of that tax increase if the Village did not need the entire \$300,000 transfer for road reconstruction. Rubin objected to Council spending funds for sidewalk construction considering the defeat of a 2003 millage vote to fund sidewalks.

Michael O'Shea of 31021 Old Stage Road talked about parking problems in his neighborhood resulting from events hosted by Woodside Athletic Club. O'Shea met with Public Safety Director Torongeau about these issues late last year as well as Public Services Director Meszler. As a result of those conversations, solutions to the problems were achieved. Director Torongeau contacted the Woodside Athletic Club management and was able to implement a parking order that resulted in erecting "no parking" signs on Old Stage Road north from Thirteen Mile Road. O'Shea expressed his appreciation and that of his neighbors for the effort expended by Directors Torongeau and Meszler. He thanked Woodside Athletic Club management for their cooperation this year in terms of controlling parking.

O'Shea mentioned that the revised Beverly Hills ordinance omitted a previous prohibition on use of amplification devices. He asked the Village to look into this.

Because he lives in the area where sidewalks may be installed, O'Shea indicated that he would welcome sidewalks in the area.

REPORTS – MANAGER

Water and Sewer Rate Study – Every year SOCWA (Southeastern Oakland County Water Authority) produces an analysis of water and sewer rates of multiple communities in SE Oakland County. This report details meter charges, debt service charges and millage rates, water service charges and sewage disposal charges. A portion of the report contains an analysis of a quarterly bill for water and sewage disposal costs in multiple communities for a residence that used 4,000 cubic feet and was serviced by a 5/8" meter. Of the ten communities listed, the Village's charges of \$294.32 for such use would rank third lowest.

A chart indicates the significant discrepancy in sewer disposal costs for communities located in the Evergreen Farmington District (Beverly Hills, Lathrup Village, Southfield, etc.) over those located in other sewage districts. The report provides the costs over the same ten communities for water charges only. Again, the Village was the third lowest of the ten communities listed. This analysis provides insight into the various methods used by communities to fund their water and sewage disposal costs. Analysis of these rate structures demonstrates that the Village is very

competitive with many of its surrounding communities with regard to water and sewer charges. Wilson talked about the variation in how various communities charge for these services.

Lahser Road Sidewalk – Village Administration has been contacted by residents on the west side of the Village about the potential for the inclusion of a sidewalk along Lahser Road in conjunction with the Lahser Road reconstruction project in 2015. Administration made inquiries of the Road Commission of Oakland County, who will be doing the Lahser Road reconstruction. The RCOE indicated it would be open to Village participation on a sidewalk project. Public Services Director Meszler worked with the Road Commission and arrived at a projected cost of \$110,000 to construct sidewalk along the west side of Lahser from 13 Mile to 14 Mile Road. This would also include a connection across Lahser to Berkshire Middle School.

The Village has been transferring \$300,000+ from General Administration to Major and Local Roads for the last two years and will continue to do so for the foreseeable future. Sidewalks along Major Roads have been a part of the Village Master Plan for a number of years. If Council is interested in pursuing this project, it would likely mean that in FY 2014-15 the Village would do roughly \$200,000 worth of road reconstruction and the sidewalk project along Lahser, in conjunction with the Road Commission's reconstruction of Lahser. This information is before the Village Council for its review and input. Further discussion would be appropriate during budget deliberations.

Beverly Road Construction – Construction on Beverly Road between Southfield and Evergreen will begin on Monday, August 12th. Beverly Road will remain open to traffic during this period. A portion of the parking lot at Beverly Park will be utilized during this project to stage construction equipment; the east entrance to Beverly Park will be closed. The Beverly Park parking lot will also be resurfaced as part of this project. The project will be completed prior to Labor Day.

Southfield Road Corridor Plan – The Planning Commission is working on the final draft of the Southfield Road Corridor Plan. They propose to review the final draft at the August meeting with a Public Hearing on the plan to be held in September.

MERS Transfer Update – As of today, the Village had liquidated approximately \$16.2 million of pension fund investments; about \$15.6 million has been transferred to MERS at this time. Retirees were paid on August 1 for their July payments by the Village. On August 16th, Public Safety Department retirees will be paid by MERS for their August payment.

Wilson addressed questions and comments from Council on the topics of constructing sidewalk along Lahser Road; the need for road improvements; Beverly Road construction and the possibility of adding two additional sections of road to the project; the SOCWA Water and Sewer Rate study; status of metering methodology changes and proposed efforts to lower sewage disposal costs; and status of contract with Asset Strategies.

REPORTS – COUNCIL

Burry invited residents to attend the BASCC (Birmingham Area Seniors Coordinating Council) Summer Picnic for its 50+ members on Tuesday, August 13 at 11 am. The cost is \$8 to visit the BASCC center courtyard and enjoy food, music and classic cars.

LaFerriere congratulated Superintendent Nerad and the Birmingham Public School system for rating highly in the U.S. News Best High Schools 2013 rankings.

Mooney invited everyone to the Monday, August, 19 Movie in the Park event at dusk. The rain date will be Thursday, August 22.

Mooney expressed his dismay at the recent bankruptcy of the City of Detroit. He commented on the failures of Detroit and its inability to adequately address many of its responsibilities and services including post employment benefits. Mooney mentioned that Beverly Hills has addressed the funding of its retiree pension and health care costs; the Village has addressed its infrastructure needs; it has funded and maintained an effective and professional police and fire department with a quick response time to 9-1-1 calls. Mooney commended Chris Wilson and his staff for their management of the Village. The professionalism of running a municipality is what has been missing in Detroit.

Oen also commented that it is disheartening to witness the City of Detroit declaring bankruptcy. He hopes that this situation can be improved without selling valuable city assets. Oen concurred that Manager Wilson and his staff have done a wonderful job during difficult economic times.

Briggs interjected that the bankruptcy of the City of Detroit will have a significant impact on the entire southeast Michigan region.

Briggs announced that the Baldwin Public Library will host a jazz lecture with Detroit-based drummer, producer, and manager RJ Spangler on Tuesday, August 13 at 7 pm. There will be a jazz concert with the RJ Spangler Trio on Tuesday, August 20 at 7 pm at the Birmingham Historical Museum and Park, 556 W. Maple Road.

Motion by Mooney, second by Briggs, to adjourn the meeting at 8:58 pm.

Motion passed.

Tim Mercer
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary