

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, Torongeau

President Koss called the regular Council meeting to order at 7:30 pm 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 Mooney, second by Oen, to approve the agenda as published.

Motion passed (7 – 0).

COMMUNITY ANNOUNCEMENTS

Township Supervisor Phil Schmitt on Riverside Drive commented on the Longest Lemonade Stand Legacy Project, which will be a sculpture displayed in Beverly Park. The sculpture is being designed and formed by local artists who will contribute this work to our park. The Longest Lemonade Stand group will assume all costs for the construction and placement of the sculpture, which will be gifted to Beverly Hills in perpetuity. The sculpture is scheduled to be installed in the park next week. Schmitt invited everyone to a formal dedication ceremony next Wednesday, June 13 at 4:00 pm in the park.

Schmitt remarked that he has been a regular volunteer at the River Rouge Clean Up held in early June at the Douglas-Evans Nature Preserve. In past years, work involved pulling trash and debris out of the river. The condition of the river has improved over the years. The volunteers now spend time trimming and cutting down invasive noxious weeds and brush such as garlic mustard, wild honeysuckle, and buckthorn.

A disc golf course is currently being installed at Beverly Park. Schmitt described the activity noting that it is a sport for all ages, all skills, and all seasons.

Jim O'Reilly of 31191 Huntley Court, chair of the Memorial Day Parade and Carnival, extended his appreciation to a long list of people, organizations, and businesses that joined to put on the Beverly Hills Memorial Day Parade and Carnival. O'Reilly thanked and listed all of the business and individual sponsors who provided financial support and contributed to the success of the Memorial Day events. Credit was given to the community groups and schools that sponsored games and activities.

O'Reilly recognized former Public Safety Director Karl Woodard for serving as Grand Marshal of the parade this year. He thanked former Council member Ron Berndt for his part in organizing the Flag Ceremony; Bill Kondak for serving as Master of Ceremonies; and Councilman Walter Briggs for his inspirational remarks. Village Administration was thanked for their assistance, particularly Ellen Marshall who did much organizational work. Marty Collins and John Murphy did a great job of getting the park in shape before the carnival and cleaning it up afterwards.

O'Reilly expressed his gratitude to Planning Board member Pat Westerlund for organizing the parade for the fourth year with the assistance of the Devonshire Dad's Club. The carnival is organized by the Parks and Recreation Board. O'Reilly thanked each member for their part in making this a successful event: Bill Kondak, Phil Schmitt, Cindy Arvant, Lisa Ross, Pat Greening, and Irene Davis. There were a number of other volunteers who assisted with various activities throughout the day.

Parks and Recreation Board member Bill Kondak recognized Jim O'Reilly for his efforts in chairing the Memorial Day parade and carnival. This is the fourth year that he has organized the entertainment, rides, music, activities, and much more. On behalf of the Parks and Recreation Board and the entire community, Kondak expressed his sincere thanks to Jim O'Reilly for his dedication and hard work and for a job well done.

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 May 15, 2012.
- b. Review and file bills recapped as of Monday, May 21, 2012.
- c. Review and file bills recapped as of Monday, June 4, 2012.

Motion passed (7 – 0).

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 35 OUTDOOR GATHERINGS TO ADD SECTION 35.12 GARAGE SALES

Attorney Ryan stated that the Planning Board has been discussing the need for an ordinance regulating garage sales in the Village. The Planning Board held a public hearing on a proposed ordinance and forwarded their recommendation to Council for approval of the ordinance amendment.

Ryan conducted a first reading of An Ordinance to Amend Village of Beverly Hills Municipal Code, Chapter 35, Outdoor Gatherings to add Section 35.12 Garage Sales. The intent of this chapter is to regulate, control and limit the holding of garage sales, as they may become nuisances and safety hazards if not so regulated, and so that residential areas do not become commercialized through a proliferation of garage sales and similar commercial activities. Garage sales will be limited to sales of items that have actually been used during the normal course of residential living at the residence at which the sale is to occur, and items shall not be transported to such residence.

Ryan summarized each of the sections contained in the ordinance: Purpose and Intent; Definitions; Restriction, number and duration; Sales limitations; Garage sale not to create nuisance; Exemptions; Severability; Penalty; Savings Clause; Effective Date. Questions from Council regarding ordinance language was addressed by Ryan. It was clarified that the two garage sales allowed in a one year period do not include the Village-wide garage sale. The permit fee has not been established as yet; Wilson indicated that it will be nominal.

This constitutes the first reading of the proposed ordinance amendment. A public hearing will follow. A second reading of the ordinance will be held on June 19, 2012, at which time Council may take action to adopt the Garage Sale Ordinance. The ordinance will be in effect upon Council's approval and after 20 days following its publication in the Eccentric Newspaper. The ordinance in its entirety is available for public review at the Village office.

Kathleen Berwick of 31381 Kennoway commented that she thought the start time of 8 am specified in the ordinance was early. Berwick observed that there were many home-made signs used during the Village-wide garage sale. Participants were instructed to obtain a permit, which included receipt of two signs from the Village. Berwick thought that the Village code enforcement officer should work weekends to ensure that there are no code violations. She questioned establishing additional codes if they will not be enforced.

PUBLIC HEARING REGARDING AN ORDINANCE AMENDING CHAPTER 35 OUTDOOR GATHERINGS OF THE MUNICIPAL CODE TO ADD SECTION 35.12 GARAGE SALES

President Koss opened the public hearing at 7:51 pm on An Ordinance Amending Chapter 35 Outdoor Gatherings of the Municipal Code to Add Section 35.12 Garage Sales. It was noted that resident Kathleen Berwick of 31381 Kennoway commented on the proposed ordinance as noted in the above agenda item.

No one else wished to be heard; therefore, the public hearing was closed at 7:51 pm.

SECOND ANNOUNCEMENT OF VARIOUS BOARD/COMMITTEE VACANCIES

Briggs made the second announcement for a number of vacancies on various boards and committees as terms of office expire on June 30, 2012. There are two seats on the Birmingham Area Cable Board; two seats on the Finance Committee; three seats on the Parks and Recreation Board; three seats on the Planning Board; three seats on the Zoning Board of Appeals; and one seat on the Retirement Board.

All of the terms are for three years to expire on June 30, 2015. It is the policy of Council to make these positions open to the public as well as the currently seated members. The deadline for submitting applications is Friday, June 8, 2012. Appointments are scheduled to take place at the June 19, 2012 Council meeting.

REVIEW AND CONSIDER APPOINTMENT OF VILLAGE REPRESENTATIVE AND ALTERNATE TO THE SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY BOARD

Motion by Mooney, second by Oen, to appoint Chris Wilson as representative and Ellen Marshall as alternate to represent the Village of Beverly Hills on the Board of Trustees of the Southeastern Oakland Resource Recovery Authority through June 30, 2013.

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

REVIEW AND CONSIDER APPOINTMENT OF VILLAGE REPRESENTATIVE AND ALTERNATE TO SOUTHEASTERN OAKLAND COUNTY WATER AUTHORITY BOARD

Motion by Mooney, second by Oen, to appoint Chris Wilson as representative and Bob Wiszowaty as alternate to represent the Village of Beverly Hills on the Board of Trustees of the Southeastern Oakland County Water Authority through June 30, 2013.

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

REVIEW AND CONSIDER PROPOSAL FROM COMPLETE COMMUNICATIONS FOR REPLACING PUBLIC SAFETY PHONE SYSTEM

Wilson stated that there was a capital expenditure item in the FY 2012/2013 Public Safety Department budget for replacement of the telephone system in the public safety building. The transfer of dispatch to the City of Birmingham has necessitated technology changes with additional lines to be installed to allow calls to be transmitted to Birmingham. The current telephone system in the building is 20 years old. Complete Communications has been the contractor for the PSD communication system for many years and is currently working with the City of Birmingham. Complete Communications has been working on a program for a complete renovation of the telephone system in the building.

The price quoted for the system was about \$25,000 covering a period of five years. Complete Communications has indicated that there is a 4-6 week period needed to order and install the necessary equipment; they requested a down payment of \$5,000 before moving forward with the project. Because the budgeted funds are not available until July 1, 2012, Director Torongeau has agreed to use \$5,000 of existing drug forfeiture funds (currently \$45,000-\$50,000) for the down payment to allow work to be completed prior to the transfer of dispatch to the City of Birmingham. The \$600 monthly charge (\$7,200 annually) can then be allocated from the \$25,000 set aside in the FY 2012-13 budget for capital purchases. The price would include all maintenance and replacement of equipment.

Attorney Ryan has reviewed the contract and has worked with Director Torongeau to address any concerns on behalf of the Village. Complete Communications has agreed to contract

modifications requested by Ryan. Wilson requested that Council authorize this contract to complete the work on the new telephone system for the public safety department.

Director Torongeau outlined the capabilities of new communications system. The proposal from Complete Communications would provide for a new telephone system, two dedicated phone lines for 911 calls to Birmingham, IP cameras at entrances to the Public Safety Building that will allow for recognition of visitors and allow them to be buzzed into the station from either Beverly Hills or Birmingham, and better routing of calls and messages than is currently allowed. Comments and questions from Council were addressed by Torongeau and Wilson.

Motion by Mercer, second by Oen, that the Village of Beverly Hills Council enter into an Agreement with Complete Communications Voice & Data Technologies to replace the current telephone system with a new telephone and communications system as specified in the contract; that Council authorize a \$5,000 expenditure for a down payment on this work with funds available from account #233-333-750.00 from FY 2011-12 (Drug Forfeiture Fund) and authorize the expenditure of funds for the \$600/month fee from Account #205-900-980.00 for FY 2012-13.

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

REVIEW AND CONSIDER BID RECOMMENDATION FOR EVERGREEN ROAD BRIDGE REHABILITATION PROJECT

On May 15, 2012, the Village received four competitive bids for the rehabilitation of the Evergreen Road Bridge over the Rouge River. Council is in receipt of the bid tabulation sheet showing the range from lowest bid of \$358,492.77 to the highest bid of \$420,476.27. Administration has reviewed the qualifications of the low bidder, DiPonio Contracting, and is confident that they are capable of accomplishing the work. The funds for this project are in Account #202-451-811.70 with \$450,000.00 budgeted.

This project will commence on approximately June 15 with completion by the end of August. During this time Evergreen Road will be closed to through traffic from Beverly Road to Riverside Drive and closed at the bridge to all traffic. There will be a detour route posted and the local streets off Beverly and Riverside in this area will be posted as “No Thru Traffic”.

Wilson related that the Village of Bingham Farms will have a construction project ongoing for the next two years on their bridge on Thirteen Mile between Lahser and Telegraph. This year they will redo the gas main through the area with the bridge reconstruction scheduled for next year. Temporary closures of Evergreen and Thirteen Mile at the bridge in Bingham Farms will overlap. Beverly Hills will be working with the County and will coordinate with public safety agencies to reroute traffic.

Motion by Oen, second by Mooney, that the Village Council of Beverly Hills accept the low bid of \$358,492.77 and award the contract for the Evergreen Bridge Rehabilitation Project to DiPonio Contracting.

Koss noted that the bid came in less than the anticipated amount. She suggested that administration consider allocating budgeted money that is not used on this project to fund additional road repairs this summer.

LaFerriere asked that Seaholm High School be notified of these road closures for the benefit of sports teams that are active in the summer.

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

PUBLIC COMMENTS

None

REPORTS – MANAGER

Wilson stated that the Command Arbitration Award was received and copies will be distributed to Council members for their review. It is similar to the previous award for public safety officers.

In compliance with the Michigan Economic Vitality Incentive Program (EVIP), the Village of Beverly Hills has submitted Form 4978 to the State to certify its eligibility for all revenue sharing payments allocated through EVIP. Due to recent legislative changes championed by the Michigan Municipal League, local governments were eligible to qualify for EVIP Phase III payments through certifying compliance with Public Act 152 of 2011. The Village implemented the hard cap provisions of Public Act 152 for employee health care effective August 1, 2012.

Council has received a copy of the reply from Water Resources Commissioner McCulloch to Wilson's invitation to appear at a Council meeting to discuss changes in billing methodology in the EFSDS and the impact of those changes on the Village. Wilson received a call from Ms. Coffey; he will return her call and set up a meeting with McCulloch's technical staff.

Wilson reminded Council about a joint meeting with the Parks and Recreation Board scheduled for Thursday, June 21 at 7:30 pm at Beverly Park.

Wilson informed Council that he has spoken with Director Torongeau and Attorney Ryan about synthetic marijuana, which has brand names like Spice and K2. It appears that there are a package of bills under consideration by the Michigan Legislature including one that bans the possession and sale of synthetic marijuana and bath salts effective July 1. This might preempt the need for the Village to take action on this. If not, the Village could pass an ordinance prohibiting sale or possession of synthetic marijuana and making it a misdemeanor. There has been some concern as to whether this substance has been sold in any establishments within the Village. Wilson does not believe that K2 or Spice is being sold within Beverly Hills.

Another issue involves a state law that took effect this year allowing Michigan residents to purchase and set off firecrackers that shoot into the air such as Roman candles and bottle rockets. People will no longer have to purchase these fireworks from neighboring states. State legislation prevents communities from banning their use on certain days of the year. Attorney Ryan will

work on an ordinance that regulates this use to the extent allowed by State law. Wilson said that people are urged to exercise utmost caution and safety when using fireworks and to keep them away from small children.

Koss congratulated Administration and the Public Safety Department for addressing the K2 issue. She would advocate that Council consider adopting an ordinance if State legislation is not enacted quickly. Wilson will provide Council a copy of the ordinance passed by West Bloomfield prohibiting the sale or possession of synthetic marijuana.

In response to an inquiry from Mercer, Wilson reported that there has been some activity regarding the utilities at the vacated and boarded up McDonald's building site on Southfield Road. The franchisee has been given a 30-day blight notice to rectify the situation. Wilson believes that the utilities have been shut off, and he expects that demolition will occur soon. A demolition permit has not been issued to date.

REPORTS – COUNCIL

LaFerriere noted that 296 students graduated from Groves High School last week and 310 students graduated from Seaholm. He congratulated the students for their academic success and the personal accomplishments that they have achieved. LaFerriere extended his congratulations to their parents.

Oen thanked the Parks and Recreation Board for organizing the Memorial Day Parade and Carnival. He recognized Pat Westerlund for his work on the parade.

Mooney thanked the Parks and Recreation Board and Pat Westerlund for an outstanding parade and carnival. He encouraged everyone to attend the dedication ceremony for the sculpture contributed to the Village by the Longest Lemonade Stand group. The event will be held in Beverly Park on Wednesday, June 13 at 4 p.m.

Mooney thanked Lisa Ross and Jim O'Reilly, who will be leaving the Parks and Recreation Board, for all they have done to make this a better community.

Troop 1024 will hold an Eagle Court of Honor for Andrew Hausman in Beverly Park tomorrow, June 6. His Eagle project was to build a sandbox in Beverly Park. Andrew Hausman is an outstanding student, a fantastic scout, and a credit to the community.

Briggs announced that the Communications Committee will hold its first meeting on Thursday, June 7 at 7:30 pm at the Village municipal building. The purpose of the meeting will be to review the goals and objectives of the committee and discuss what they would like to accomplish this year.

Briggs commented on a number of improvements that have occurred at the Baldwin Library in recent months. The library has an upgraded computer system, automatic book sorter, and an automated checkout machine. Bloomfield Hills now has 600 card holders since they have joined

the library community. The recent book sale raised \$11,000, which will go towards improvements to the Teen Room.

Briggs talked about the joint committee between the Baldwin Library Board and the Birmingham City Commission established to focus on a new library building. Surveys are available in the Books & Beyond newsletter and on the library website to receive input on what should be done in terms of the building facilities. A community forum to gather input will be held on June 19 at 7:00 pm at the library.

Koss mentioned that she has received emails in the last months regarding code violations that have been observed by residents. The Village's code enforcement officer does not work on the weekends. However, Koss encouraged residents to call the Village office and report violations and their location. These violations will be addressed by Village staff.

Koss reminded people that the Village has reduced staff over the years. She thanked Village employees for going above and beyond what they are required to do during busy times of the year.

School is out on June 15. Koss asked people to use caution when driving and to look out for children.

Motion by LaFerriere, second by Mooney, to adjourn the meeting at 8:32 pm.

Motion passed (7 – 0).

Rosanne Koss
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary