

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

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 LaFerriere, to approve the agenda as published.

Motion passed.

COMMUNITY ANNOUNCEMENTS

County Commissioner Bill Dwyer updated Council on an initiative he and Commissioner Marcia Gershenson are undertaking to address what can be done in Oakland County to protect residents against gun violence. This involves gathering information on how the system works in terms of providing adequate background checks to insure that those who should not own guns are prohibited from buying and carrying firearms. This is a complex issue with no simple solutions.

Dwyer related that informational meetings will be held, the first of which was with local, county, and state law enforcement representatives. The second meeting was held last week with four school superintendents who talked about their concerns and actions to address school safety. One of the major concerns was the lack of funding to provide school liaison officers. A meeting is scheduled on April 9 with U.S. Attorney Barbara McQuade, a representative from the FBI, and possibly the Director of the State Police, who will discuss their concerns regarding loopholes and clearance checks. Future meetings will be held with mental health experts to examine issues including funding for mental health and with second amendment people to talk about their concerns. Dwyer and Gershenson will be reporting their findings and recommendations to the entire Board of Commissions on June 13.

Questions and comments from Council were addressed by Dwyer. It was noted that the Beverly Hills Public Safety Department provides free gun locks. Dwyer responded to an inquiry on the next steps. He will be looking at the educational aspects of this issue, encouraging state and federal funding of mentally ill programs, and addressing loopholes and legislative aspects of this problem.

Dwyer announced that County Commission meetings and various committee meetings are now broadcast live and taped. Meetings can be viewed by going to www.oakgov.com, then Board of Commissioners, and click on 'live broadcasts' or 'recorded meetings'. He updated Council on

the County budget, which is balanced through 2015. Dwyer left literature at the Village office regarding programs offered by the County.

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

- a. Consider approval of minutes of a regular Council meeting held March 5, 2013.
- b. Review and file bills recapped as of Monday, March 11, 2013.

Motion passed.

PUBLIC HEARING – RECEIVE COMMENTS ON PROPOSED SIGN ORDINANCE

Planning Commissioner Robert Stempien provided a comprehensive presentation to describe the current signage in the Village and what is proposed with the new ordinance as far as regulating signs in the business district. This presentation will constitute the first reading of the sign ordinance.

Stempien stated that he chaired a subcommittee of the Planning Commission including Abboud, Borowski, Westerlund, and a representative from LSL Planning, which has been meeting over the past year to revise the current sign ordinance. The updated sign ordinance draft is organized into five sections: Purpose and Intent, Definitions, Prohibited Signs, Sign Standards for all signs, and a Table for Sign Standards. The subcommittee reviewed present signage in the Village as well as signs that they would like to see in the community to create a unique sense of place for Beverly Hills. The process included input from the public including business owners. The idea was to generally improve the quality of signage in the Village that has been allowed for many years under the current ordinance.

Stempien narrated a slide show presentation to give an idea of what the Village has now in terms of signage along the Southfield Road corridor and what is proposed as far as regulating signs in the business district. He outlined existing sign requirements versus proposed sign area and height requirements for each type of signage including wall signs, ground signs and window signage. A significant change is that the ordinance will eliminate pole signs. The amount of square footage for wall signs has been reduced. The amount of internal illumination will be limited to 30 percent under the new sign ordinance. Temporary signage cannot be mounted to permanent signage. Strip centers are allowed a development identification sign rather than a cluttered commercialized sign. Types of signs that are not allowed are inflatable, LED screens, banner flags, trailer signs and mascots. The presentation included examples of unique signs that depict what could be achieved by promoting creativity.

It was clarified that a business owner would not be required to remove a nonconforming sign following adoption of the revised sign ordinance. A sign would be allowed to remain but would have to be brought into compliance if it was replaced or if the property came before the Village for site plan approval.

Stempien talked about enforcement of the sign ordinance and gave examples of existing signs that are not in compliance with the current ordinance. Attorney Ryan stated that it is incumbent upon the Village to compile an inventory of existing nonconforming signs prior to adoption of a revised sign ordinance. Business owners should be sent notices of noncompliance so they will not think their signs are grandfathered after adoption of the new ordinance. Wilson stated that he will prepare this list and coordinate it with the code enforcement officer.

Questions and comments from Council were addressed by Stempien. Members related that they were impressed with the document prepared by the Planning Commission. Reference was made to an email received on March 19 from resident Bob Smith of 16907 Birwood with questions and comments on the proposed ordinance. The points listed in the correspondence will be forwarded to the Planning Commission for consideration at its Wednesday, March 27 meeting.

It was questioned whether schools are subject to local site plan review. Wilson stated that schools in the Village are located within residential zoning districts and require a special use permit. Any renovations or changes to schools or churches within the Village's jurisdiction require a site plan review. Inspections are done by the State of Michigan and not the Village.

President Mercer opened the public hearing on the proposed sign ordinance at 8:15 p.m.

Sharon Tischler of 21415 Virmar Court questioned whether the Village approved the electronic changeable message sign in front of Groves High School. She thought that signage and street addresses are an important aspect of businesses. Tischler questioned the new restrictions on size of address numbers.

No one else wished to be heard; therefore, the public hearing was closed at 8:20 p.m.

BUSINESS AGENDA

REVIEW AND CONSIDER REQUEST FROM BEVERLY HILLS LIONS CLUB FOR USE OF VILLAGE STREETS ON MONDAY, MAY 27, 2013 FOR THE 31ST ANNUAL FUN RUN/WALK

The Annual Memorial Day Festivities are scheduled to take place on Monday, May 27, 2013. The Lions Club of Beverly Hills will sponsor a Fun Run/Walk. The four-mile run starts at 9:00 a.m. leaving Beverly Elementary School and returning to same. The two-mile walk begins at 9:05 a.m. The Village will provide Public Safety assistance along the course and the Lions Club has provided a certificate of insurance naming the Village as an additional insured. A map of the route has been provided to indicate what streets in the Village will be involved.

Motion by Mooney, second by Oen, that the Beverly Hills Village Council approve the request of the Beverly Hills Lions Club to use Village streets and sidewalks for its 31st Annual Fun Run/Walk to be held on Monday, May 27, 2013.

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

FIRST READING OF ORDINANCE AMENDING CHAPTER 22.32.010, VILLAGE SIGNS

Mooney remarked that the presentation by Planning Commissioner Robert Stempien constitutes the first reading of the ordinance amendment Chapter 22.32.010, Village Signs. Copies of the proposed ordinance are posted on the Village website and are available for review at the Village offices.

REVIEW AND CONSIDER PROPOSALS FOR 2013 DUST CONTROL SERVICES

The Village received three bids on Wednesday, March 13, 2013 for 2013 Dust Control on gravel roads in the Village. The lowest bidder, Suburban Calcium Chloride Sales submitted a bid for 28% calcium chloride (mineral well brine) brine applied to the roads at \$0.28 per gallon. Suburban has been a dust control supplier to the Village for many years and has done an excellent job. Suburban has held its price per gallon applied from last year. Administration recommends that the Village accept the bid of Suburban Calcium Chloride Sales for 28% calcium chloride (mineral well brine) applied to Village gravel roads at \$0.28 per gallon.

Motion by Oen, second by Briggs, that the Beverly Hills Village Council award the 2013 Dust Control service to Suburban Calcium Chloride Sales at \$0.28/gallon for 28% calcium chloride (mineral well brine). Fifty percent of the cost for this service will be assessed to the property owners with the balance paid through the Village Local Street Fund.

Roll Call Vote:

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

Motion passed (6 – 1).

REVIEW AND CONSIDER FINAL PAYMENT TO LACARIA CONCRETE CONSTRUCTION FOR 2011 CONCRETE REPLACEMENT PROGRAM

Before Council for consideration is the final pay estimate to Lacaria Concrete Construction for the 2011 Concrete Replacement Program. This project was for the replacement of concrete pavement on local streets and the replacement of sidewalk throughout the Village.

The local concrete pavement replacement was funded by budget appropriations in the 2011 and 2012 budget years. The total funds for both years available for this work were \$546,597 and the total cost for the pavement replacement portion of the contract was \$537,230.12, making the concrete replacement for local streets under budget by \$9,366.88. The sidewalk replacement was funded from dedicated millage for the portion of sidewalk that was the responsibility of the Village and by assessment to the abutting property owners for the sidewalk that was their responsibility by ordinance. The total cost for the sidewalk replacement was \$264,153.30. Of this

total, \$170,955.85 was assessed to residents, making the Village portion of the cost \$93,197.45 which will be funded by dedicated millage. Of the \$170,955.85 assessed to the residents, approximately 80% has been paid and the balance will be added to 2013 property tax assessment rolls for the abutting property owners.

Administration recommends that the final estimate of \$28,884.00, which includes \$25,000 in contract retention held during the course of the project, be paid to the contractor and the project be closed out. This action will close out the 2011 concrete replacement program and the outstanding work associated with that. Wilson stated that the Village is holding about \$10,000 in the final contract payment on the 2012 program to complete restoration.

Motion by Oen, second by LaFerriere, that the Beverly Hills Village Council approve the final payment to Lacaria Concrete Construction in the amount of \$28,884 which includes \$25,000 in contract retention for the 2011 Concrete Replacement Program.

Wilson addressed questions from Council on the concrete replacement work. He suggested that anyone who has concerns about the restoration of their property after the 2012 concrete work should notify the Village as soon as possible.

Roll Call Vote:

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

Motion passed (6 – 1).

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court questioned whether there were any additional expenses associated with the outfitting of the new fire truck and making it fully functional. Public Safety Director Torongeau related that the truck is now at the dealer in Wixom. He commented on work that will be done to prepare the truck for operation. Any expenditures that require Council approval will come back before this body.

REPORTS – MANAGER

Manager Wilson reported that the Zoning Board of Appeals met on Monday, March 11 and will be meeting again in April. The Village has taken possession of the three Tahoe police vehicles that were previously purchased, and they will be worked into the fleet.

Mooney congratulated Chief Torongeau for the significant presence of Beverly Hills officers throughout the Village.

REPORTS – COUNCIL

Burry reported on a Birmingham Youth Assistance (BYA) Board meeting he attended last week. He commented on the number of student referral cases from Beverly Hills, noting that the case load has doubled in the last couple of years. Burry expressed the view that the Village should increase its contribution to the BYA because of the involvement of this organization to help the youth of the community.

Burry also attended a recent BASCC (Birmingham Area Seniors Coordinating Council) Board meeting where he reviewed statistics on how many Beverly Hills senior citizens are assisted by their organization. He asked that Council consider increasing its contribution to these valuable organizations during upcoming budget deliberations. Burry related that the seniors and youth in this community make up 52% of the population. These organizations serve seniors and students as well as the families of these people. In the interest of the community, it is important that the Village make an appropriate contribution to these organizations.

Burry attended a Town Hall meeting on infrastructure in Southfield on March 18 hosted by State Representative Rudy Hobbs who was joined by representatives from the Road Commission for Oakland County. Specific topics included the need to repair roads and bridges in Michigan and how to fund infrastructure improvements. Burry suggested that the Village stay current on this topic and lobby for the interests of Beverly Hills.

The Birmingham Area Cable Board will be meeting in the Village Council chamber tomorrow morning, March 20, at 7:45 a.m.

LaFerriere supported the comments made by Burry on increasing support to the Birmingham Youth Assistance Committee and to BASCC.

Mooney reminded the public that the Annual Easter Egg Hunt will be held at Beverly Park on Saturday, March 23 at 1 p.m. He reminded Council that Beverly Hills does contribute both to BYA and BASCC, primarily from the Village's Community Development Block Grant annual allocation.

Mooney referred to infrastructure funding issues and stated that there are significant problems not only in the State of Michigan but throughout the country. He talked about how well the Village of Beverly Hills is run and the courage of council members and management in terms of seeking additional millage and implementing necessary programs. Mooney talked about the financial problems of the City of Detroit and the recent decision of the Governor to appoint an emergency financial manager to take control of the city.

Oen reported that the Planning Commission will meet on Wednesday, March 27 at 7:30 p.m. in the Village offices. The City of Southfield Planning Department is holding a meeting tomorrow, March 20, at 6:30 p.m. in conjunction with Road Commission representatives regarding the reconstruction of Southfield Road.

Briggs commented that it contributes to property values to have organizations like Birmingham Youth Assistance and Birmingham Area Seniors Coordinating Council available to community members.

Briggs thanked Commissioner Bill Dwyer for attending tonight's meeting to talk about his gun control initiative. Briggs outlined his thoughts on gun control restrictions. He thought that it was important to consider regulations for concealed weapons and required training for people who choose to carry weapons.

Mercer reminded Council members of the strategy session held on February 9, 2013 and the items tasked at that meeting. There are updates on some items due at the end of this month. Council will schedule a budget session before the end of April.

Mercer recalled that there was a joint meeting scheduled for April 8, 2013 with Council representatives from Beverly Hills, Southfield, and Lathrup Village to discuss plans for Southfield Road reconstruction with members of the Road Commission. Wilson will verify that this meeting will take place and provide details to Council members.

It was indicated that the Veterans Memorial Monument for Beverly Park has been funded and will be installed in the area near the flagpole prior to the Memorial Day parade and carnival. Mercer referred to a letter from area police departments about the upcoming prom season. The document references state laws and encourages parents and young adults to take responsibility and do the right thing.

Mercer referred to the announcement by long-time Michigan State Senator Carl Levin that he will not run for office again. He has represented the State of Michigan well over the years and has appealed to a wide number of people. On behalf of the Beverly Hills Council, Mercer thanked Carl Levin for his service.

Motion by Mooney, second by Oen, to adjourn the meeting at 9:08 p.m.

Motion passed (7 – 0).

Tim Mercer
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary